INITIAL STUDY

1605 INDUSTRIAL AVENUE REDEVELOPMENT PROJECT

City File No. PD18-044

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

SEPTEMBER 2019

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: 1605 Industrial Avenue Redevelopment Project

PROJECT FILE NUMBER: PD18-044

PROJECT DESCRIPTION: Planned Development Permit to allow the demolition of existing buildings totaling approximately 38,453 square feet and the construction of approximately 180,500 square foot industrial warehouse building on an approximately 10.96-gross acre site, located in the HI(PD) and HI zoning districts. The proposed project also includes site improvements, including a truck yard, auto parking, landscaping, and site utility improvements.

PROJECT LOCATION: Northerly terminus of Industrial Avenue at 1605 Industrial Avenue.

ASSESSORS PARCEL NO.: 237-30-015, 237-30-016
COUNCIL DISTRICT: 3

APPLICANT CONTACT INFORMATION: LBA Realty (Emily Mandrup), 3347 Michelson Drive, Suite 200, Irvine, CA 92612, (949)955-9333

FINDING: This Proposed Mitigated Negative Declaration (MND) is included to give notice to interested agencies and the public that the City of San José (City) intends to adopt an MND for this project. This does not mean that the City's decision regarding the project is final. This Proposed MND is subject to modification based on comments received by interested agencies and the public.

An initial study has been prepared by City. On the basis of this study it is determined, pending public review, that the proposed action with the incorporation of the identified mitigation measures will not have a significant effect on the environment.

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

A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource; therefore, no mitigation is required.

C. **AIR QUALITY -** The project would not have a significant impact on this resource; therefore, no mitigation is required.

D. **BIOLOGICAL RESOURCES -** The project would not have a significant impact on this resource; therefore, no mitigation is required.

E. CULTURAL RESOURCES – The project would not have a significant impact on this resource; therefore, no mitigation is required.

F. ENERGY – The project would not have a significant impact on this resource; therefore, no mitigation is required.

G. GEOLOGY AND SOILS - The project would not have a significant impact on this resource; therefore, no mitigation is required.

H. GREENHOUSE GAS EMISSIONS – The project would not have a significant impact on this resource; therefore, no mitigation is required.

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1, 2: Historic activities on the project site may have impacted subsurface soil from previous agricultural uses.

MM HAZ-1: Prior to issuance of any grading permits, a qualified hazardous materials consultant shall collect shallow soil samples in the near-surface soil of the project site and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and commercial/industrial standard environmental screening levels. The analytical results of the soil sampling and testing shall be summarized in a report and provided to the Director of Planning, Building and Code Enforcement or the Director's designee and the Municipal Environmental Compliance Officer for review prior to issuance of grading permits.

MM HAZ-2: If contaminated soils are found in concentrations above established regulatory environmental screening levels, the project applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH) Voluntary Cleanup Program (VCP), or equivalent, to formalize regulatory oversight of the mitigation of contaminated soil to ensure the site is safe for construction workers and the public after development. The project applicant must remove contaminated soil to levels acceptable to the SCCDEH (or equivalent oversight agency). The SCCDEH (or equivalent oversight agency) may also approve leaving in-place some of the contaminated soil if the contaminated soil will be buried under hardscape and/or several feet of clean soil.

A Removal Action Plan, Soil Mitigation Plan, or other similarly titled report describing the remediation must be prepared and implemented to document the removal and /or capping of contaminated soil. A copy of any reports prepared shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee and the Municipal Compliance Officer of the City of San José Environmental Services Department. All work and reports produced shall be performed under the regulatory oversight and approval of the SCCDEH (or equivalent oversight agency).

Impact HAZ-3, 4: Residual contamination exists in soils on the project site from a case-closed leaking underground storage tank case.

MM HAZ-3: Before the start of earthmoving activities at any location on the project site, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant. The SMP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH), or equivalent agency, for review and approval prior to the issuance of grading permits and commencement of excavation and grading activities. The approved SMP shall detail procedures and protocols for management of soil containing environmental contaminants during site development activities. The SMP shall be implemented during excavation and grading activities on the project site to ensure that any contaminated soils are properly identified, excavated, and disposed of off-site. The project applicant shall provide a copy of the approved

SMP to the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of grading permits.

MM HAZ-4: Prior to issuance of any building permits, if it is determined that the results from the sampling event summarized in Table 1 of the Phase II Environmental Site Assessment prepared for the project exceed the updated January 2019 San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs)—specifically those ESLs established for vapor intrusion levels—further discussion and coordination shall occur between the project applicant and the Santa Clara County of Environmental Health (SCCDEH).

Prior to the issuance of any occupancy permits, the project applicant shall provide evidence to the City of San José that the project applicant and SCCDEH have come to a satisfactory agreement on addressing any exceedance of ESLs.

J. HYDROLOGY AND WATER QUALITY – The project would not have a significant impact on this resource; therefore, no mitigation is required.

K. LAND USE AND PLANNING – The project would not have a significant impact on this resource; therefore, no mitigation is required.

L. MINERAL RESOURCES – The project would not have a significant impact on this resource; therefore, no mitigation is required.

M. NOISE.

Impact NOI-1: Impact NOI-1: Estimated vibration levels from construction activities could exceed the threshold of 0.20 in/sec PPV for buildings of conventional construction.

MM NOI-1:

The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration-generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not to be limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.
- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 25 feet of any adjacent building.
- Identification of the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 50 feet of construction activities identified as sources of high vibration levels.
- Preconstruction condition surveys of the structures within 50 feet of construction activities identified as source of high vibration levels shall be completed with the agreement of the property owner.
- Surveys shall be performed prior to any construction activity, in regular interval during construction and after project completion.

- At a minimum, vibration monitoring should be conducted during demolition and excavation activities.
- If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.
- The construction vibration plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee prior to the issuance of any demolition permits and grading permits. The associated monitoring reports shall be submitted after substantial completion of each phase identified in the project schedule to the Director or Director's designee. An explanation of all events that exceeded vibration limits shall be included together with proper documentation of any exceedance event.

N. POPULATION AND HOUSING – The project would not have a significant impact on this resource; therefore, no mitigation is required.

O. PUBLIC SERVICES – The project would not have a significant impact on this resource; therefore, no mitigation is required.

P. RECREATION – The project would not have a significant impact on this resource; therefore, no mitigation is required.

Q. TRANSPORTATION

Impact TRA-1: The Vehicle Miles Traveled (VMT) generated by the project (14.92 VMT per employee) would exceed the threshold of 14.37 VMT per employee; therefore, the project may result in a significant transportation impact on VMT.

MM TRA-1: Prior to the issuance of Public Works clearance, the project applicant shall implement the following Transportation Demand Management (TDM) Plan. The TDM Plan shall include, but is not limited to, the following measures:

- Commute Trip Reduction Marketing and Education Programs. The project applicant shall implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes. An on-site TDM coordinator shall distribute information about alternative commute options through new employee orientations, special promotional events, and publications.
- Ride-Sharing Programs. An on-site TDM coordinator shall organize a program to match individuals interested in carpooling who have similar commutes. This measure shall apply to 100 percent of all employees.

A qualified traffic engineer shall prepare and submit the TDM plan to the Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement.

R. TRIBAL CULTURAL RESOURCES – The project would not have a significant impact on this resource; therefore, no mitigation is required.

S. UTILITIES AND SERVICE SYSTEMS – The project would not have a significant impact on this resource; therefore, no mitigation is required.

T. WILDFIRE – The project would not have a significant impact on this resource; therefore, no mitigation is required.

U. **MANDATORY FINDINGS OF SIGNIFICANCE** – The project would not have a significant impact on this resource; therefore, no mitigation is required.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Wednesday, October 2, 2019** any person may:

1. Review the Proposed Mitigated Negative Declaration (MND) as an informational document only; or

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

Kara Hawkins
Environmental Project Manager

9/12/19
Date

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

Deputy

Circulation period: **September 12, 2019 to October 2, 2019**

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INITIAL STUDY

1605 INDUSTRIAL AVENUE REDEVELOPMENT PROJECT

LEAD AGENCY:

CITY OF SAN JOSÉ
200 East Santa Clara Street
San José, California 95113

PREPARED BY:

DUDEK
725 Front Street, Suite 400
Santa Cruz, California 95060

SEPTEMBER 2019

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1 BACKGROUND INFORMATION

1.1 PROJECT DATA

1) **Project Title**: 1605 Industrial Avenue Redevelopment Project

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

3) **Contact Person and Phone Number**: Kara Hawkins, Planner I, (408) 535-7852

4) **Project Location**: 1605 Industrial Avenue, San José, CA 95112; Assessor's Parcel Numbers (APN) 237-30-015 and 237-30-016

5) **Project Sponsor's Name and Address**: Emily Mandrup, Vice President, Industrial Development, LBA Realty, 3347 Michelson Drive, Suite 200, Irvine, CA 92612

6) **Envision San José 2040 General Plan Designation**: Heavy Industrial

7) **Zoning**:

- APN 237-30-015: HI(PD) – Heavy Industrial within the Planned Development District
- APN 237-30-016: HI – Heavy Industrial

8) **Council District**: 3

9) **Santa Clara Valley Habitat Plan Designations**:

- Private Development Area: Urban Development Equal to or Greater than 2 Acres is Covered
- Land Cover Designation: Urban-Suburban
- Natural Community Designation: Developed
- Development Zone: Planning Limit of Urban Growth
- Fee Zone: Urban Areas (no land cover fee)

10) **Project Description Summary**: The proposed project would result in the construction of a new, 180,150-square-foot light industrial building, including 10,000 square feet of office space, on a previously developed 10.96-acre site along the eastern side of Interstate 880 (I-880). The anticipated use is high-cube storage and distribution with ancillary office, and may include interior light manufacturing operations as permitted by the zoning code. The proposed project also includes site improvements, including a truck yard, auto parking, landscaping, and site utility improvements.

11) **Surrounding Land Uses**:

- North: CIC – Combined Industrial/Commercial
- East: HI – Heavy Industrial
- South: HI – Heavy Industrial

  West: I-880, HI – Heavy Industrial

12) **Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1?** No tribes have requested consultation for the project area.

2 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND SETTING

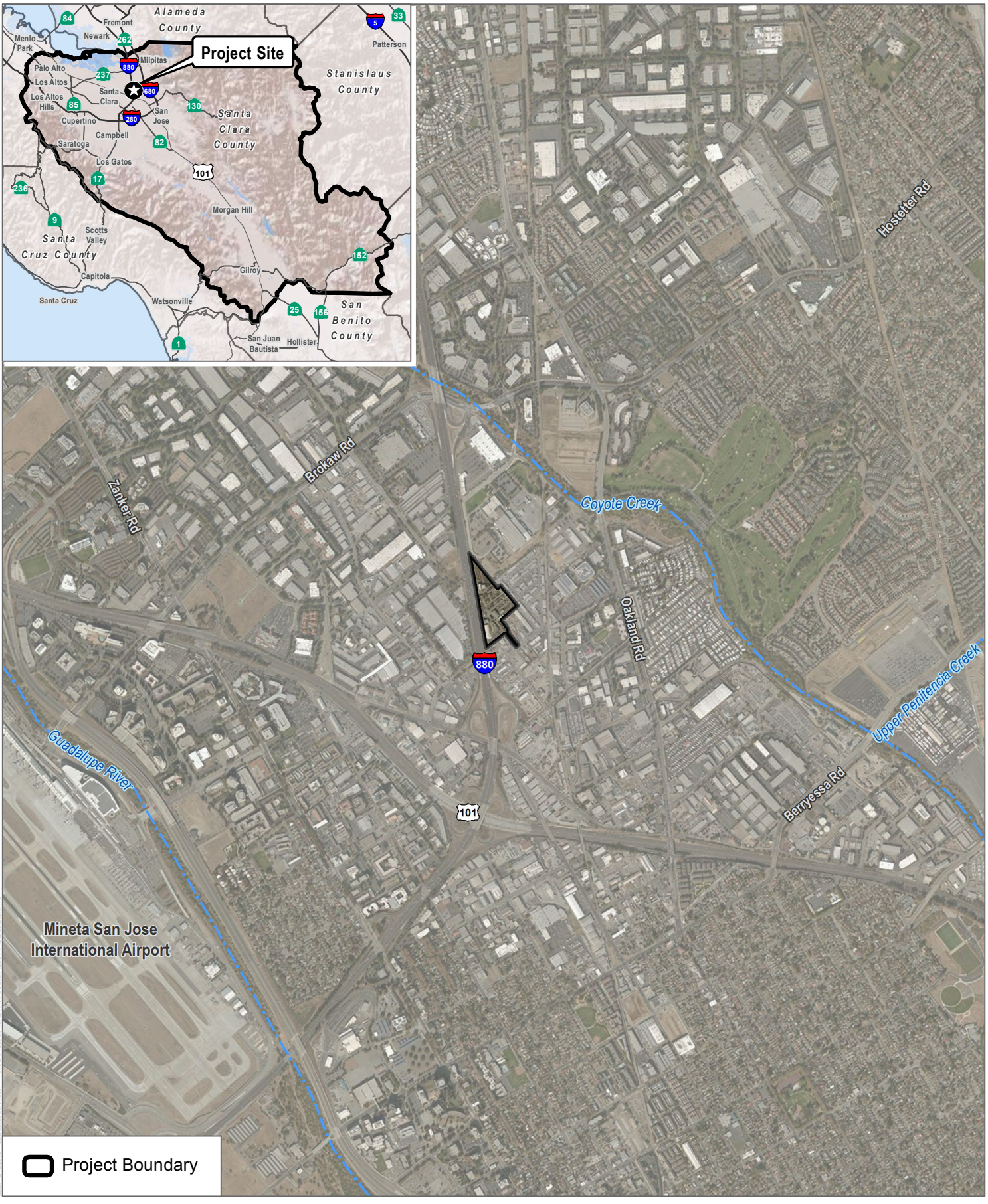
The project site is located within a developed commercial and industrial area of the City of San José, in Santa Clara County, California (see Figure 1). The site is located on two parcels (APNs 237-30-015 and 237-30-016). The project is proposed on an approximately 10.96-acre (477,584-square-foot) site located at 1605 Industrial Avenue, north of the terminus of Industrial Avenue along the east edge of Interstate 880 (I-880), approximately 0.5 miles north of the I-880 and U.S. Highway 101 (US 101) interchange. The project site is bounded by heavy industrial uses to the east and south, I-880 to the west, and combined industrial/commercial uses to the north.

An aerial image of the project site and surrounding area is presented in Figure 2. The project site is currently operating as a specialty truck parts retailer with approximately 42 employees. The site is developed with six one-story buildings ranging in height from 19 to 28 feet and totaling 37,615 square feet. One structure is located on the northern portion of the site, while the other five structures are clustered on the southern portion. The site contains 150,920 square feet of impervious surfaces (32 percent of the site). The northern portion of the site is unpaved and is used for exterior storage of truck bodies and parts. The southern portion of the site is paved and contains parking areas with a total of 42 parking stalls. The project site does not contain landscaping or trees; on-site vegetation is limited to weedy vegetation/grass. Chain-link fencing surrounds the project site, as well as a retaining wall abutting I-880. Two billboards are located on the edge of the site adjacent to I-880; one billboard is located on the northern end of the site and one is located toward the middle of the site. Ingress to and egress from the project site is provided from one access point at the terminus of Industrial Avenue.

2.2 PROJECT DESCRIPTION

The proposed project would include demolition of the existing structures on the site and construction of a new, 180,150-gross-square-foot (GSF) warehouse building and associated site improvements (see Figure 3). The building would occupy the western portion of the site. The building would include 5,000 square feet of office space on the ground floor and 5,000 square feet of office mezzanine. The new warehouse building would be one story and have a maximum height of 46 feet, which conforms to the 50-foot height limit for the Heavy Industrial zoning district. Figure 4 displays the preliminary elevations.

The building would include 28 loading dock doors and loading spaces on the eastern side. Up to 77 container parking stalls would be located east of the building. Exterior lighting would be installed around the building, in parking areas, and along the driveway.



SOURCE: Bing Maps 2018, County of Santa Clara 2018

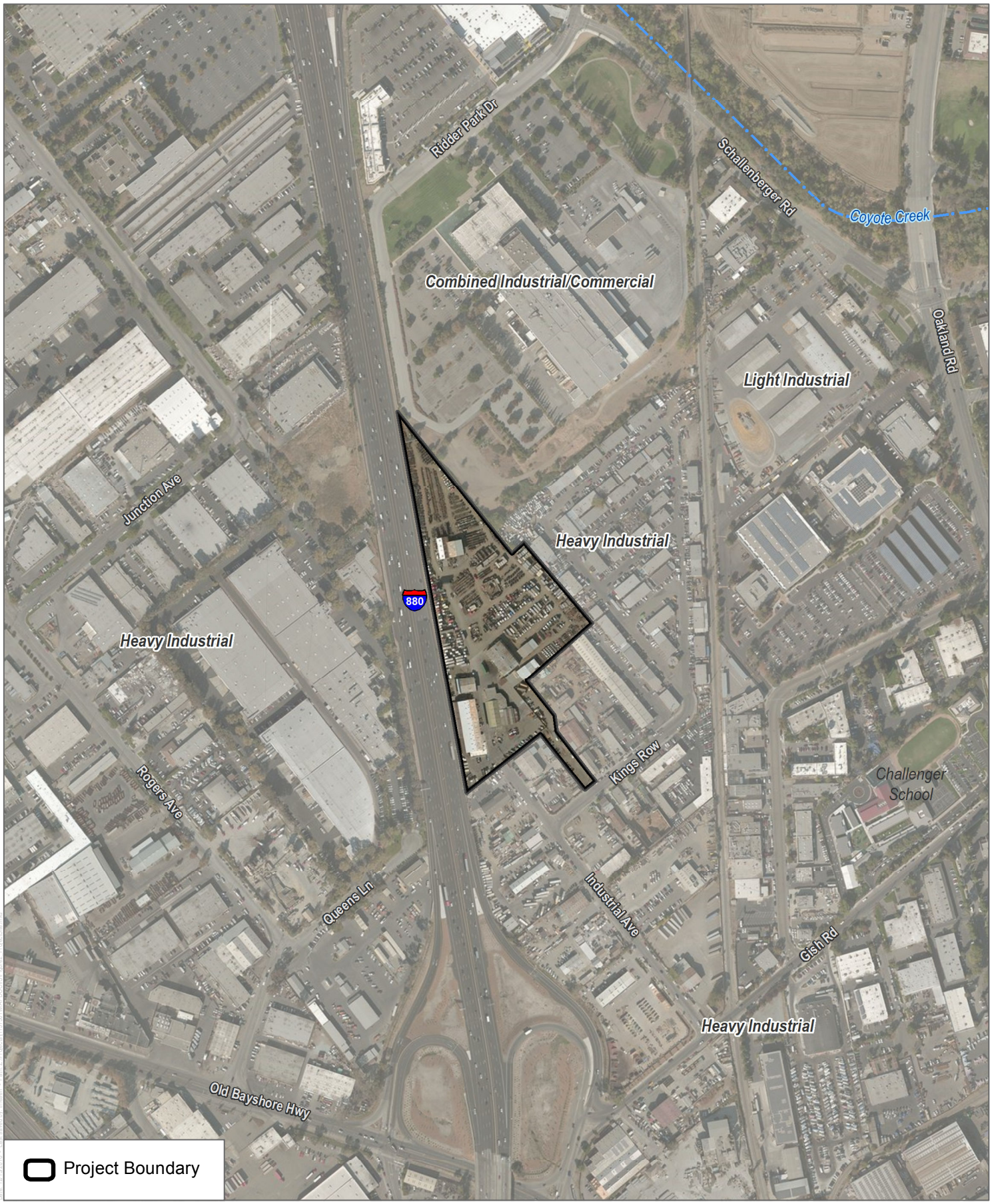
DUDEK

0 1,000 2,000 Feet

FIGURE 1

Project Location

1605 Industrial Avenue Redevelopment Project



SOURCE: Bing Maps 2018, County of Santa Clara 2018

DUDEK

0 250 500 Feet

FIGURE 2

Project Site and Surroundings

1605 Industrial Avenue Redevelopment Project

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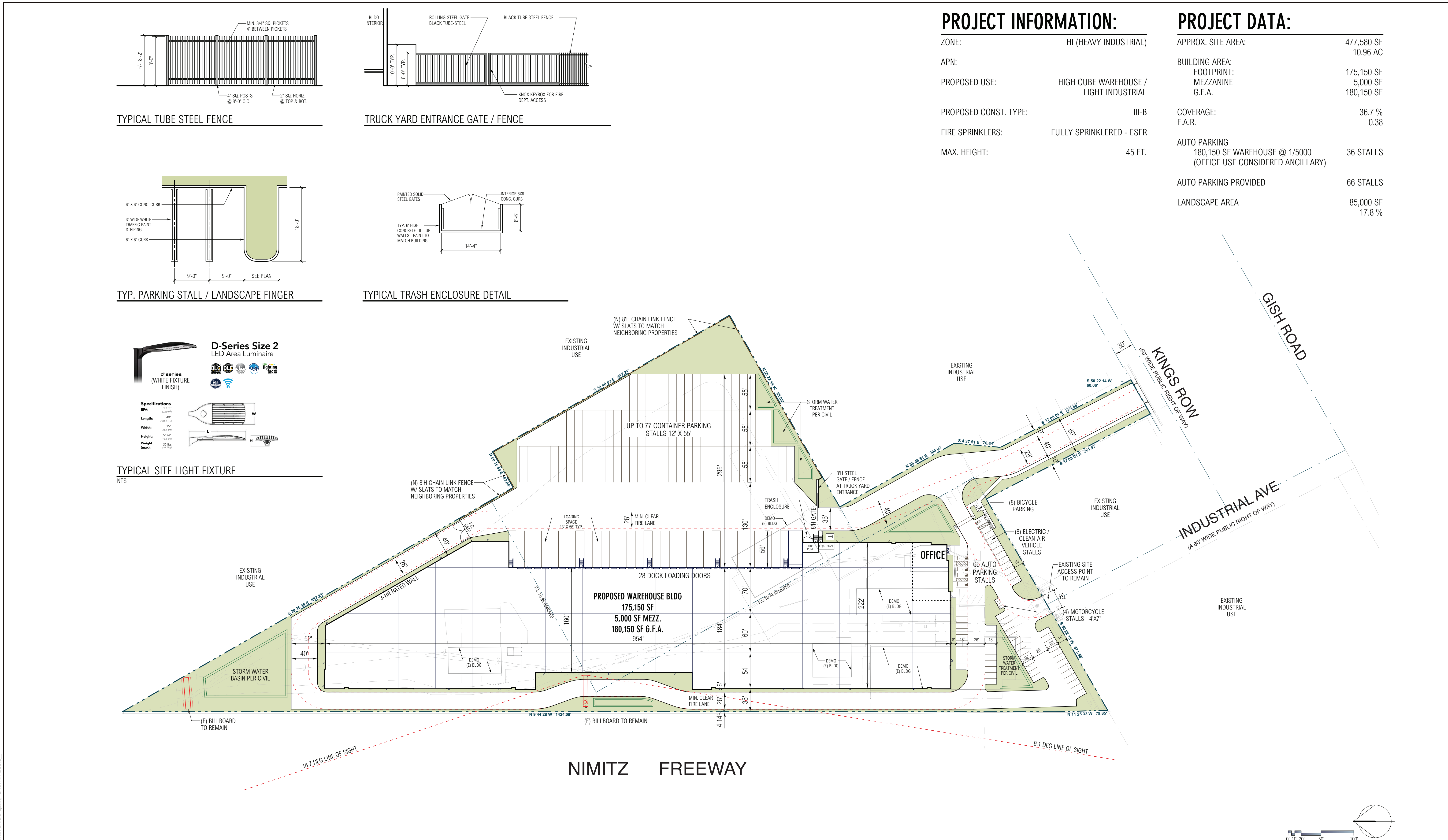
PROJECT INFORMATION:
ZONE: HI (HEAVY INDUSTRIAL)
APN:
PROPOSED USE: HIGH CUBE WAREHOUSE / LIGHT INDUSTRIAL
PROPOSED CONST. TYPE: III-B
FIRE SPRINKLERS: FULLY SPRINKLERED - ESFR
MAX. HEIGHT: 45 FT.
PROJECT DATA:
APPROX. SITE AREA: 477,580 SF 10.96 AC
BUILDING AREA:
FOOTPRINT: 175,150 SF
MEZZANINE 5,000 SF
G.F.A. 180,150 SF
COVERAGE: 36.7 %
F.A.R. 0.38
AUTO PARKING
180,150 SF WAREHOUSE @ 1/5000 36 STALLS
(OFFICE USE CONSIDERED ANCILLARY)
AUTO PARKING PROVIDED 66 STALLS
LANDSCAPE AREA 85,000 SF 17.8 %
TYPICAL TUBE STEEL FENCE
TRUCK YARD ENTRANCE GATE / FENCE
TYP. PARKING STALL / LANDSCAPE FINGER
TYPICAL TRASH ENCLOSURE DETAIL
D-Series Size 2
LED Area Luminaire
(WHITE FIXTURE FINISH)
TYPICAL SITE LIGHT FIXTURE
NTS
UP TO 77 CONTAINER PARKING STALLS 12' X 55'
PROPOSED WAREHOUSE BLDG
175,150 SF
5,000 SF MEZZ.
180,150 SF G.F.A.
954'
28 DOCK LOADING DOORS
OFFICE
66 AUTO PARKING STALLS
(8) BICYCLE PARKING
(8) ELECTRIC / CLEAN-AIR VEHICLE STALLS
EXISTING SITE ACCESS POINT TO REMAIN
(4) MOTORCYCLE STALLS - 4'X7'
STORM WATER BASIN PER CIVIL
STORM WATER TREATMENT PER CIVIL
(E) BILLBOARD TO REMAIN
EXISTING INDUSTRIAL USE
KINGS ROW
(60' WIDE PUBLIC RIGHT OF WAY)
GISH ROAD
INDUSTRIAL AVE
(A 60' WIDE PUBLIC RIGHT OF WAY)
18.7 DEG LINE OF SIGHT
9.1 DEG LINE OF SIGHT
NIMITZ FREEWAY

SOURCE: RGA 2019

DUDEK

FIGURE 3

Preliminary Site Plan

1605 Industrial Avenue Redevelopment Project

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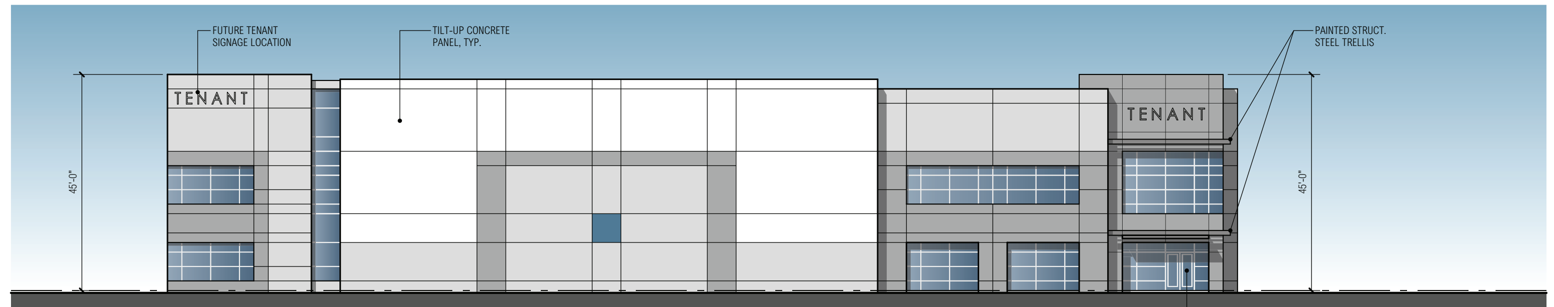
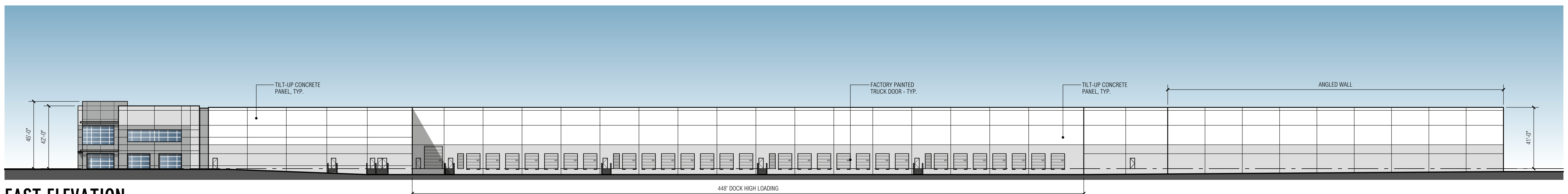
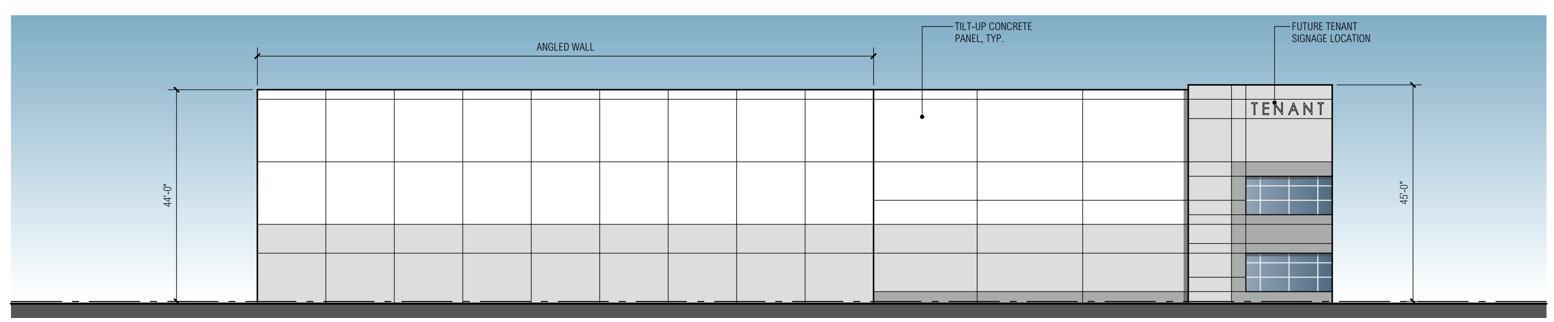


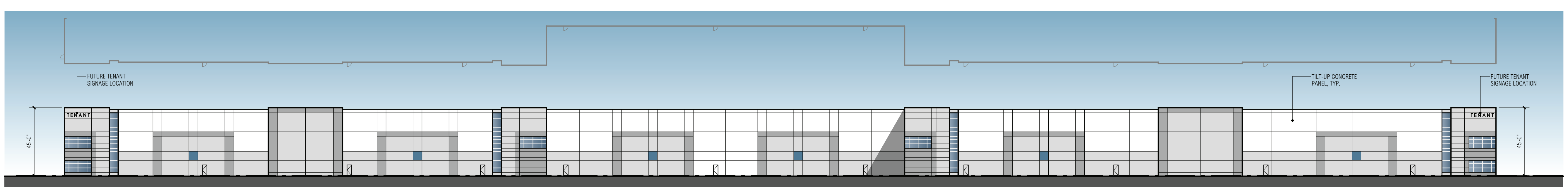
SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION

FINISH SCHEDULE:

1. FIELD COLOR SW-7063 NEBULOUS WHITE
2. MEDIUM ACCENT COLOR SW-7072 ONLINE
3. DARK ACCENT COLOR SW-7664 STEELY GRAY
4. BLUE ACCENT COLOR SW-6515 LEISURE BLUE
5. TRELLISES - SATIN MICA GREY
6. GLASS - PRIMARY WINDOW PPG SOLARCOOL PACIFICA

SOURCE: RGA 2019

DUDEK

FIGURE 4

Preliminary Elevations

1605 Industrial Avenue Redevelopment Project

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The existing billboards on the project site would remain in their current locations. The existing retaining wall and chain-link fencing would remain along the western border of the site, and the existing chain-link fencing would remain along part of the eastern border. New 8-foot-tall chain-link fencing would be installed along the remainder of the eastern border of the site.

The project would operate as a high-cube warehouse for the storage and distribution of manufactured goods/materials with ancillary office uses, and could also include light manufacturing operations as permitted by the zoning code. It is assumed that approximately 75 employees would work on site, as shown in Table 1.

TABLE 1
ESTIMATED PROJECT EMPLOYMENT

Land Use	Employment Density (GSF per employee)	Space Provided by Project (GSF)	Estimated Project Employment
Warehouse	5,000	170,150	35
Office	250	10,000	40
Total	—	180,150	75

Source: RGA 2018.

The project would replace the existing impervious surfaces on the site and add 261,685 square feet of new impervious surface area, for a total impervious surface area on the site of 367,436 square feet (70 percent of the site). Stormwater runoff would be directed to bioretention basins on site prior to entering storm drains. A total of 17,897 square feet of bioretention landscaping would be provided in 8 drainage management areas throughout the site, as shown on Figure 5.

Access, Circulation, and Parking

The existing site access point from Industrial Avenue would remain, and a new site access point would be added via a driveway from Kings Row. A fire lane would run around the perimeter of the building. The design of the driveways on the site would accommodate truck turning to access the loading dock and container parking stall areas.

A total of 66 vehicle parking stalls would be provided to the south of the building, 8 of which would be clean-air vehicle stalls. Eight bicycle parking spaces would also be located south of the building in the parking area.

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TREATMENT CONTROL MEASURE SUMMARY TABLE

Area	TCM #	Treatment Type	Drainage Area (s.f.)	Impervious Area (s.f.)	Pervious Area (s.f.)	Bioretention Area Required (s.f.)	Bioretention Area Provided (s.f.)	Bioretention Lined or Unlined	Overflow Riser Height (in)
1	1	BP	24,212	12,999	10,425	520	788	Unlined	6
2	2	BP	21,661	19,213	1,278	769	1,170	Unlined	6
3	3	BP	26,661	23,170	2,544	927	947	Unlined	6
4	4	BP	228,864	202,700	17,549	8,108	8,615	Unlined	6
5	5	BP	75,302	63,242	9,509	2,530	2,551	Unlined	6
6	6	BP	30,808	18,891	10,796	756	1,121	Unlined	6
7	7	BP	55,604	39,986	13,343	1,599	2,275	Unlined	6
8	8	BP	14,306	10,727	3,149	429	430	Unlined	6
		Totals:	477,418	390,928	68,593		17,897		

2. SURFACE DATA

2.a. Enter the Project Phase Number (1, 2, 3, etc. or N/A if Not Applicable): N/A

2.b. Total area of site: 10.96 acres

2.c. Total Existing Impervious Surfaces on site: 150920.00 sq. ft.

2.d. Total area of site that will be disturbed: 10.96 acres

COMPARISON OF IMPERVIOUS AND PERVIOUS SURFACES AT PROJECT SITE	Existing Surface sq. ft.	Proposed Surface: To Be Replaced sq. ft. [1]	Proposed Surface: New sq. ft. [2]	RESET CALCULATIONS
2.e. IMPERVIOUS SURFACES				
Roof Area	66,794.00	58,033.00	116,839.00	
Parking	84,126.00	47,718.00	144,846.00	
Sidewalks, Patios, Driveways, Etc.				
Public Streets				Total Proposed Impervious Surface (replaced + new)
Private Streets				
Online form auto-calculates **Impervious Surfaces Total**	e.1. 150920.00	e.2. 105751.00	e.3. 261685.00	e.4. 367436.00
2.f. PERVIOUS SURFACES				
Landscaped Area	326498.00	64813.00	45169.00	
Pervious Paving				Total Proposed Pervious Surface (replaced + new)
Green Roof and other Pervious Surfaces				
Online form auto-calculates **Pervious Surfaces Total**	f.1. 326498.00	f.2. 64813.00	f.3. 45169.00	f.4. 109982.00

2.g. **Percentage of Site's Impervious Area Replacement** (e.2 ÷ 2.c) X 100: Online form auto-calculates g. 70.07 %

[1] *Proposed Replaced Impervious Surface:* Replacement of an existing impervious surface with another impervious surface.

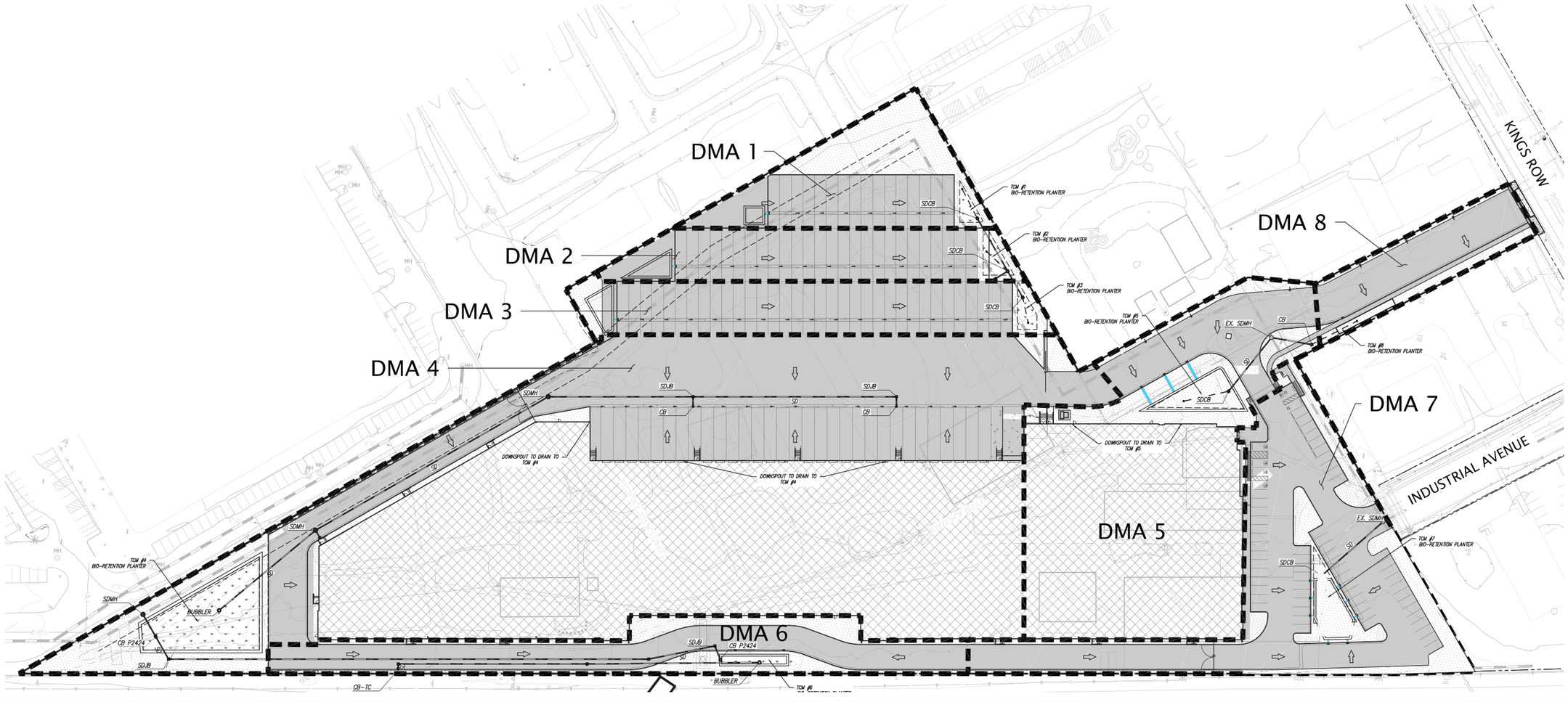
[2] *Proposed New Impervious Surface:* New impervious surface that will cover an existing pervious surface.

NORTH

0 25 50 100 150

LEGEND

- TRIBUTARY AREA LIMITS
- LANDSCAPE AREA
- IMPERVIOUS ROOFTOP DRAINING TO BIO-RETENTION
- IMPERVIOUS PAVEMENT DRAINING TO BIO-RETENTION
- BIO-RETENTION TREATMENT AREA



SOURCE: Kier & Wright 2019

FIGURE 5

Preliminary Stormwater Quality Control Plan

1605 Industrial Avenue Redevelopment Project

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Landscaping

Figure 6 depicts the preliminary landscape plan for the project. A total of 85,000 square feet of landscaping would be provided (approximately 18 percent of the site). The project would include 15-gallon plantings of approximately 51 Italian cypress trees (*Cupressus sempervirens*), approximately 48 white crape myrtle trees (*Lagerstroemia indica 'white'*) and approximately 34 Chinese elm trees (*Ulmus parvifolia*). Shrub and grass areas on the site would consist of 1-gallon plantings of Arcadia juniper (*Juniperus sabina 'Arcadia'*), deer grass (*Muhlenbergia rigens*), and purple fountain grass (*Pennisetum setaceum 'rubrum'*). Purple fountain grass would be used along much of the site perimeter and deer grass would be used for the eight bioretention areas.

Project Schedule

Construction activities would be anticipated to last for a minimum of 10 months in total, including demolition, site preparation, and building construction. Construction would involve the export of approximately 11,175 cubic yards of material; estimated cut and fill quantities would be 26,237 and 15,062 cubic yards, respectively. All material would be off-hauled to an appropriate disposal facility. All staging and laydown areas would be located within the boundaries of the project site. Construction hours would occur during hours permitted by the City's noise ordinance. The project would be expected to be operational in 2020.

2.3 PROJECT APPROVALS

The project would require the following approvals from the City:

- Lot merger to combine two existing parcels into one
- Adoption of a Mitigated Negative Declaration (MND) – California Environmental Quality Act (CEQA) clearance
- Planned Development Permit
- Grading Permit, Building Permit, and all other Public Works Clearances

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Lagerstroemia indica `White` / White Crape Myrtle

Ulmus parvifolia / Chinese Elm

Cupressus sempervirens / Italian Cypress

Juniperus sabina `Arcadia` / Arcadia Juniper

Muhlenbergia rigens / Deer Grass

Pennisetum setaceum `Rubrum` / Purple Fountain Grass

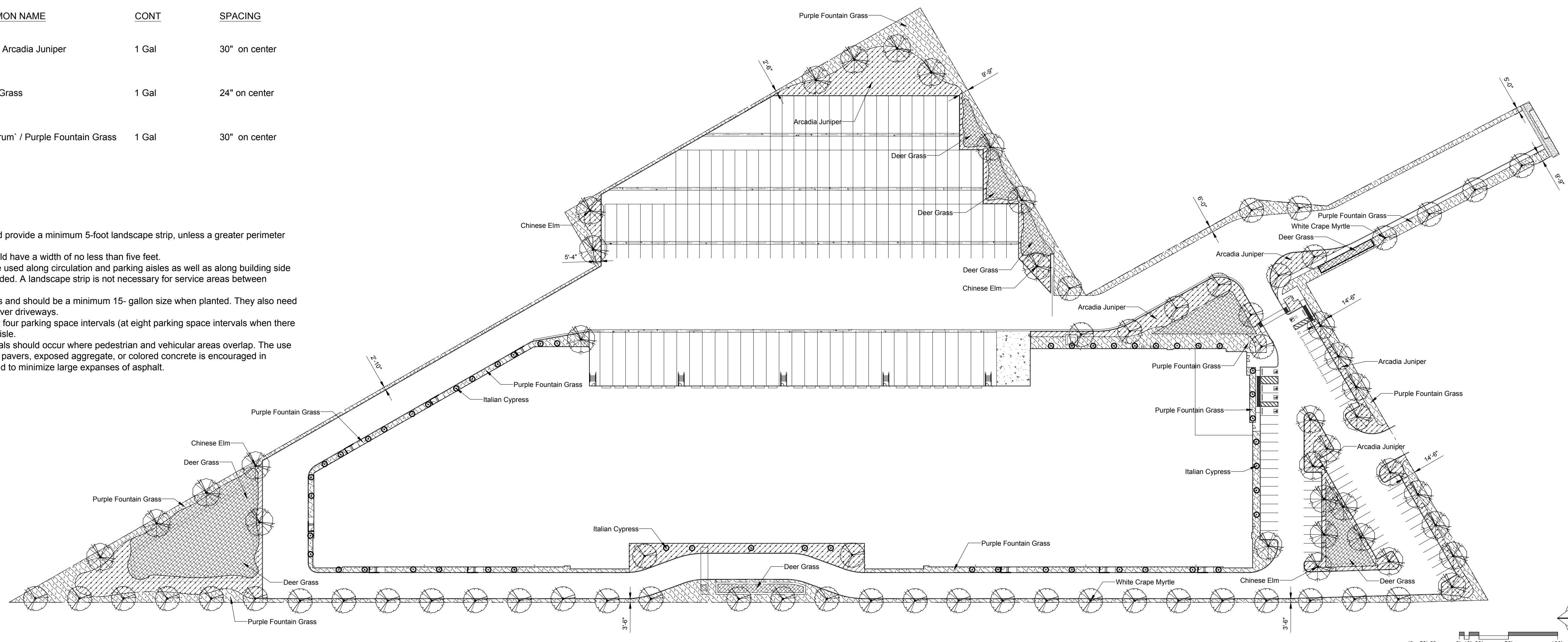
PLANT SCHEDULE

TREES	BOTANICAL NAME / COMMON NAME	CONT	CAL	QTY
	Cupressus sempervirens / Italian Cypress	15 gal	1"Cal	51
	Lagerstroemia indica `White` / White Crape Myrtle	15 Gal Standard	1"Cal	48
	Ulmus parvifolia / Chinese Elm	15 gal	1"Cal	34
SHRUB AREAS	**BOTANICAL NAME / COMMON NAME**	**CONT**	**SPACING**	
	Juniperus sabina `Arcadia` / Arcadia Juniper	1 Gal	30" on center	
	Muhlenbergia rigens / Deer Grass Bio-retention areas	1 Gal	24" on center	
	Pennisetum setaceum `Rubrum` / Purple Fountain Grass	1 Gal	30" on center	

San Jose Landscape Requirements

Chapter 3, Landscaping, page 19

- Interior and property line landscaping should provide a minimum 5-foot landscape strip, unless a greater perimeter landscape area is recommended.
- Landscape strips adjacent to buildings should have a width of no less than five feet.
- A minimum 5-foot landscape strip should be used along circulation and parking aisles as well as along building side and rear elevations if a walkway is not provided. A landscape strip is not necessary for service areas between pavement and buildings.
- Parking lot trees should have large canopies and should be a minimum 15- gallon size when planted. They also need a minimum of 14 feet of vertical clearance over driveways.
- A minimum of one tree should be planted at four parking space intervals (at eight parking space intervals when there is a double row of parking) in a parking lot aisle.
- Texture and color variation in paving materials should occur where pedestrian and vehicular areas overlap. The use of stamped concrete, stone, brick or granite pavers, exposed aggregate, or colored concrete is encouraged in parking lots to promote pedestrian safety and to minimize large expanses of asphalt.



SOURCE: Cummings Curley and Associates 2019

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FIGURE 6

Preliminary Landscape Plan

1605 Industrial Avenue Redevelopment Project

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3 INITIAL STUDY CHECKLIST

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections. Topics with a check mark below would result in a potentially significant impact, but would be reduced to a level that is clearly less than significant with implementation of Project mitigation measures identified in this Initial Study.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

The discussion for each environmental subject includes the following subsections:

- Setting – This subsection 1) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant, and 2) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project.
- Discussion – This subsection discusses the project's environmental impact as it relates to the CEQA Guidelines Appendix G checklist questions for each topic. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370).

EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses

following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from "Earlier Analyses," as described in (5), may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program environmental impact report, or other CEQA process, an effect has been adequately analyzed in an earlier environmental impact report or negative declaration (see Item 1 above). Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

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

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

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

9) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and

   b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Important Note to the Reader

The California Supreme Court in a December 2015 opinion in California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José has policies that address existing conditions affecting a proposed project, which are also discussed in this Initial Study. This is consistent with one of the primary objectives of CEQA, which is to provide objective information to decision-makers and the public. The CEQA Guidelines and the courts are clear that a CEQA can include information of interest even if such information is not an environmental impact as defined by CEQA. Therefore, in addition to describing the impacts of the project on the environment, this Initial Study will discuss operational issues as they relate to City policies. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, geologic hazard zone, high noise environment, or on/adjacent to sites involving hazardous substances.

3.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒

Except as provided in Public Resources Code Section 21099, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

SETTING

The City of San José is situated in the Santa Clara Valley, between the foothills of the Santa Cruz Mountains to the west, the Santa Teresa Hills to the south, the Diablo Mountain Range to the east, and the baylands and salt marshes of the San Francisco Bay to the north. The project site is located within an urbanized industrial area of San José along I-880. The predominant visual character of the project vicinity is that of older industrial development characterized by single-story warehouse buildings and minimal landscaping.

Figure 7 provides photographs of the project site. The project site is industrial in character and currently operates as a specialty truck parts retailer. The site is developed with six one-story buildings ranging in height from 19 to 28 feet. The site also contains paved parking areas, unpaved driveways and exterior truck part storage areas, and weedy vegetation/grass. There is no landscaping or other vegetation on the site. Chain-link fencing surrounds the project site. Buildings and paved areas are located primarily on the southern portion of the site; the northern portion of the site is unpaved and contains aggregated truck parts organized by type and stored in rows amid unpaved driveways. Industrial development similar in character to the project site surrounds the site to the north, east, and south, with I-880 bordering the site to the west.

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The project site is not located near any scenic highways (Caltrans 2018). In addition, the project is not located along any scenic corridors per the City's Scenic Corridors Diagram in the *Envision San José 2040 General Plan* (City of San José 2016) or scenic roads designated in the Santa Clara County General Plan (Santa Clara County 2008).

Photo 1: Looking north from the southwestern corner

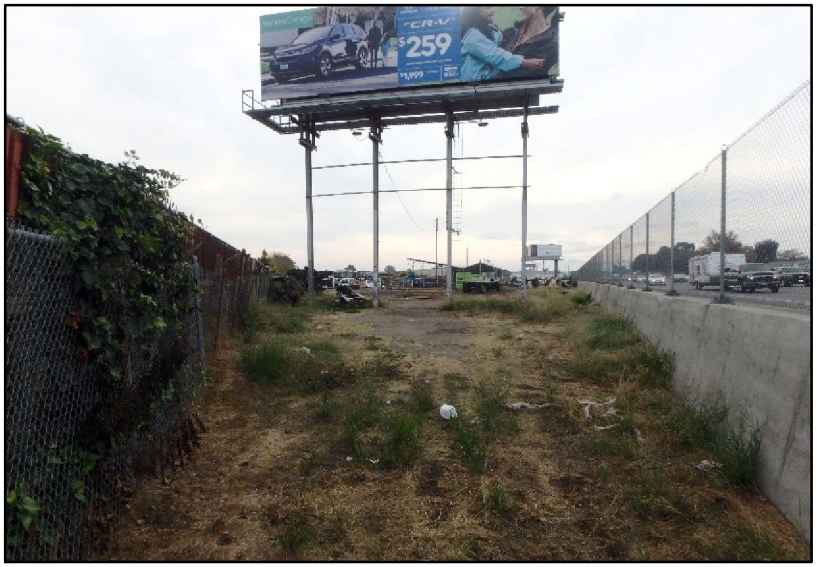


Photo 2: Looking southwest from the northwestern corner

Photo 3: Looking southeast from the eastern boundary

Photo 4: Looking east from the center of the eastern boundary

FIGURE 7

Existing Photographs of the Project Site

1605 Industrial Avenue Redevelopment Project

DUDEK

Due to the City's predominantly flat valley topography, including that of the project site, prominent views of the surrounding hillsides are limited and often obstructed by intervening development. No topographic landmarks identified in the General Plan are located near the project site. As shown on Figure 8, public roadways from which the project site is visible include Industrial Avenue and Kings Row. The site is also visible to travelers along I-880.

Lighting on the project site consists of exterior security lighting. Existing sources of light in the vicinity of the project site are primarily from surrounding buildings, streetlights, and headlights of vehicles traveling on I-880. Existing sources of glare in the project vicinity include light reflected from building and car windows.

Regulatory Framework

State

California State Scenic Highway Program

The California State Scenic Highway Program requires a local governing body to enact a Corridor Protection Program that protects and enhances the resources along highways of State importance. The State Scenic Highway designation serves to protect scenic corridors, mitigate activities within scenic corridors, make development more compatible with the environment and preserve views of hillsides.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Chapter 4, Quality of Life outlines the City's design goals and policies. Those included (below) are applicable to the project (City of San José 2011b).

- Goal CD-1: Attractive City. Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.
    - Policy CD-1.1: Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
    - Policy CD-1.15: Consider the relationship between street design, use of the public right-of-way, and the form and uses of adjoining development. Address this relationship in the Urban Village Planning process, development of new zoning ordinances, and the review of new development proposals in order to promote a well-designed, active, and complete visual street environment.

Photo 5: Looking northwest from the Industrial Avenue entrance

Photo 6: Looking northwest from Kings Row

FIGURE 8

Existing Views of the Project Site

1605 Industrial Avenue Redevelopment Project

DUDEK

In addition to applicable General Plan policies, the project would be required to comply with the following City policies and guidelines, as applicable:

- San José Outdoor Lighting Policy (City Council Policy 4-3)
- San José Industrial Design Guidelines

DISCUSSION

a) Would the project have a substantial adverse effect on a scenic vista? (No Impact)

Scenic vistas in and around San José include hillsides and mountains that frame the valley floor, the baylands, and the Downtown skyline. As described above, the project site does not offer high-quality scenic views due to its relatively flat terrain and developed nature of the surrounding environment. The proposed project would replace existing industrial buildings with a single, larger industrial building. Thus, the project would not obstruct or otherwise adversely affect scenic views. Therefore, the project would have no impact on scenic vistas.

b) Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (No Impact)

The project site is not located near any City-, County-, or state-designated scenic routes. There are no natural scenic resources such as rock outcroppings present on site or in the project area. Therefore, the project would have no impact on scenic resources within a state scenic highway.

c) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (Less than Significant)

The project site is located in an urbanized area. Upon completion of construction, the long-term visual character of the project would be established, which would consist of the building, the architectural design, and associated landscaping. The project would change the existing visual character of the site by replacing the existing single-story industrial buildings with a single, larger industrial building and landscaping. However, the new building would be consistent in character with the industrial development which surrounds the project site. The project would be subject to design review, which would ensure that the scale, mass, and design elements of the new building would be compatible with surrounding development. The addition of landscaping to the project site, including trees, shrubs, and grasses, would serve to enhance the visual quality of the site. As the project would not substantially degrade the existing visual character and quality of the site and surrounding area or conflict with regulations governing scenic quality, impacts would be less than significant.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Less than Significant)

As described above, existing lighting on the project site consists of exterior security lighting and vehicular traffic. The project would include new lighting for the building, container stall areas, the front aisle parking/drive zone, loading docks and rear drive areas, the main parking area, the perimeter parking and access road area, and the south/west access drives. San José City Council Policy 4-3 requires private developments to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Exterior lighting would be provided for the project in accordance with City Council Policy 4-3 for outdoor lighting on private developments to ensure the project would not create a new substantial source of light. The project would not generate any major sources of glare beyond current conditions. Therefore, impacts associated with light and glare would be less than significant.

3.2 AGRICULTURAL AND FORESTRY RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

SETTING

The Santa Clara County Important Farmland 2014 Map designates the project site as Urban and Built-Up Land. Urban and Built-Up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. The site is currently developed with an industrial building.

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

Regulatory Framework

State

California Department of Conservation Important Farmlands and Williamson Act Contract

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as urban and built-up land on the Santa Clara County Important Farmlands Map (California Department of Conservation 2018a) and is not enrolled in a Williamson Act contract (California Department of Conservation 2016).

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Chapter 6, Land Use and Transportation outlines the City's framework for identifying appropriate land uses in various areas of the City. Those included (below) are applicable to agriculture and forestry (City of San José 2011b).

- Policy LU-12.3: Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:
    - Limit residential uses in agricultural areas to those which are incidental to agriculture.
    - Restrict and discourage subdivision of agricultural lands.

- Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights.
- Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses.
- Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.

DISCUSSION

a) Would the project 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? (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. The project would not affect agricultural land and no impact would occur.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? (No Impact)

No land zoned for agricultural use or enrolled in a Williamson Act contract is located on or near the project site; therefore, the project would have no impact on agricultural zoning or Williamson Act contracts.

c) Would the project 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))? (No Impact)

and

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use? (No Impact)

As there is no forest land or timberland located on or near the project site, the project would have no impact on forest or timberland zoning or loss.

e) Would the project 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? (No Impact)

As previously discussed, the project site is designated as urban and built-up land by the Farmland Mapping and Monitoring Program. There is no farmland or forest land located in the vicinity of the project site; therefore, the project would have no impact on agricultural or forest land.

3.3 AIR QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

SETTING

Information in this section is based on an Air Quality and Greenhouse Gas Emissions Assessment prepared for the project by Illingworth & Rodkin, Inc. (January 30, 2019). This report is contained in Appendix A.

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the state and federal level. The San Francisco Bay Area Air Basin does not meet state or federal ambient air quality standards for ground-level ozone and fine particulate matter ($PM_{2.5}$) and state standards for respirable particulate matter (PM_{10}). The area is considered in attainment or unclassified for all other pollutants. The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency with jurisdiction over the San Francisco Bay Area Air Basin. The BAAQMD has published California Environmental Quality Act (CEQA) Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of projects (BAAQMD 2017a).

Air Pollutants of Concern

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. 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 [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs.

The San José Envision 2040 General Plan includes goals, policies, and actions to reduce exposure of the City's sensitive population to exposure of air pollution and toxic air contaminants or TACs. General Plan policies applicable to the proposed project are listed in Appendix A.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of

these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. The closest sensitive receptors to the project site are the San José Conservation Corps daycare and the Challenger School and Preschool approximately 800 feet southeast of the project site. The closest residences are located over 1,800 feet to the east and over 2,000 feet to the northeast.

Odors

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. Significant sources of offending odors are typically identified based on complaint histories received and compiled by BAAQMD. Typical large sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors.

The site contains an existing industrial building and does not produce substantial odors.

Regulatory Framework

Regional

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. *The Bay Area 2017 Clean Air Plan* (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The BAAQMD CEQA *Air Quality Guidelines* are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA *Air Quality Guidelines*, 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 and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for greenhouse gas emissions developed by the BAAQMD. The CEQA *Air Quality Guidelines* include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

BAAQMD Significance Thresholds

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA and these significance thresholds were contained in the BAAQMD's 2011 *CEQA Air Quality Guidelines*. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The thresholds were challenged through a series of court challenges and were mostly upheld. BAAQMD updated the *CEQA Air Quality Guidelines* in 2017 to include the latest significance thresholds, which were used in this analysis and are summarized in Table 2.

TABLE 2
AIR QUALITY SIGNIFICANCE THRESHOLDS

Criteria Air Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (Exhaust)	82	15
$PM_{2.5}$	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards	Single Sources Within 1,000-foot Zone of Influence	Combined Sources (Cumulative from all sources within 1,000-foot zone of influence)	
Excess Cancer Risk	>10.0 per one million	>100 per one million	
Hazard Index	>1.0	>10.0	
Incremental annual $PM_{2.5}$	>0.3 µg/m^3	>0.8 µg/m^3	
Greenhouse Gas Emissions			
Land Use Projects – direct and indirect emissions	Compliance with a Qualified GHG Reduction Strategy OR 1,100 metric tons annually or 4.6 metric tons per capita (for 2020) and adjusted to 660 metric tons annually or 2.6 metric tons per capita (for 2030)*		

Notes: ROG = reactive organic gases, NO_x = nitrogen oxides, PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, $PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less. GHG = greenhouse gases.

*BAAQMD does not have a recommended post-2020 GHG threshold.

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. These thresholds

were designed to establish the level at which the BAAQMD believes air pollution emissions would cause significant environmental impacts. The City of San José has carefully 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 Toxic Air Contaminants (TACs) and fine particulate matter.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership outlines the City's air quality goals and policies (below) that are applicable to the project (City of San José 2011b).

- Policy MS-1.2: Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
    - Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
- Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.
    - Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
    - Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
    - Policy MS-10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.
    - Policy MS-10.10: Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.

- Goal MS-11: Toxic Air Contaminants. Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.
    - Policy MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
    - Policy MS-11.3: Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.
    - Policy MS-11.7: Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
- Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.
    - Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
    - Policy MS-14.4: Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

DISCUSSION

a) Would the project conflict with or obstruct implementation of the applicable air quality plan? (Less than Significant with Mitigation Incorporated)

The BAAQMD's most recent adopted air quality plan is the 2017 Clean Air Plan (CAP). Emissions projections are based on population, vehicles, and land use trends developed by the BAQQMD, Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG).

Determining consistency with the 2017 CAP involves assessing whether applicable control measures contained in the 2017 CAP are implemented and whether a project would alter

the population and/or employment estimates in the CAP. Implementation of control measures improves air quality and protects health. These control measures are organized into nine categories: stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and short lived climate pollutants (BAAQMD 2017b). The control strategy proposes a total of 85 control measures in the nine categories:

- 40 control measures to reduce emissions from stationary sources
- 23 transportation control measures
- 2 energy control measures
- 4 new and existing building control measures
- 4 agriculture control measures
- 3 natural and working lands control measures
- 4 waste management control measures
- 2 water control measures
- 3 short lived climate pollutant measures

Control measure categories relevant to the project would include those related to buildings, waste management and water control. Building Control Measure BL1 (Green Buildings); the project would be required to comply with the Title 24 Energy Efficiency Standards and CALGreen standards, consistent with Building Control Measure BL1 (Green Buildings). Compliance with CALGreen standards would also include measures for water use and wastewater reduction and recycling non-hazardous construction debris, as further described in Section 3.19, Utilities and Service Systems, consistent with Waste Management Control Measure WA4 (Recycling and Waste Reduction) and Water Control Measure WR2 (Support Water Conservation).

A project would conflict with or obstruct implementation of the CAP if it would be inconsistent with the regional growth assumptions in terms of population, employment, or regional growth in vehicle miles traveled (VMT). The emission strategies in the CAP were developed, in part, on regional population, housing, and employment projections prepared by ABAG. ABAG projections are based on the General Plan; as such, the General Plan is consistent with the CAP. The project is consistent with the General Plan designation and industrial zoning for the site. As such, the use of this site for industrial purposes is already included in the CAP.

The project would result in a net increase of approximately 33 employees on site. As described in Section 3.17, Transportation, the project-generated VMT would exceed the regional of average of 14.37 VMT per employee; however, implementation of Mitigation Measure TRA-1 would reduce project-generated VMT to a less-than-significant level. With incorporation of Mitigation Measure TRA-1, development of the project would not conflict with population and VMT projections used to develop the CAP projections. In

addition, the project would not exceed the BAAQMD thresholds for operational criteria air pollutant emissions, as discussed below. The project would not obstruct implementation of the CAP, and the impact would therefore be less than significant.

b) Would the project 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? (Less than Significant)

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction and operation of the site assuming full build-out of the project. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod is included in Appendix A.

Construction-Period Emissions

CalEEMod provided annual emissions for construction. CalEEMod provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. A construction build-out scenario, including equipment list and schedule, was based on information provided by the applicant. Detailed CalEEMod inputs are provided in Appendix A.

Construction was assumed to last 10 months. Based on the CalEEMod default construction schedule and equipment usage, there were an estimated 208 construction workdays. Average daily emissions were computed by dividing the total construction emissions by the number of construction days. Table 3 shows average daily construction emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 3, predicted construction-period emissions would not exceed the BAAQMD significance thresholds.

TABLE 3
CONSTRUCTION-PERIOD EMISSIONS

Scenario	ROG	NO_x	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Total construction emissions (tons)	1.4 tons	3.4 tons	0.1 tons	0.1 tons
Average daily emissions (pounds)[1]	13.3 lbs./day	32.6 lbs./day	1.4 lbs./day	1.3 lbs./day
BAAQMD Thresholds (pounds per day)	*54* lbs./day	*54* lbs./day	*82* lbs./day	*54* lbs./day
Exceed Threshold?	No	No	No	No

Source: Illingworth & Rodkin 2019.

Notes:

1. Assumes 208 workdays.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which

could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less-than-significant if best management practices (BMPs) are implemented to reduce these emissions. The BAAQMD CEQA Air Quality Guidelines requires implementation of BMPs, required as standard conditions of project approval, as presented below.

Standard Permit Conditions

During any construction-period ground disturbance, the applicant shall ensure that the project contractor implements measures to control dust and exhaust. The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- 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.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints.

Operation-Period Emissions

Operational air emissions from the project would be generated primarily from automobiles driven by employees and truck deliveries. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build-out.

Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CalEEMod. The earliest the project could possibly be constructed and begin operating would be 2020. Emissions associated with build-out later than 2020 would be lower. See Appendix A for a detailed description of CalEEMod inputs, including trip generation rates, off-road equipment, energy, and other inputs. Table 4 provides the project's estimated operational emissions.

TABLE 4
OPERATIONAL EMISSIONS

Scenario	ROG	NO_x	PM_{10}	$PM_{2.5}$
2020 Project Operational Emissions (*tons/year*)	0.9 tons	0.5 tons	0.3 tons	0.1 tons
2020 Existing Use Emissions (*tons/year*)	0.2 tons	0.2 tons	0.2 tons	0.1 tons
Net Annual Emissions (*tons/year*)	0.7 tons	0.3 tons	0.1 tons	0.0 tons
BAAQMD Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Exceed Threshold?	*No*	*No*	*No*	*No*
2020 Project Operational Emissions (*pounds/day*)[1]	3.8 lbs.	1.4 lbs.	0.6 lbs.	0.2 lbs.
BAAQMD Thresholds (pounds/day)	*54* lbs.	*54* lbs.	*82* lbs.	*54* lbs.
Exceed Threshold?	*No*	*No*	*No*	*No*

Source: Illingworth & Rodkin 2019.
Note: 1. Assumes 365-day operation.

As shown in Table 4, operational emissions would not exceed the BAAQMD significance thresholds; as such, operational emissions would be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations? (Less than Significant)

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. Temporary project construction activity would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. The operation of the project would also add heavy-duty truck traffic to the area, which would be a source of long-term DPM emissions. Community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual

$PM_{2.5}$ concentrations, and computing the Hazard Index (HI) for non-cancer health risks. See Appendix A for detailed methodology.

Construction Community Health Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations, but may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. A health risk assessment of the project construction activities was conducted that evaluated potential health effects of sensitive receptors at these nearby residences from construction emissions of DPM and $PM_{2.5}$.[1] Figure 9 shows the locations of sensitive receptors in proximity to the project site. The closest sensitive receptors to the project site are the San José Conservation Corps daycare and the Challenger School and Preschool approximately 800 feet southeast of the project site. The closest residences are located over 1,800 feet to the east and over 2,000 feet to the northeast. Emissions and dispersion modeling were conducted to predict the off-site concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated, as described in detail in Appendix A.

The maximum modeled DPM and $PM_{2.5}$ concentrations occurred on the west corner of the ground floor (1 meter) of the San José Conservation Corps daycare to the southeast of the project site. Using the maximum annual modeled DPM concentration, the maximum increased cancer risk at the location of the maximally exposed individual (MEI) was calculated using BAAQMD-recommended methods. The cancer risk calculations are based on applying the BAAQMD-recommended age sensitivity factors to the TAC concentrations to reflect the greater sensitivity of infants and small children to cancer-causing TACs. Infant exposure (0-2 years) was assumed at the daycare, child exposure (2-9 years) was assumed at the school, and infant and adult exposures were assumed to occur at all residences through the entire construction period.

Results of this assessment without any mitigation or construction emissions control indicate that the maximum increased daycare cancer risks would be 1.5 in one million for an infant exposure, the maximum increased school cancer risk would be 0.3 in one million for a child exposure, and the maximum increase residential cancer risk would be 0.4 in one million for an infant exposure and less than 0.1 in one million for an adult exposure. The maximum infant, school, and residential excess cancer risk would not exceed the significance threshold of 10.0 in one million for single-source.

[1] DPM is identified by California as a toxic air contaminant due to the potential to cause cancer.

SOURCE: Illingworth & Rodkin, Inc. 2019

DUDEK

0 1,000 2,000 Feet

FIGURE 9

Project Site and Locations of Off-Site Sensitive Receptors

1605 Industrial Avenue Redevelopment Project

The maximum-modeled annual $PM_{2.5}$ concentration, which is based on combined exhaust and fugitive dust emissions, would be 0.01 $\mu g/m^3$ at the daycare and school MEIs and less than 0.01 $\mu g/m^3$ at the residential MEI. The maximum annual $PM_{2.5}$ concentrations would not exceed the BAAQMD significance threshold of greater than 0.3 $\mu g/m^3$ for single-source.

The maximum modeled annual DPM concentration (i.e., from construction exhaust) would be 0.0095 $\mu g/m^3$ at the daycare MEI, 0.0098 $\mu g/m^3$ at the school MEI, and 0.0026 $\mu g/m^3$ at the residential MEI. The maximum computed Hazard Index (HI) based on these DPM concentrations would be less than 0.01, which would not exceed the BAAQMD single-source significance criterion of a HI greater than 1.0.

Operational Health Risk Impacts

Operation of the project would result in 112 daily truck trips, which are assumed to be heavy-duty diesel-powered trucks and a source of long-term DPM emissions. These trucks would travel to and from the site and are anticipated to idle at loading docks for 5 minutes for each trip.

Emissions of DPM (assumed to be PM_{10} exhaust) from this activity were computed using the CARB EMFAC2017 model assuming trucks travel, both on site and off site, at a speed of 15 miles per hour (mph) and idling of each truck at the warehouse site for 5 minutes per trip. Each truck trip would emit 0.0782 grams per mile travelled of DPM on or near the project site per trip. Idling trips were computed based on EMFAC2017 emission rates for 5-mph travel and converted to hourly emissions. Each truck idling would produce 0.063 grams per trip. See Appendix A for detailed methodology.

TAC concentrations from the project trucks were calculated at surrounding residential receptor locations, as well as the San José Conservation Corps daycare on Berger Drive and at the Challenger School and Preschool on E Gish Road. Receptor heights of 1.5 meters were used to represent the breathing heights at residences and receptor heights of 1.0 meters were used for the breathing heights of children at the San José Conservation Corps daycare site and for Challenger School and Preschool.

The maximum modeled cancer risk from truck travel activity was 0.31 in one million (DPM concentration of 0.00041 ug/m^3) at a residential receptor on Oakland Avenue. The $PM_{2.5}$ concentrations from project truck activity would be less than 0.01 ug/m^3 at all sensitive receptors. Emissions from the operation of the project would not exceed significance thresholds for any criteria pollutant and the proposed project's operational emissions on regional air quality would be less than significant.

Cumulative Impact on Construction MEI

Cumulative community risk impacts were addressed through an evaluation of TAC sources located within 1,000 feet of the project site. These sources include freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. A review

of the project area indicates that traffic on I-880 is considered a source of TACs. A review of BAAQMD's stationary source Google Earth map tool identified five stationary sources with the potential to affect the project site and construction MEI. The Union Pacific Railroad (UPRR) Line is also located within 1,000 feet of the project site. Appendix A provides detailed methodology on calculations of cancer risks from I-880, stationary sources, and the UPRR. Table 5 summarizes project-level and cumulative community risk impacts.

TABLE 5
IMPACTS FROM COMBINED SOURCES AT CONSTRUCTION MEI

Source	Maximum Cancer Risk (per million)	$PM_{2.5}$ concentration ($\mu g/m^3$)	Hazard Index
Project Construction Unmitigated	1.5 (infant)	0.01	<0.01
Operational Activity	0.3 (lifetime)	<0.01	<0.01
Total	*1.8*	*<0.02*	*<0.02*
BAAQMD Threshold – Single Sources	*>10.0*	*>0.3*	*>1.0*
Significant?	*No*	*No*	*No*
I-880 (Link 360, 6ft elevation at >1,000 feet)	14.7	0.09	0.01
#12577 (Concrete Plant) at 1,000 ft	—	0.01	—
#1857 (Electronic Company) at 260 ft	<0.1	<0.01	<0.01
#107986 (Gas Station) at 1,000 ft	0.1	-	<0.01
#7935 (Boiler) at 730 ft	<0.1	<0.01	<0.01
#21327 (Coating Operation) at 1,000 ft	—	—	<0.01
UPRR at 25 feet*	<12.3	0.02	<0.01
Total	*<29.1*	*<0.16*	*<0.08*
BAAQMD Threshold – Combined Sources	*>100*	*>0.8*	*>10.0*
Significant?	*No*	*No*	*No*

Source: Illingworth & Rodkin 2019.
Note: *These predictions were made at 25 feet from the railroad track. Construction MEI would be approximately 250 feet.

The project would have a less-than-significant impact with respect to community risk caused by project construction and operational activities, since the maximum cancer risk and $PM_{2.5}$ concentration would not exceed the single-source or cumulative-source thresholds.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Less than Significant)

The proposed project would not be expected to create new sources of odors. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. The proposed use does not include any activities, such as wastewater treatment, waste disposal, or food processing,

that are typically associated with the generation of operational odors. Therefore, impacts related to odors would be less than significant.

3.4 BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on state- or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
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?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
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?	☐	☐	☒	☐

SETTING

The project site is located within an urbanized area of San José. The site contains existing structures, pavement, and unpaved dirt and grass areas. The site does not contain landscaping or trees. Due to the disturbed nature of the site, it has a relatively low habitat value. Due to the lack of native, sensitive, and wetland habitats on the project site, special-status plant and animal species and sensitive habitats are not expected to occur on the project site. The Coyote Creek

riparian corridor, which contains riparian woodland vegetation, is located approximately 0.34 miles north of the site. The project site does not connect to natural or open space areas.

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP), a habitat conservation plan/natural community conservation plan (HCP/NCCP) that 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 SCVHP 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 SCVHP utilizes a variety of private and public development-based fees to fund mitigation that will offset losses of land cover types, covered species habitat, and other biological values. These one-time fees pay for the full cost of mitigating project effects on covered species and natural communities.

Private development activities that require ground disturbance are subject to the SCVHP if the activity is equal to or greater than 2 acres and located in an area identified as "Urban Development Equal to or Greater than 2 Acres is Covered." As shown on Figure 2-5 (Private Development Areas Subject to the Plan) of the SCVHP, the project site is located in an area subject to the SCVHP, as it is mapped within the area identified as "Urban Development Equal to or Greater than 2 Acres is Covered." The project site is developed and no natural communities are located on the site, as shown on Figure 3-9 (Santa Clara Valley Habitat Plan Natural Communities) of the SCVHP. The SCVHP's land cover classification for the site, shown on Figure 3-10 (Santa Clara Valley Habitat Plan Land Cover) of the SCVHP, is Urban-Suburban and the project is within the City's urban growth boundary. The SCVHP defines Urban-Suburban land cover as areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, with one or more structures per 2.5 acres (Santa Clara County 2012).

Nitrogen deposition is known to adversely affect many of the native serpentine plants in the SCVHP study area, including the host plants that support the federally threatened Bay checkerspot butterfly (*Euphydryas editha bayensis*). All major remaining populations of the Bay checkerspot 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 area. Because serpentine soils are nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species, resulting in the displacement of native species. This decline of native species, including the Bay checkerspot butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County (approximately 14 miles southwest of the project site). Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The SCVHP requires payment for nitrogen deposition fees for all covered projects that generate new net daily vehicle trips; fees collected under the SCVHP

for new daily vehicle trips are used to purchase and manage conservation land for the Bay checkerspot butterfly (Santa Clara County 2012).

Regulatory Framework

Federal and State

Special Status Species

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

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

Migratory Bird Treaty Act

The Migratory Bird Treaty Act makes it illegal to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid Federal permit (USFWS 1998).

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable Federal, State, and local regulations, and are generally subject to regulation, protection, or consideration by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the Federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act. U.S. EPA regulations, called for under Section 402 of the Clean Water Act, also include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge into waters of the United States (e.g., streams, lakes, bays, etc.).

Local

Regulatory authority over biological resources is shared by State and local authorities under a variety of statutes and guidelines. Primary authority for biological resources lies within the land use control and planning authority of local jurisdictions, in this case the City of San José.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership, and Chapter 4, Quality of Life, outlines the City's design goals and policies. Those included (below) are applicable to biological resources and to the project (City of San José 2011b).

- Policy MS-21.6: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.
- Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
- Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
- Policy CD-1.22: Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.
- Policy CD-1.23: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan (Habitat Plan) is a 50-year regional plan to protect endangered species and natural resources while allowing for future development in Santa Clara County. In addition to strengthening local control over land use and species protection, the Plan will provide a more efficient process for protecting natural resources by creating new habitat reserves that will be larger in scale, more ecologically valuable, and easier to manage than the individual mitigation sites created under the current approach (Santa Clara County 2012).

DISCUSSION

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Less than Significant)

As stated above, the project site is disturbed and located within a heavily developed industrial area adjacent to a busy interstate highway (I-880). No special-status plant or wildlife species are expected to occur on the project site, as the site does not contain habitat expected to support special-status species. Moreover, no trees are located on the project site; therefore, no potential nesting habitat for bird species protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) is present on the site.

b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (No Impact)

and

c) Would the project have a substantial adverse effect on state- or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (No Impact)

The Project site does not contain riparian habitats, other sensitive natural communities, or wetlands, and none are located adjacent to the site. Therefore, the project would have no impact on riparian habitats, other sensitive natural communities, or federally protected wetlands.

d) Would the project 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? (No Impact)

Wildlife corridors are pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, other natural obstacles, or manmade obstacles such as urbanization. As stated above, the project site is developed, is surrounded by development, and does not connect areas of natural open space. The project site is not part of a wildlife movement corridor and would not impede the use of native wildlife nursery sites. Therefore, the project would have no impact on wildlife movement or native wildlife nursery sites.

e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (No Impact)

There are no biological resources, including trees or riparian habitat, located on the project site; therefore, no local policies or ordinances protecting biological resources are applicable to the proposed project and no impact would occur.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Less than Significant)

The project would be a covered activity under the SCVHP. The project site is greater than 2 acres and is located in an area mapped as "Urban Development Equal to or Greater than 2 Acres is Covered." The site is located within an area designated as "Urban Areas," which is not within a fee zone for the SCVHP (Santa Clara County 2012). The site is not located within a riparian setback area.

The SCVHP requires payment for nitrogen deposition fees for all covered projects that generate new net trips. The project is subject to the SCVHP and required to pay all applicable SCVHP fees prior to issuance of grading permits. Nitrogen deposition fees are based on the number of new daily vehicle trips generated by a proposed project. The proposed 180,150-GSF industrial/commercial building is estimated to generate a total of approximately 123 net new daily vehicle trips.[2] Payment of these fees would reduce nitrogen deposition impacts to a less-than-significant level. Therefore, with adherence to the requirements of the SCVHP, the project would have a less-than-significant impact related to conflicts with an adopted HCP/NCCP.

Standard Permit Conditions

The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the SCVHP Coverage Screening Form to the Director of Planning, Building, and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

[2] Estimated trip generation is based on a previous site plan which contained a total of 185,500 square feet of warehouse space and is, therefore, a conservative estimate that slightly overstates the project's trip generation.

3.5 CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

SETTING

The information in this section is based on a Cultural Resources Technical Report prepared for the Project, which is provided in Appendix B. The report included a records search of the California Historical Resources Information System (CHRIS) from the Northwest Information Center (NWIC) conducted for the project site and a 0.5-mile radius, a search of the Native American Heritage Commission (NAHC) Sacred Lands File, Native American group coordination, and a pedestrian survey of the project site for archaeological and built environment resources. Due to the ages of the buildings on the project site, these structures were also evaluated for potential historical significance and integrity in accordance with National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and City of San José Historic Preservation Ordinance criteria.

No City landmarks, or City Landmark Districts or eligible Landmark Districts, or historic districts are located near the site (City of San José 2011a). The site contains four industrial buildings, described further as follows; see Appendix B for detailed information.

Main Building

The main building is a vernacular industrial building originally constructed in 1956; three additions to the western, southeastern, and northern elevations date from 1968-1980. The two-story building is irregular in plan and is clad in corrugated metal and plaster.

Shop Building

The shop building is a vernacular industrial building originally constructed from 1965-1968. There were two buildings constructed to its direct west and northwest between 1968 and 1980 while an additional building as well as connectors between the original three were constructed between 1980 and 1987. The current building varies in height from one story to one and a half stories and is clad predominantly in corrugated metal with a small section of vertical wood boards and composition wood.

Garage Building

The garage building is a vernacular industrial building originally constructed in 1968. The building was modified circa 1980 with an addition to the western elevation of a full-length metal awning. The one and a half story building is rectangular in plan and clad in corrugated metal with a low-pitched front-gable roof sheathed in corrugated metal.

Shed Building

The shed building is a vernacular industrial building originally constructed in 1968 and expanded circa 1980 with an addition of a large shed roof canopy to the eastern elevation. The building is irregular in plan and is clad in corrugated metal.

Regulatory Framework

Federal

National Register of Historic Places

The National Historic Preservation Act of 1966 (54 USC 300202 et seq.) enabled the U.S. Department of the Interior's National Park Service (NPS) to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological places (NPS 2019). The NPS is responsible for the designation, documentation, and physical preservation of historic sites.

State

California Register of Historic Places

The California Register of Historic Places, under the Office of Historic Preservation (OHP), is the State's authoritative guide to significant historical and archeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act (OHP 2019).

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Several Subsections within the General Plan outline the City's land use goals and policies as they pertain to the preservation and conservation of archaeological, paleontological, historical, and cultural resources. Those included (below) are applicable to the project (City of San José 2011b).

- Goal ER-10: Archaeology and Paleontology. Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.
    - Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
    - Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
- Policy IP-12.3: Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological, and cultural resources.

DISCUSSION

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (No Impact)

The results of the CHRIS records search indicated that no historic built environment resources have been previously recorded within the project site. Seven previously recorded historic resources were identified within 0.5 miles of the project site: a ranch, three bridges, a railroad alignment, and two buildings. The project would not affect these off-site resources.

As a result of the background research, field survey, and property significance evaluation, the main building, shop building, garage building, and shed building on the project site appear not eligible for the NRHP, CRHR, and City of San José Historic Resource Inventory due to a lack of significant historical associations, architectural merit, and compromised integrity. Criteria for the NRHP/CRHR are discussed below; see Appendix B for further detail.

Criterion A/1: That are associated with events that have made a significant contribution to the broad patterns of our history.

The project site was rural agricultural farm land prior to the 1950s. The development of the industrial site appears to be directly tied to the growth and expansion of the City along major road corridors that developed in the early 1950s. The main building, which was the first building located on the site, was originally constructed in 1956 during the

period of time when the City was transitioning from a farm and fruit-processing city to one that attracted the commercial, industrial, and technology industries, as well as suburban sprawl. The original business or use of the property is unknown, but Specialty Truck Parts was operating on site by 1959, with the shop building, garage building, and shed building added in the 1960s.

Other than being one of many representations of incremental commercial industrial growth in this area during the mid-20th century, the property is not associated with any local, state, or national historical events. As such, the subject property is not directly associated with events that have made significant contributions to the history of San José, Santa Clara County, the state, or nation. Due to a lack of identified significant associations with events important to history, the subject property does not appear eligible under NRHP/CRHR Criterion A/1.

Criterion B/2: That are associated with the lives of persons significant in our past.

To be found eligible under NRHP Criterion B or CRHR Criterion 2, the property would need to be directly associated with a person considered historically significant at the local, state, or national level, and it would need to be the place (or part of the place) where that person performed the work for which he or she is known. Archival research did not indicate any associations with persons important to the nation's or state's past. None of the current or former property owners or tenants were identified as significant individuals as a result of archival research. Due to a lack of identified significant associations with important persons in history, the subject property does not appear eligible under NRHP/CRHR Criterion B/2.

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

Architecturally, the buildings located on the project site do not appear to be important for their design or construction value. The architects and builders of the main, shop, garage, and shed buildings are unknown, however it is unlikely that they would be associated with the work of a master architect. The four buildings located on the project site that are more than 45 years of age do not possess characteristics that suggest that they is an important example of the variation, evolution, or transition of vernacular construction of commercial industrial buildings in the San José area.

Main Building

The main building was identified as a Butler building during the pedestrian survey. After World War II (WWII), Butler buildings were highly for a variety of industrial uses such as factories, machine shops, truck depots, car sales, and service buildings. In the Santa Clara Valley specifically, Butler buildings were widely used due to the opening of a Butler factory

in 1948 in Richmond, California. It is unknown how many Butler buildings still exist dating from this time period. Although, because the main building has undergone several major alterations to each of the original elevations, its identification as this type is difficult. The most basic character-defining features of a Butler building including a front-gable roof and a large garage door opening on the main elevation have been altered with additions and the infill of a new main entry between 1968 and 1980 as well as the reskinning from the original corrugated metal with stucco on the southern elevation.

Shop Building

The shop building retains very few of the most basic character-defining features of a small-scale industrial style building, including a front-gable roof and industrial exterior materials such as corrugated metal. A visual review of the alterations confirmed during the pedestrian survey indicates that the building has undergone significant alterations since its construction. These alterations include the addition of two buildings in close proximity to the original 1965-1968 building dating between 1968 and 1980, with three additions acting as connectors in 1980-1987 making the original small rectangular structure into a large irregularly shaped building. On all elevations, there is a lack of embellishment or architectural elements beyond a small section of vertical wood boards framed by wood boards on the main (south) elevations entrance. Through the large amount of alterations and additions over time, the original building is no longer recognizable as a small-scale industrial building.

Garage Building

The garage building was constructed circa 1968. The building was heavily modified in the 1980s with an overhang addition made to the west elevation. A visual review of the alterations confirmed during the pedestrian survey indicates that the building has undergone significant alterations since its construction in addition to the non-historic awning. Openings throughout the building have been either recovered with corrugated metal or cut out to create new openings. The character-defining feature of an industrial building with consistent wall texture on the same plane has been heavily altered over time. As a result, the original method of construction has been lost and the garage building no longer conveys its original characteristics.

Shed Building

The shed building retains the most basic character-defining features of the industrial style, including corrugated metal exterior walls, front-gable roof, and a large garage opening on the main elevation. Although a visual review of alterations confirmed during the course of the pedestrian survey confirm that the building has undergone significant alterations since its construction. Between 1980 and 1987, a large metal canopy was constructed on the eastern elevation, which disrupts the original roofline. In addition, throughout time several cutouts and infills have been made to the corrugated metal exterior walls, making it difficult to ascertain the original appearance of the building's fenestration.

Overall, the buildings located on the subject property are common commercial industrial buildings that lack architectural distinction. As such the subject property does not appear eligible under NRHP/CRHR Criteria C/3.

Criterion D/4: That have yielded, or may be likely to yield, information important in prehistory or history.

There is no evidence to suggest that this industrial complex property has the potential to yield information important to state or local history. Therefore, the property does not appear eligible under NRHP/CRHR Criterion D/4.

City of San José Criteria

The City's historic designation criteria as they relate to the project site are listed and discussed in Table 6.

TABLE 6
CITY OF SAN JOSÉ HISTORIC DESIGNATION CRITERIA

Criterion	Eligible?	Discussion
1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture.	No	As a commercial industrial property first established in the mid-to-late 1950s, the project site is representative of the expansion and growth in San José during the mid-20th century. This association is common and indicative of development that took place throughout the City along major freeway expansion projects during this time period. As such, the project site does not rise to the level of significance as a property of value as local, regional, state, or national heritage site.
2. Its location as a site of a significant historic event.	No	Archival research did not indicate any property-specific associations with significant historic events important to the local, state, or national culture and history. As such, the subject industrial complex located at 1605 Industrial Avenue (APN: 237-30-015 and 016) does not appear eligible for listing under this criterion.
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history.	No	Archival research did not indicate any associations with persons important to the local, state, or national culture and history. None of the current or former property owners or tenants were identified as significant individuals as a result of archival research. The owners of the property as well as the tenant of Specialty Truck Parts, while occupying the buildings for at least 59 years, are not know to contribute significantly to the City's history and cannot be identified as an individuals who significantly contributed to the local, regional, or national cultural and history. Therefore, the project site is not eligible for listing under this criterion.
4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José.	No	The project site has remained a specialty truck supplier from at least 1959 until current day. The following cultural, economic, social, or historical heritage that is linked with San José is its involvement with the technology industry that moved into the Santa Clara Valley in the 1960s. Although the project site serves a need in the overall community, as a commercial industrial property that provides services of truck supplies/repairs, it does not exemplify the cultural, social, or historic heritage of the City of San José. As such, the project site does not rise to the level of eligibly under this criterion.

TABLE 6
CITY OF SAN JOSÉ HISTORIC DESIGNATION CRITERIA

Criterion	Eligible?	Discussion
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.	No	The buildings that comprise the commercial industrial complex on site are simple, utilitarian-type structures that are commonly found throughout San José, California, and the nation in industrial areas. The industrial warehouse/shop typology can be found throughout the United States and were constructed as early as the 1930s up until today. Several later buildings built on the project site as recently as 1993-1998 display the same elements as the main building, resulting in the lack of association with a group of people in a specific era of history. Overall the buildings located on the site are not distinctive architecturally. As such, the project site does have significance under this criterion.
6. Its embodiment of distinguishing characteristics of an architectural type or specimen.	No	The project site contains a collection of utilitarian buildings primarily composed of corrugated metal. All represent building types commonly found on industrial complexes locally, throughout the state, and nationwide. The main building, constructed circa 1956, is the only building on the site identified as a specific property type—a Butler building. These buildings were frequently utilized post-WWII for their durability and adaptability in industrial uses. It is unknown how many Butler buildings built during this time still remain in usage but, due to the presence of a Butler factory in the Santa Clara Valley, it can be presumed that a high number exist in the surrounding areas. The likelihood that the main building is not unique in architectural typology as well as the several alterations and additions made to the original building since its construction make it no longer an embodiment of an architectural type or specimen. As such, the project site does not contain any buildings that embody distinguishing characteristics of an architectural type or specimen.
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José.	No	None of the buildings located on the site are known to be associated the work of an architect or master builder whose individual work has influenced the City of San José. The project site does not have significance under this criterion.
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.	No	The subject commercial industrial complex is a collection of highly altered utilitarian buildings primarily composed of corrugated metal. The nature of the buildings' use results in little embellishment on the exterior. As such, the architectural design, detail, materials, and craftsmanship of the buildings do not represent an architectural innovation and display no unique qualities. The project site does not have significance under this criterion.

Source: Appendix B.

Given all of the foregoing, no historical resources are located on or adjacent to the project site. Therefore, the project would have no impact on historical resources.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Less than Significant)

and

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries? (Less than Significant)

According to the CHRIS records search, the project site contains no previously recorded archaeological resources. Similarly, the search of the NAHC Sacred Lands File did not identify any known Native American resources in the project area. Intensive pedestrian survey of the project site by a qualified archaeologist did not encounter any archaeological resources or evidence of prior burials. In consideration of the topographic setting and the negative inventory results, the likelihood of encountering unanticipated significant subsurface archaeological deposits or features, or unmarked human burials is considered low. Nevertheless, there is always a possibility of encountering unrecorded archaeological resources or human remains when conducting subsurface earthwork activities. Thus, in the event that construction activities were to unearth previously unidentified archaeological resources or human remains, adherence to the standard permit conditions (below) would avoid impacts associated with disturbance to buried resources.

Standard Permit Conditions

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of PBCE or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.
- If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill (AB) 2641, shall be followed. In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising

Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and the qualified archaeologist, who will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the NAHC within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

3.6 ENERGY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?	☐	☐	☒	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

SETTING

In 2017 (the most recent data available), California's total statewide electricity consumption was approximately 288,614 gigawatt-hours (GWh). Approximately 17,190 gigawatt-hours (GWh) of electricity were consumed in Santa Clara County, of which approximately 13,140 GWh (76 percent) were consumed by the non-residential sector (CEC 2018c). Total natural gas consumption in 2017 was approximately 12,571 millions of therms statewide, and 445 millions of therms in Santa Clara County. Natural gas consumption for the non-residential sector in Santa Clara County comprised approximately 206 millions of therms (approximately 46 percent of the County's gas consumption; CEC 2018d).

In 2015 (the most recent data available), California had a total of approximately 29.8 million registered vehicles, resulting in a total of 15.5 billion gallons of gasoline and 3.7 billion gallons of diesel consumed (CEC 2017). As of June 2017, Santa Clara County had 1,382,217 registered vehicles and an annual VMT of 15,655,050 miles (Caltrans 2017).

The California Energy Commission (CEC) provides full forecasts for electricity, natural gas, and fuel every two years as part of the *Integrated Energy Policy Report* (IEPR) process. In 2030, it is estimated that Californians will consume up to 354,209 GWh of electricity and 14,190 millions of therms of natural gas (CEC 2018b). Gasoline demand is projected to decline each year through 2030 due to greater numbers of zero-emission vehicles and increasing fuel economy, with forecasted 2030 gasoline demand of up to 12.7 billion gallons; diesel demand is projected to increase modestly, following economic growth, to approximately 4.7 billion gallons in 2030 (CEC 2017).

California's electric grid relies increasingly on clean sources of energy such as solar, wind, geothermal, hydroelectricity, and biomass. As this transition advances, the grid is also expanding to serve new sectors including electric vehicles, rail, and space and water heating. California has installed more renewable energy than any other U.S. state with 22,250 megawatts (MW) of utility-scale systems operational today (CEC 2018e). California's Renewables Portfolio Standard (RPS) is among the most ambitious energy policies in the nation, requiring utilities to produce 33 percent of their retail electricity from clean, renewable sources by 2020 and 50 percent by 2030. Increasing California's renewable supplies will diminish the state's dependence on fossil fuels for electric power generation.

Pacific Gas and Electric Company (PG&E) transmits and delivers electricity and natural gas to residents and businesses in the City of San José, including the project site. PG&E's 2017 power mix included 33 percent from renewable sources, 27 percent from nuclear, 20 percent from natural gas and other fuels, 18 percent from large hydropower plants, and 2 percent from unspecified sources (PG&E 2018). Existing energy consumption on the project site includes consumption of fossil fuels in operation of the existing buildings and fuel use associated with vehicles traveling to and from the site.

Regulatory Framework

State

California Code of Regulations

At the state level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (CCR), promote efficient energy use in new buildings constructed in California. The standards regulate energy consumed for heating, cooling, ventilation, water heating, and lighting.

The California Green Building Standards Code

The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for new construction (new buildings and expansions) in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of minimum guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels. Building Energy Efficiency Standards and CALGreen standards are enforced through the local building permit process.

California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan

The California Public Utilities Commission's (CPUC's) Long Term Energy Efficiency Strategic Plan presents a single roadmap to achieve maximum energy savings across all major groups and sectors in California. This comprehensive Plan for 2009 to 2020 is the state's first integrated framework of goals and strategies for saving energy, covering government, utility, and private sector actions, and holds energy efficiency to its role as the highest priority resource in meeting California's energy needs (CPUC 2008).

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Several Subsections within the General Plan outline the City's energy goals and policies as they pertain to the sustainable utilization of energy resources within the City. Those included (below) are applicable to the project (City of San José 2011b).

- Goal MS-2: Energy Conservation and Renewable Energy Use. Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.
    - Policy MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
    - Policy MS-2.3: Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
    - Policy MS-2.4: Promote energy efficient construction industry practices.

    - Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).

- Policy MS-3.2: Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
- Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
- Goal MS-14: Reduce Consumption and Increase Efficiency. Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.
    - Policy MS-14.3: Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
    - Policy MS-14.4: Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
- Policy CD-5.6: Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.

<u>City of San José Municipal Code</u>

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

City of San José Private Sector Green Building Policy (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance greenhouse gas reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater. For commercial/industrial buildings greater than or equal to 25,000 square feet, Council Policy 6-32 requires LEED Silver certification (City of San José 2008b).

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community while continuing to foster the City's projected growth (City of San José 2018a). The *Climate Smart San José* plan includes three "pillars" or goals:

Create a sustainable and climate smart city by:

- Transitioning to renewable energy
- Embracing the Californian climate

Create a vibrant city of connected and focused growth by:

- Densifying the City to accommodate growth
- Making homes more efficient and affordable for families
- Creating clean, personalized mobility choices
- Developing integrated, accessible public transportation infrastructure

Create an economically inclusive city of opportunity by:

- Creating local jobs to reduce VMT
- Improving commercial building stock
- Making commercial goods movement clean and efficient

DISCUSSION

a) Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? (Less than Significant)

Construction of the project would require consumption of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil, natural gas, and gasoline) for automobiles and construction equipment, and other resources including, but not limited to, lumber, sand, gravel, asphalt, metals, and water. Construction would include energy used by construction equipment and other activities at the project site (e.g., building demolition, excavation, paving), in addition to the energy used to manufacture the equipment, materials, and supplies and transport them to the project site. Energy for maintenance activities would include that for day-to-day upkeep of equipment and systems, as well as energy embedded in any replacement equipment, materials, and supplies. It is expected that nonrenewable energy resources would be used efficiently during construction and maintenance activities given the financial implications of inefficient use of such resources. Therefore, the amount and rate of consumption of such resources during construction and maintenance activities would not result in the unnecessary, inefficient, or wasteful use of energy resources.

Operation of the project would also consume energy. The primary means of energy consumption would include vehicle travel, natural gas usage to heat water and air in the building, and electricity usage associated with the project. In addition, there would be indirect electricity usage associated with the conveyance of water supplied to the project and wastewater produced by the project. As described in Section 3.3, Air Quality, the CalEEMod model was used to compute air pollutant emissions associated with operation of the project. CalEEMod provides estimates of vehicle travel, natural gas usage, and direct electricity usage. Table 7 shows the modeled energy demand of the project during operation.

TABLE 7
PROJECT OPERATIONAL ANNUAL ENERGY DEMAND

Energy Usage	Estimated Demand	2020 Demand (MM Btu)	2030 Demand (MM Btu)
Natural Gas[1]	689,621 kBtu	690	690
Electricity[1]	811,531 kWh	2,769	2,769
Vehicle Travel (gasoline, diesel, and electric vehicles)[2]	687,767 annual miles	3,518	2,699
Total Usage	—	6,228	5,409

Sources: 1. Illingworth & Rodkin, Inc. CalEEMod modeling; 2. CalEEMod VMT, EMFAC2017 vehicle travel fractions and fuel usage for Santa Clara County (years 2020 and 2030), Wikipedia electricity usage per mile for electric cars.

Notes:

MM Btu = one million British thermal units, VMT = vehicle miles traveled

1 gallon of gasoline = 120,476 Btu, 1 gallon of diesel fuel = 137,452 Btu

The project energy demand is estimated at 6,228 million British thermal units (MM Btu) at the first year of operation (assumed to be 2020). Energy demand would be reduced in the future as diesel- and gasoline-powered vehicles become more efficient and a greater portion of the vehicle mix is made up of electric-powered vehicles that are more energy efficient. Energy demand associated with vehicle usage is estimated to decrease by 23 percent by 2030, resulting in an associated decrease in project energy demand by 13 percent by 2030 to 5,409 MM Btu.

These energy resources are already consumed on the project site associated with the existing Specialty Truck Parts retailer, and an incremental increase in the consumption of these resources associated with project operation would not represent unnecessary, inefficient, or wasteful use of resources. In addition, the project would be required to comply with the Title 24 Energy Efficiency Standards, CALGreen standards, the City's Municipal Code, and General Plan policies related to energy efficiency described above. The project is located in a developed urban area and would provide employment near housing where transit is available, and the project would provide electric car charging to promote more electric vehicle usage. Given all of the foregoing, the project would not result in the wasteful, inefficient, or unnecessary use of energy resources, and the impact would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (No Impact)

While not specifically applicable to the project, Senate Bill (SB) 350, also known as the Clean Energy and Pollution Reduction Act, sets ambitious 2030 targets for energy efficiency and renewable electricity, increasing California's renewable electricity procurement goal from 33 percent by 2020 to 50 percent by 2030. SB 350 also requires the California Energy Commission to "establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas final end uses by 2030" and encourages the electrification of the transportation system. The *Integrated Energy Policy Report* identifies decentralization of the electricity sector as an important component of achieving California's energy and climate goals (CEC 2018a).

As described under checklist item a), the project would be required to comply with State and local standards related to energy efficiency; namely, Title 24 Energy Efficiency Standards, CALGreen standards, the City's Municipal Code, the City's Private Sector Green Building Policy, the General Plan policies and the Climate Smart San José Plan described above. The project is located in a developed urban area and would provide employment near housing where transit is available, as well as provide on-site electric car charging to promote more electric vehicle usage. Additionally, with implementation of LEED Silver status as required by Council Policy 6-32 and with compliance with the previously mentioned regulations, the project would have no impact related to conflicts with or obstruction of a state or local plan for renewable energy or energy efficiency.

3.7 GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause 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?	☐	☐	☐	☒
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

SETTING

The following discussion is based on a geologic hazards assessment (see Appendix C) and a preliminary geotechnical investigation (see Appendix D) prepared for the project by Ninyo & Moore Geotechnical & Environmental Sciences Consultants. The scope for this study included subsurface exploration consisting of four cone penetration test (CPT) soundings at a depth of approximately 45 feet below the existing grade; a percolation test at a depth of 2 feet below the existing grade; laboratory testing on selected samples; and engineering analysis to develop design criteria. Some information in this section is also derived from the Phase I Environmental Site Assessment (ESA) prepared for the project by Partner Engineering and Science (see Appendix E).

Regional Geology

The project site is located in the Santa Clara Valley, an alluvial basin in the Coast Ranges geomorphic province between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. The Coast Ranges are comprised of northwesterly trending mountain ranges and structural valleys formed by tectonic processes commonly found around the Circum-Pacific belt. The rocks that underlie the basins and form the surrounding mountains are primarily marine sediments and metamorphic and igneous rocks, all of which are Mesozoic age but locally include rocks of the Cenozoic age.

The project site is located within the San Francisco Bay Area, one of the most seismically active regions in the country, transected by a series of subparallel faults that together accommodate the relative motion between the Pacific and North American plates. The San Andreas Fault and six other significant fault zones are present in the Bay Area: the Calaveras, Concord-Green Valley, Greenville, Hayward, Rodgers Creek, and San Gregorio faults.

On-Site Geology

The project site is underlain by Holocene-age alluvial soils deposited by nearby Guadalupe and Coyote creeks. These deposits typically consist of silt and clay interspersed with layers of sand and gravel; the silt and clay deposits can compress under heavy loads and are expansive. The site elevation is approximately 50 feet above mean sea level and the topography is relatively flat, with a local topographic gradient toward the southwest.

Based on information obtained from the United States Department of Agriculture, Natural Resources Conservation Service Web Soil Survey online database (USDA 2018), the project site is mapped as Urbanland-Campbell complex, 0 to 2 percent slopes, protected (99.9 percent of the site). The Urbanland series consists of disturbed and human-transported material. The Campbell, protected series consists of moderately well-drained soils that formed in alluvium derived from metamorphic and sedimentary rock and/or metavolcanics (USDA 2018).

The surface of the site is covered by asphalt concrete pavement, concrete pavement, and aggregate base. The CPT soundings encountered alluvial deposits consisting of layers of silt and clay in the upper 40 to 45 feet, with occasional layers of sand and gravelly sand below depths of 40 feet. Groundwater was encountered at depths ranging from 6 to 9 feet below the ground surface. Regional records indicate that the historically high groundwater level is less than 10 feet below the ground surface.

The Calaveras and Hayward faults are located approximately 7.5 miles northeast and north of the site, respectively. The California Geological Survey has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. There are no Alquist-Priolo zones mapped in the vicinity of the project site (California Geological Survey 2004). The project site is located within a State of California liquefaction zone (California Geological Survey 2002). Liquefaction occurs when loose sand and silt that is saturated with water behaves like a liquid and loses its ability to support structures, flows down gentle slopes and may erupt to the ground surface. The site is not near any earthquake-induced landslide zones (California

Geological Survey 2002, 2004). Lateral spreading refers to the earthquake-related landslides that commonly form on gentle slopes and that have rapid, fluid-like movements.

Regulatory Framework

State

California Building Code

The California Building Code provides the standards for building design by providing the minimum design criteria for building with respect to seismic safety.

The California Division of Occupational Safety and Health (Cal/OSHA) regulations specify additional safety standards for excavation, shoring, and trenching (Title 8 of the California Code of Regulations).

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Regulation of development projects within the zones is the responsibility of the local agencies (California Department of Conservation 2018b).

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 requires that seismic hazard zones are identified and mapped in order to assist cities and counties in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction, landslides, or other ground failure and other seismic hazards caused by earthquakes (California Department of Conservation 2007).

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. The General Plan outlines the City's design goals and policies as they pertain to environmental hazards and considerations. Those included (below) are applicable to the project's geology and soils (City of San José 2011b).

- Goal EC-3: Seismic Hazards. Minimize the risk of injury, loss of life, property damage, and community disruption from seismic shaking, fault rupture, ground failure (liquefaction and

lateral spreading), earthquake-induced landslides, and other earthquake-induced ground deformation.

  - Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.
  - Policy EC-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

- Goal EC-4: Geologic and Soil Hazards. Minimize the risk of injury, loss of life, and property damage from soil and slope instability including landslides, differential settlement, and accelerated erosion.
  - Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
  - Policy EC-4.2: Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
  - Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
  - Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
  - Policy EC-4.11: Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

- Policy EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.

DISCUSSION

a) Would the project directly or indirectly cause 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. (No Impact)

The project site is not located within the boundaries of an Earthquake Fault Zone for fault rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no faults are known to pass through the site. Therefore, no impact related to fault rupture would occur as a result of the project.

ii) Strong seismic ground shaking? (Less than Significant)

and

iii) Seismic-related ground failure, including liquefaction? (Less than Significant)

Due to its location in a seismically active region, the project would be highly likely to experience strong ground shaking from seismic events on local and regional faults. This poses a risk to proposed structures and infrastructure.

Potential secondary seismic hazards that could affect the project include liquefaction and dynamic settlement. As described above, the project site in located within a State of California liquefaction hazard zone. Liquefaction is a phenomenon where earthquake-induced ground vibrations increase the pore pressure in saturated, granular soils until it is equal to the confining, overburden pressure. When this occurs, the soil can completely lose its shear strength and enter a liquefied state. The possibility of liquefaction is dependent upon grain size, relative density, confining pressure, saturation of the soils, and intensity and duration of ground shaking. In order for liquefaction to occur, three conditions should exist: low-density, sand/sandy soils, a shallow groundwater depth typically shallower than 50 feet, and seismic shaking from nearby large-magnitude earthquake.

The geotechnical investigation evaluated liquefaction hazard based on a design groundwater level of 5 feet below the ground surface (bgs), and considering a seismic event producing a peak ground acceleration (PGA) of 0.505 percent of

gravity (g) resulting from a magnitude 7.3 earthquake. The results of the liquefaction analysis indicated that thin layers of sandy and silty soil below the assumed design groundwater level at depths of approximately 5 to 8 feet and 40 to 45 feet would liquefy under the considered ground motion. However, the results of soils testing from depths of 1 to 5 feet indicated that the soils tested would generally not be susceptible to liquefaction; Ninyo & Moore anticipate that future laboratory testing of soils from depths of 5 to 8 feet would have similar results. The liquefaction analysis concluded that, due to the depth and relative thickness of other liquefiable layers, the potential for liquefaction-induced reduction in the bearing capacity of shallow foundations would not be a design consideration for the project.

The strong vibratory motion associated with earthquakes can also dynamically compact loose, granular soil, leading to surficial settlements. Damage as a result of seismically induced settlement is most dramatic when differential settlement occurs in areas with large variations in the thickness of underlying sediments. Settlement caused by ground shaking is often non-uniformly distributed, which can result in differential settlement. The geotechnical investigation evaluated the potential for dynamic settlement considering a magnitude 7.3 earthquake producing a PGA of 0.505g and groundwater level of 5 feet bgs. The results of the analysis indicate that total dynamic settlement following the considered seismic event would be approximately 1 inch. Differential dynamic settlement is estimated to be on the order of about 0.5 inch over a horizontal distance of approximately 30 feet, which is considered to be relatively minor.

Standard Permit Condition

To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

Therefore, with the above standard permit condition, the impact of the project related to seismic ground shaking and other secondary seismic hazards would be less than significant.

iv) Landslides? (No Impact)

The project site is not located within a State of California landslide hazard zone. The topography of the project site is relatively flat and no steep slopes are located on or near the site. Thus, the project site is not susceptible to landslides and no impact would occur.

b) Would the project result in substantial soil erosion or the loss of topsoil? (Less than Significant)

The surficial soils are considered susceptible to erosion. The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. Project construction would include ground disturbance, which would potentially result in short-term soil erosion. However, because the project footprint is greater than 1 acre, it would be subject to the NPDES permit requirements for construction site stormwater discharges, and would comply with those requirements. A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and implemented under these requirements, which includes appropriate erosion-control and water-quality-control measures during site preparation, grading, construction, and post-construction. Implementation of the SWPPP for the project would minimize short-term erosion impacts. Long-term impacts of the project would not result in substantial erosion, as the soils would be covered by buildings, pavement, vegetation, and landscaping. Therefore, project impacts related to erosion would be less than significant.

The project would be required to implement the following conditions, consistent with the regulations identified in the General Plan EIR, for avoiding and reducing construction-related erosion impacts.

Standard Permit Condition

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

c) Would the project 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? (Less than Significant)

As described above, the project site is not located near steep slopes which would be susceptible to landslides. Based on liquefaction analysis and soils testing, Ninyo & Moore

determined that the potential for impacts associated with liquefaction at the project site would be low due to the depth of liquefiable soils (i.e., 40 to 45 feet). Lateral spreading, which is commonly associated with liquefaction and occurs when a continuous layer of soil liquefies at depth and the soil layers above move toward an unsupported face, would also not be expected to occur due to the site's relatively flat topography and low potential for liquefaction-related impacts. Thus, the project site is not located on a geologic unit or soil that is unstable or would be expected to become unstable. Moreover, compliance with the California Building Code and applicable City ordinances, as well as adherence to the recommendations provided in the geotechnical investigation, would further reduce potential risks related to soil stability; therefore, associated impacts would be less than significant.

d) Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? (Less than Significant)

Expansive soils can undergo significant volume change with changes in moisture content; they shrink and harden when dried and expand and soften when wetted. The alluvial soils underlying the project site are known to be expansive. Laboratory testing revealed that the soils on the project site have a medium expansion characteristic. The proposed project would comply with recommendations in a design-level geotechnical report, in accordance with the standard permit condition listed below.

Standard Permit Condition

The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

Implementation of the standard permit condition above would minimize impacts associated with expansive soils and result in a less-than-significant impact.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (No Impact)

Sanitary discharges on the project site would be directed into the municipal sanitary sewer system operated by the City of San José. The project would not include septic tanks or alternative wastewater disposal systems. Therefore, no impact related to septic tanks or alternative wastewater disposal systems would occur.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Less than Significant)

Paleontological resources include the fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust. Paleontological sensitivity is defined based on the underlying geologic formation. Areas with the highest sensitivity are those where geologic formations known to contain fossils are found close to the ground surface. According to the Envision San José General Plan EIR, the project site is located in an area with high paleontological sensitivity at depth; thus, geologic formations known to contain fossils are not found close to the ground surface on the site. Nevertheless, there is always a possibility of encountering paleontological resources when conducting subsurface earthwork activities. Adherence to the standard permit conditions below would reduce impacts associated with disturbance to buried paleontological resources, if encountered, to a less-than-significant level.

Standard Permit Conditions

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

3.8 GREENHOUSE GAS EMISSIONS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

SETTING

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

The existing project site is developed with industrial buildings. GHG emissions generated by the current uses are primarily generated from vehicle trips traveling trips to and from the site. The GHG emissions generated from existing uses is approximately 313 metric tons of carbon dioxide equivalent per year (MT/CO_2e/year).

Regulatory Framework

Federal and State

Clean Air Act

The U.S. Environmental Protection Agency (EPA) is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court in its 2007 decision in Massachusetts et al. v. Environmental Protection Agency et al. ruled that carbon dioxide (CO_2) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

Executive Order S-3-05

In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (California Environmental Protection Agency [CalEPA] 2006). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report"). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions,

the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc. In April 2015, the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

Assembly Bill 32

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020, and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 limit of 427 million metric tons CO_2e. The Scoping Plan was approved by CARB on December 11, 2008, and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan update defines CARB's climate change priorities for the next five years and sets the groundwork to reach post-2020 statewide goals. The update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities, such as for water, waste, natural resources, clean energy and transportation, and land use (CARB 2017).

Senate Bill 32

On September 8, 2016, the governor signed SB 32 into law, extending AB 32 by requiring the further reduction of GHGs statewide to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies and policies, such as SB 350 and SB 1383 (see below). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) CO_2e by 2030 and two MT CO_2e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, sub-regional, or regional level), but not for specific individual projects because they include all emissions sectors in the State (CARB 2017).

Executive Order B-55-18

On September 10, 2018, the governor issued Executive Order B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

Regional

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. *The Bay Area 2017 Clean Air Plan* (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The BAAQMD CEQA *Air Quality Guidelines* are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA *Air Quality Guidelines*, 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 and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by the BAAQMD. The CEQA *Air Quality Guidelines* include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

Local

City of San José Greenhouse Gas Reduction Strategy

The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Air Quality Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies. The *Envision San José 2040 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.

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the *Envision San José 2040 Final Program Environmental Impact Report* and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and

standards for "qualified plans" as set forth by BAAQMD. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy through 2020.

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. Below is a listing of the mandatory criteria utilized to evaluate project conformance with the GHG Reduction Strategy:

1) Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies: IP-1, LU-10)
2) Implementation of Green Building Measures (General Plan Goals: MS-1, MS-2, MS-14)
    a) Solar Site Orientation
    b) Site Design
    c) Architectural Design
    d) Construction Techniques
    e) Consistency with the City Green Building Ordinance and Policies
    f) Consistency with GHG Reduction Strategy Policies: MS-1.1, MS0-1.2, MC-2.3, MS-2.11, and MS-14.4.
3) Pedestrian/Bicycle Site Design Measures
    a) Consistency with Zoning Ordinance
    b) Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7.
4) Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;
5) Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers) (General Plan Policy MS-2.8), if applicable;
6) Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and
7) Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions (City of San José 2011b). 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 following General Plan policies are related to GHG emissions and are applicable to the proposed project.

- Policy MS-1.2: Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
- Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design).
- Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.
    - Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission reduction measures.
    - Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
    - Policy MS-10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.
    - Policy MS-10.10: Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.
- Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.
    - Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

- Policy MS-14.4: Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

City of San José Private Sector Green Building Policy (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance GHG reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

Significance Thresholds

According to CEQA Guidelines, the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds or consistency with a regional GHG reduction plan (such as a Climate Action Plan). In 2017, the City of San José adopted a Climate Action Plan, *Climate Smart San José*, that serves to support the City's General Plan. *Climate Smart San José* was based on the City's 2014 GHG Inventory and Forecast and discusses strategies to reach AB 32 and SB 32 goals. However, *Climate Smart San José* only focuses on GHG emissions related to energy and mobility omitting emissions due to solid waste, wastewater treatments, and water. Therefore, *Climate Smart San José* is not in compliance with CEQA Guidelines 15183.5(b) and it does not serve as a qualified GHG reduction plan. Additionally, the City of San José's current GHG Reduction Strategy presented in the *Envision San José 2040 General Plan* aligns with AB 32 (2020 emission target), but it does not specifically address the SB 32 2030 emission target. Because the City's GHG plan does not specifically address the 2030 target, tiering off the City's GHG reduction plan to assess GHG impacts is not appropriate.

Given that neither the State nor the City have qualified GHG emissions thresholds or GHG emissions reduction plans, the City utilizes the BAAQMD's CEQA Air Quality Guidelines, which recommended a GHG threshold of 1,100 metric tons (MT) per year or 4.6 MT per capita per year. These thresholds were developed based on meeting the 2020 GHG targets set in the scoping plan that addressed AB 32, the California Global Warming Solutions Act. Although BAAQMD has not yet published a quantified threshold for 2030, this assessment uses a "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population and a bright-line threshold of 660 MT CO_2e/year based on the GHG reduction goals of Executive Order B-30-15, which sets a GHG emissions target at 40 percent of 1990 levels by 2030. The service population metric of 2.6 is calculated for 2030 based on the 1990 inventory and the projected 2030 statewide population and employment levels.[3] The 2030 bright-line threshold is a 40 percent reduction of the 2020 1,100 MT CO_2e/year threshold.

DISCUSSION

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Less than Significant)

GHG emissions associated with development of the proposed project would occur over the short term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with project-generated vehicular traffic, energy and water usage, and solid waste disposal. Illingworth & Rodkin, Inc., analyzed emissions for the proposed project in accordance with the methodology recommended in the BAAQMD CEQA Air Quality Guidelines; the detailed analysis is included in Appendix A and discussed below.

Construction

GHG emissions associated with construction were computed to be 609 MT of CO_2e for the total construction period. These are the emissions from on-site operation of construction equipment, vendor and hauling truck trips, and worker trips. Neither the City nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions, though BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. BAAQMD also encourages the incorporation of BMPs to reduce GHG emissions during construction where feasible and applicable. Best management practices assumed to be incorporated into construction of the proposed project include but are not limited to: using local building materials of at least 10 percent and recycling or reusing at least 50 percent of construction waste or demolition materials.

[3] Association of Environmental Professionals, 2016. *Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California*. April.

Because construction would be temporary (approximately 10 months) and would not result in a permanent increase in emissions, the project would not interfere with the implementation of AB 32 or SB 32.

Operation

The CalEEMod is a statewide land use emissions model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutants and GHG emissions associated with both construction and operations from a variety of land uses. The model quantifies direct emissions from construction and operation activities (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use (CalEEMod 2019).

CalEEMod, along with the project vehicle trip generation rates, were used to estimate daily emissions associated with operation of the fully developed site under the proposed project. As described above, this assessment uses the BAAQMD's CEQA Air Quality Guidelines GHG threshold of 1,100 MT per year or 4.6 MT per capita per year for 2020, and, for 2030, a "Substantial Progress" efficiency metric of 2.6 MT CO_2e/year/service population and a bright-line threshold of 660 MT CO_2e/year based on the GHG reduction goals of Executive Order B-30-15, which sets a GHG emissions target at 40 percent of 1990 levels by 2030. The service population metric of 2.6 is calculated for 2030 based on the 1990 inventory and the projected 2030 statewide population and employment levels. The 2030 bright-line threshold is a 40 percent reduction of the 2020 1,100 MT CO_2e/year threshold. As shown in Table 8, annual emissions resulting from operation of the proposed project are predicted to be 595 MT of CO_2e in 2020 and 531 MT of CO_2e in 2030. The annual emissions from operation of the existing buildings in 2020 are computed as 313 MT of CO_2e. The net emissions resulting from the project would be 282 MT of CO_2e in 2020 and 218 MT of CO_2e in 2030. Based on 75 estimated employees, the service population for 2020 and 2030 were calculated to be 7.9 and 7.1 MT CO_2e/year/service population, respectively.

To be considered significant, the project must exceed both the GHG significance threshold in metric tons per year and the service population significance threshold. The project would only exceed the service population significance threshold. Therefore, the project would have a less-than-significant impact regarding GHG emissions.

TABLE 8
ANNUAL PROJECT GHG EMISSIONS (CO_2E) IN METRIC TONS

Source Category	Existing in 2020	Proposed Project in 2020	Proposed Project in 2030
Area	<1	<1	<1
Energy Consumption	101	161	161
Mobile	171	272	205
Off-road Equipment	—	18	21
Solid Waste Generation	23	87	87
Water Usage	18	57	57
Total (MT CO_2e/yr)	313	595	531
Net New Emissions (MT CO_2e/yr)		*282*	*218*
Significance Threshold		*1,100 MT CO_2e/yr*	*660 MT CO_2e/yr*
Service Population Emissions (MT CO_2e/year/service population)		7.9	7.1
Significance Threshold		*4.6 in 2020*	*2.6 in 2030*
Significant (Exceeds both thresholds)?		*No*	*No*

Source: Illingworth & Rodkin 2019.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Less than Significant)

In California, GHG emissions are regulated primarily through AB 32 and SB 375. AB 32, also known as the Global Warming Solutions Act, established a goal to reduce GHG emissions in the State to 1990 levels by 2020. SB 375 builds on AB 32 by requiring the California Air Resources Board to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions.

The State of California also has stated longer term GHG reduction targets. Under Executive Order S-3-05 issued by Governor Schwarzenegger in June 2005, the State plans to reduce GHG emissions to 80 percent below 1990 levels by 2050. On May 29, 2015, Governor Brown issued Executive Order B-30-15, which furthers the goal of Executive Order S-3-05 by setting a mid-term target to reduce GHG emissions to 40 percent below 1990 levels by 2030. The Order also directs the California Air Resources Board to update the Climate Change Scoping Plan to include the 2030 target.

In December 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 readopted the City's GHG Reduction Strategy in the General Plan. Projects that are operational prior to 2020 and conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy. While the project is assumed to be operational by 2020,

the potential for full operation to occur post-2020 is also considered, and, in the interim, the project would continue to comply with the mandatory measures and voluntary measures required by the City, which would ensure its consistency with the City's GHG Reduction Strategy.

As described above, the project would not exceed the significance threshold for GHG emissions; therefore, the project would not generate a substantial amount of GHGs. Moreover, the project would be consistent with the site's Heavy Industrial General Plan land use designation, and thus complies with the City's GHG Reduction Strategy. The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, as it would not substantially increase GHG emissions and is consistent with the City's GHG Reduction Strategy, the *Climate Smart San José Plan* and General Plan land use designation. Therefore, the impact would be less than significant.

3.9 HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ miles of an existing or proposed school?	☐	☐	☒	☐
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?	☐	☒	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) 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?	☐	☐	☐	☒

SETTING

The following discussion is based on a Phase I ESA (see Appendix E) and a Phase II Subsurface Investigation Report (see Appendix F) prepared for the project site by Partner Engineering and Science to determine the potential for hazardous materials contamination on the property. The Phase I ESA included a site reconnaissance as well as research and interviews with representatives of the public, property ownership, site manager, and regulatory agencies. The Phase II Subsurface Investigation consisted of a soil vapor survey to evaluate the concentration of volatile organic compounds (VOCs) in soil gas beneath the project site. The results are these studies are described in the discussion below.

According to review of available historical data, the project site was developed for agricultural use by 1939 and the land remained agricultural through at least 1950. The site is currently occupied by businesses operating as Specialty Truck Parts, which has occupied the site since 1963. Specialty Truck Parts is a dismantler and re-seller of heavy-duty truck parts. Specialty Truck Parts also sells used trucks, rebuilt transmissions, differentials, steering, and new parts. At least five satellite locations were observed on the site where waste oil and fluids from parts disassembly is collected, as well as some aboveground storage tanks (ASTs). Belowground lifts, underground storage tanks (USTs), and other subsurface features were not observed.

The project site is identified on several hazardous materials databases compiled pursuant to Government Code Section 65962.5 as a case-closed leaking underground storage tank (LUST) case, as further described below in subsection (d). In addition, 14 LUST cleanup sites, 3 cleanup program sites, and 1 tiered permit site are located within 0.25 miles of the project site.

The Phase I recommended the following measures prior to project implementation:

- Preparation of a soil management plan for future development, with submittal to and approval by the Santa Clara County Department of Environmental Health.
- Asbestos surveys and abatement prior to demolition of the current buildings.

Regulatory Framework

Federal

The Federal Toxic Substances Control Act and the Resource Conservation Recovery Act

The Federal Toxic Substances Control Act and the Resource Conservation Recovery Act (RCRA) were administered by the United States Environmental Protection Agency (EPA) in 1976 to streamline regulations pertaining to the generation, transportation, treatment, storage and disposal of hazardous waste (EPA 2019b).

The Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country (EPA 2019a).

Hazardous Materials Transportation Act

Under the Hazardous Materials Act (HMTA), the transportation of hazardous materials is regulated by the Secretary of the Department of Transportation (DOT). In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property. The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials (OSHA 2019).

State

The Department of Toxic Substances Control

The Department of Toxic Substances Control (DTSC) is a department operating under the EPA that is responsible for regulating hazardous waste in California. Management and staff of the DTSC protect Californians and their environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. The department takes enforcement action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products (DTSC 2010).

Regional Water Quality Control Board

The RWQCB oversees cases involving groundwater contamination within the San Francisco Bay Area from Spills, Leaks, Incidents and Clean-up (SLIC) cases while the County of Santa Clara's Department of Environmental Health would oversee most leaking underground storage tank (LUST) cases. In the incidence of a spill at a project site, the applicant would notify the County of Santa Clara and a lead regulator (County, RWQCB or DTSC) would be determined.

Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires the California Environmental Protection Agency (CalEPA) to develop and annually update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC and the State Water Resources Control Board (SWRCB).

Local

City of San José Emergency Operations Plan

An Emergency Operations Plan (EOP) is required for each local government in California. The guidelines for the plan come from the Federal Emergency Management Agency (FEMA), and are modified by the State Office of Emergency Services (OES) for California needs and issues. The purpose of the plan is to provide a legal framework for the management of emergencies and guidance for the conduct of business in the Emergency Operations Center (EOC). The EOP provides guidance for City response to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations—both war and peacetime (City of San José 2004).

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. The General Plan outlines the City's design goals and policies as they pertain to environmental hazards and considerations. Those included (below) are applicable to the project (City of San José 2011b).

- Policy EC-6.1: Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.
- Policy EC-6.2: Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

- Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
- Policy EC-7.1: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
- Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
- Policy EC-7.5: On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.
- Policy EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.
- Policy EC-7.10: Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

DISCUSSION

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Less than Significant)

The Project would result in a slight increase in the routine use of hazardous materials. The Project would include use of heavy equipment for demolition, grading, excavation, and construction. Fueling and maintenance of such equipment could result in incidental spills of petroleum products and hazardous materials in construction staging areas. However, such incidental spills would likely be minor and would be minimized through implementation of standard BMPs included in a NPDES-mandated SWPPP during construction. Relevant BMPs would typically include creation of designated fueling and

maintenance areas located not in proximity to drainages and equipped with temporary spill containment booms, absorbent pads, and petroleum waste disposal containers. Some hazardous materials use would continue to occur in association with Project operations, including natural gas for the emergency generator, fertilizers, cleaning supplies, etc. Use of hazardous materials would be required to meet all applicable regulations related to the transport, use, and storage of such materials. Therefore, Project impacts associated with routine transport, use, and disposal of hazardous materials would be less than significant.

b) Would the project 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? (Less than Significant with Mitigation Incorporated)

Impacts from Contaminated Soil

As described above, the site was historically used for agriculture from circa 1939 to 1950. Common agricultural practices can result in residual concentrations of fertilizers, pesticides or herbicides in near-surface soil, though not generally at concentrations that pose a significant health risk. The Phase I ESA concluded that, since the site has been graded, redeveloped, and paved, remaining pesticide or herbicide residues, if any, are likely to have been dispersed during these construction activities and therefore are unlikely to impact human health or the environment. Accordingly, the Phase I ESA recommended no further investigation regarding potential residual pesticides (see Appendix E). However, since the early 1800s, arsenic-containing insecticides and organochlorine pesticides were applied to crops in the normal course of farming operations. Lead arsenate was extensively used up until the 1960s and organochlorine pesticides were used between the 1940s and 1980s. It is not uncommon to find residual agricultural chemicals in properties with an agricultural history in San José. If contaminated soil were disturbed by redevelopment activities (demolition, grading, excavation, and construction), or any barriers (i.e., pavement cap) removed, the remaining contamination may pose a threat to human health, construction worker safety, and the environment. Implementation of Mitigation Measures HAZ-1 and HAZ-2 would ensure that impacts related to the project site's past agricultural use would be less than significant.

> **Mitigation Measure HAZ-1**: Prior to issuance of grading permits, shallow soil samples shall be taken in the near-surface soil in the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and commercial/ industrial standard environmental screening levels. The result of soil sampling and testing shall be provided to the Director of Planning, Building, and Code Enforcement or the Director's designee and the Municipal Environmental Compliance Officer for review prior to issuance of grading permits.

Mitigation Measure HAZ-2: If contaminated soils are found in concentrations above established regulatory environmental screening levels, the project applicant shall enter into the Santa Clara County Department of Environmental Health's (SCCDEH) Voluntary Cleanup Program (VCP), or equivalent, to formalize regulatory oversight of the mitigation of contaminated soil to ensure the site is safe for construction workers and the public after development. The project applicant must remove contaminated soil to levels acceptable to the SCCDEH (or equivalent oversight agency). The SCCDEH (or equivalent oversight agency) may also approve leaving in-place some of the contaminated soil if the contaminated soil will be buried under hardscape and/or several feet of clean soil.

A Removal Action Plan, Soil Mitigation Plan, or other similarly titled report describing the remediation must be prepared and implemented to document the removal and /or capping of contaminated soil. A copy of any reports prepared shall be submitted to the Director of Planning, Building, and Code Enforcement or the Director's designee and the Municipal Compliance Officer of the City of San José Environmental Services Department. All work and reports produced shall be performed under the regulatory oversight and approval of the SCCDEH (or equivalent oversight agency).

Asbestos-Containing Materials and Lead-Based Paint Impacts from Current On-Site Structures

The project would require demolition of the existing buildings on the site prior to new construction. Given the age of the structures on site, lead-based paint (LBP) and asbestos containing materials (ACMs) may be encountered during demolition activities. Demolition conducted in conformance with federal, state, and local regulations would avoid significant exposure of construction workers and/or the public to ACMs and LBP, as set forth in the standard permit conditions below.

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(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may

disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.
- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.
    - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
    - During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
    - Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Less than Significant)

Challenger School and the San José Conservation Corps and Charter School are located approximately 0.25 miles east of the project site. Demolition of the existing buildings would potentially involve the handling and disposal of hazardous waste products, including LBP, ACMs, petroleum products, etc. Handling of such substances would be regulated by federal and state hazardous materials laws that would minimize the risk of exposure to nearby land uses, including schools. Further, as previously discussed, operation of the project would result in only a slight increase in the routine use of hazardous materials such as petroleum products; however, any incidental spills would be minimized through implementation of standard BMPs and would occur at a distance from the nearest schools where potential impacts would be greatly minimized. Therefore, impacts associated with handling hazardous materials within 0.25 miles of a school would be less than significant.

d) Would the project be located on a site that 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? (Less than Significant with Mitigation Incorporated)

Pursuant to Government Code Section 65962.5, the State of California Hazardous Waste and Substances Site List (also known as the "Cortese List") is a planning document used by state and local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials sites. As described above, the project site is included on the Cortese List as a case-closed LUST site.

The LUST case was opened in November 1991 and closed September 21, 2016. Routine groundwater monitoring occurred from 1994 to July 2015 to monitor groundwater contamination since the case was opened. Excavation and injection of hydrogen peroxide were used to remediate contamination, which was confined to the property boundaries. Soil investigations have adequately defined the nature and extent of soil and groundwater impacts, which included total petroleum hydrocarbons as gasoline (TPHg), benzene, toluene, ethylbenzene, xylenes (BTEX), and methyl tert butyl ether (MtBE).

As a result of the LUST case, a controlled recognized environmental condition (CREC) is located on the project site. A CREC refers to a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. The responsible parties (Specialty Truck Parts Inc., and AM+CME Auto and Truck Parts Company) were offered Low Threat Closure from Santa Clara County Department of Environmental Health (SCDEH) via letter dated September 21, 2016. Low Threat Closure allows contaminants to remain in place assuming continued similar use of the property and definition of the extent of contaminants. The UST and majority of fuel-impacted soil were removed in 1991. The lateral extent of the groundwater plume was restricted to the vicinity of the former UST. Residually impacted soil remains at depths below 10 feet bgs.

The closure states that residual contamination in soil, groundwater, and vapor remains and could pose an unacceptable risk under certain site development activities such as grading, excavation, or installation of wells. Based on the presence of these residual contaminants, Phase II Subsurface Investigation Report was prepared for the project site (see Appendix F). The subsurface investigation included 12 sample locations throughout the project site with samples collected at 2 and 8 feet bgs to evaluate the potential for vapor intrusion. Based on the subsurface investigation, there is evidence of residual concentrations of various VOCs in soil gas beneath the project site. However, none of the detected VOC concentrations exceed commercial screening criteria, indicating that vapor intrusion at the project site is not a concern.

Based on the Low Threat Closure, the County and appropriate departments must be notified prior to any changes in land use or planned activities that will disturb soil and/or groundwater. Notification must include statement about residual contamination and how

it will be mitigated during such activities. The levels of contaminants are expected to reduce with time. The project would be required to adhere to the conditions of the Low Threat Closure. In addition, implementation of Mitigation Measures HAZ-3 and HAZ-4 would reduce hazards associated with residual contamination on the project site to a less-than-significant level.

> **Mitigation Measure HAZ-3**: Before the start of earthmoving activities at any location on the project site, a Site Management Plan (SMP) shall be prepared by a qualified hazardous materials consultant. The SMP shall be submitted to the Santa Clara County Department of Environmental Health (SCCDEH) for review and approval prior to the issuance of grading permits and commencement of excavation and grading activities. The approved SMP shall detail procedures and protocols for management of soil containing environmental contaminants during site development activities. The SMP shall be implemented during excavation and grading activities on the project site to ensure that any contaminated soils are properly identified, excavated, and disposed of off-site. The applicant shall provide a copy of the approved SMP to the Director of Planning, Building and Code Enforcement or the Director's designee prior to issuance of grading permits.
>
> **Mitigation Measure HAZ-4**: Prior to issuance of building permits, if it is determined that the results from the sampling event summarized in Table 1 of the Phase II Environmental Site Assessment prepared for the project exceed the updated January 2019 by the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs)—specifically those ESLs established for vapor intrusion levels—further discussion and coordination shall occur between the project applicant and the Santa Clara County of Environmental Health (SCCDEH). Prior to the issuance of occupancy permits, the project applicant shall provide evidence to the City of San José that the project applicant and SCCDEH have come to a satisfactory agreement on addressing any exceedance of ESLs.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? (No Impact)

The Norman Y. Mineta San José International Airport is located approximately 1.25 miles southwest of the project site. The project site is not located within any designated airport safety zones or airport noise contours (Santa Clara County Airport Land Use Commission 2016). No private airstrips are located near the project site. The project would consist of a single-story building and any overhead air traffic would occur at a height that would not interfere with any on-site structure or improvement. Therefore, no aircraft-related safety or excessive noise impacts would occur in association with construction and operation of the project.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (No Impact)

The project would entail construction of a new building on a previously developed industrial site. Access points to the project site would be constructed to ensure proper access for emergency vehicles and a fire lane would encircle the new warehouse building, and the project would not take direct access onto a regional thoroughfare that would be used for emergency response in the unlikely event of a large, region-wide emergency. Furthermore, the project plans would be subject to review and approval by the City and the Fire Department prior to issuance of a building permit. Therefore, no impacts related to interference with emergency response or evacuation plans would occur.

g) Would the project 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? (No Impact)

The project site and surrounding vicinity are entirely developed. The area does not contain, nor is it adjacent to, wildlands. Therefore, the Project would have no impact related to exposure to wildland fire hazards.

3.10 HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) Result in substantial erosion or siltation on or off site?	☐	☐	☒	☐
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	☐	☐	☒	☐

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
iv) Impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

SETTING

The site is located in a developed urban area. There are no waterways present on the project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is not located within the 100-year floodplain. The site is located in Flood Zone D, which is defined as an area with possible but undetermined flood hazards. The City does not have any floodplain restrictions for development in Zone D. The project site is generally flat with an elevation of approximately 50 feet above mean sea level. The topography of the site gently slopes to the southwest.

The nearest surface water in the vicinity of the project site is Coyote Creek, located approximately 0.34 miles to the northeast. The groundwater level across the site fluctuates seasonally and over time; on-site groundwater monitoring data revealed depths ranging from 6 to 15 feet bgs, and the geotechnical investigation of the project site encountered groundwater at depths ranging from 6 to 9 feet bgs. Groundwater flow is to the north-northwest.

Stormwater is removed from the site primarily by sheet flow action across the paved surfaces towards storm drains located throughout the paved surfaces on the site, or by percolation into the ground. Stormwater from the existing buildings' roofs is collected in gutters and directed toward storm drains.

Regulatory Framework

Federal

Clean Water Act

The EPA implements pollution control programs through the Clean Water Act (CWA). The CWA was officially recognized by congress in 1972 and made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's NPDES permit program controls discharges with the main goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters (EPA 2002).

State

State Water Resources Control Board Construction General Permit

Any construction or demolition activity that results in land disturbance equal to or greater than 1 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 BMPs to protect water quality until the site is stabilized. The project would require CGP coverage since it would disturb more than 1 acre of land.

Local and Regional

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* contains goals, policies and actions pertaining to stormwater discharge into the City's storm drain system. The following policies are applicable to the project:

- Policy IN-3.7: Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
- Policy IN-3.9: Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
- Policy MS-3.4: Promote the use of green roofs (i.e., roofs with vegetated cover), landscape based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
- Goal ER-8: Stormwater. Minimize the adverse effects on ground and surface water quality and protect property and natural resources from stormwater runoff generated in the City of San José.
    - Policy ER-8.1: Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

- Policy ER-8.2: Coordinate with regional and local agencies and private landowners to plan, finance, construct, and maintain regional stormwater management facilities.
- Policy ER-8.3: Ensure that private development in San José includes adequate measure treat stormwater runoff.
- Policy ER-8.4: Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
- Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

- Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and stormwater controls.
- Goal EC-5: Flooding Hazards. Protect the community from flooding and inundation and preserve the natural attributes of local floodplains and floodways.
  - Policy EC-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
  - Policy EC-5.7: Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.
  - Action EC-5.16: Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.
  - Action EC-5.17: Implement the Hydromodification Management requirements of the City's Municipal NPDES Permit to manage runoff flow and volume from project sites.

Grading Ordinance

All development projects, regardless of whether they are subject to the CGP, must comply with the City of San José's Grading Ordinance per Section 17.04.310 of the City's Municipal Code, 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 would submit an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants to the City Director of Public Works.

Municipal Stormwater National Pollution Discharge Elimination System Permit

The City of San José is required to operate under a NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. The San Francisco Bay RWQCB has adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José. The MRP (NPDES Permit No. CAS612008) mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

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

The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained. The project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP.

Post Construction Urban Runoff Management Policy and Hydromodification Management Policy

The City has developed policies that implement Provision C.3, consistent with the MRP. The City's Post-Construction Urban Runoff Management Policy (City Council 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 (City Council Policy 8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace 1 acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65 percent impervious must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations. Based on the project site's location in a subwatershed or catchment with greater than or equal to 65 percent impervious area (SCVURPPP 2009), the project would not be required to comply with the hydromodification requirements of Provision C.3.

DISCUSSION

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (Less than Significant)

The project site currently contains 150,920 square feet of impervious surfaces. The project would create approximately 367,436 square feet of total impervious area, resulting in a net increase of 216,516 square feet of new impervious surfaces. As described above, the project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP. The project proposes to implement a stormwater quality control plan to control runoff (see Figure 5). The stormwater plan includes LID measures including bioretention areas. Details of specific measures demonstrating compliance with Provision C.3 of the MRP would be included in the project design to the satisfaction of the Director of Planning, Building and Code Enforcement.

Construction of the project would result in short-term soil-disturbing activities that could lead to increased erosion and sedimentation. However, the Project would disturb more than one acre of land and therefore would have to comply with the NPDES Construction General Permit. Therefore, a SWPPP would be required to be prepared and implemented under these requirements, which includes appropriate erosion-control and water-quality-control measures during site preparation, grading, construction, and post-construction. Furthermore, the project would also be subject to 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.

Standard Permit Conditions

The following project-specific measures, based on RWQCB BMPs, have been included in the project to reduce construction and development-related water quality impacts. BMPs would be implemented prior to and during earthmoving activities on site and would continue until the construction is complete and during the post-construction period as appropriate.

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.

- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from truck tires prior to entering City streets. A tire wash system shall be employed if requested by the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Compliance with the CGP, City Grading Ordinance, MRP, standard permit conditions, and applicable City Council Policies 6-29 and 8-14 would minimize water quality impacts during project construction and operation, such that impacts would be less than significant.

b) Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? (Less than Significant)

The project site is underlain by the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin. The project site is not located in a groundwater recharge area (SCVWD 2016). The project site is within the water service area of the San José Water Company (SJWC). Groundwater comprises approximately 40 percent of SJWC's water supply. Approximately 110 wells pump water from the major water-bearing aquifers of the Santa Clara Subbasin. These aquifers are recharged naturally by rainfall and artificially by a system of local reservoirs, percolation ponds, and injection wells operated by the Santa Clara Valley Water District (DWR 2004). Groundwater levels have been steadily on the rise since the mid-1960s and overdraft of the groundwater basin is not projected. The project's incremental increase in water use would not result in substantial depletion of the aquifer. Therefore, the project's impacts on groundwater supplies would be less than significant.

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial erosion or siltation on or off site? (Less than Significant)

and

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site? (Less than Significant)

There are no natural drainage features on or near the project site. Construction activities would entail grading, excavation, and other ground-disturbing activities which could temporarily alter surface drainage patterns and increase the potential for flooding, erosion, or siltation. However, the project would be required to comply with the CGP and City Grading Ordinance, which would require implementation of BMPs and erosion control measures, thereby reducing the effects of construction activities on erosion and drainage patterns. As previously discussed, once operational, the project would increase the impervious surface area on the site from an existing 150,920 square feet (32 percent of the site) to a proposed 367,436 square feet (70 percent of the site). New drainage infrastructure would be included in the project to accommodate stormwater flows and connect the project to existing storm drain infrastructure. The project would be subject to the MRP and City Council Policies 6-29 and 8-14, requiring measures to minimize and treat post-construction runoff. Given the above, the project would not contribute substantial amounts of sediment to storm drain systems or substantially alter existing drainage patterns resulting in erosion or siltation. Therefore, the project's impacts on drainage patterns would be less than significant.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Less than Significant)

While the project would result in an increase in impervious surface area on the project would be required to implement LID treatment controls on site to capture and treat runoff, in accordance with Provision C.3 of the MRP, as well as City Council Policies 6-29 and 8-14. For this reason, the project would not create a significant new source of stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system or contribute substantial amounts of polluted runoff. Therefore, the project's impact on stormwater drainage systems would be less than significant.

iv) Impede or redirect flood flows? (Less than Significant)

The project site is located within Zone D of the Special Flood Hazard Areas (SFHA) map and is not located within a 100-year floodplain as mapped by FEMA. Therefore, no housing or structures would be placed within a 100-year flood hazard area. The project site is within the inundation area of the Anderson Dam (City of San José 2011a). The nearest levee is the Coyote Creek levee, approximately 0.34 miles from the site. The California Division of Safety of Dams (DSOD) is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. The General Plan EIR concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death. Consequently, impacts related to flooding at the site as a result of failure of a levee or dam would be less than significant.

d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? (No Impact)

Tsunamis are sea waves that are generated in response to large-magnitude earthquakes. When these waves reach shorelines, they sometimes produce coastal flooding. Seiches are the oscillation of large bodies of standing water, such as lakes, that can occur in response to ground shaking. Tsunamis and seiches do not pose hazards due to the inland location of the project site and lack of nearby bodies of standing water. In addition, mudflows are large, rapid masses of mud formed by loose earth and water, primarily affecting hillsides and slopes of unconsolidated material. No steep slopes that would be subject to mudflows are located on or near the project site. Therefore, no impact related to tsunamis, seiches, or mudflows would occur.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Less than Significant)

The Sustainable Groundwater Management Act (SGMA) of 2014 is intended to provide for sustainable management of groundwater basins and to locally manage groundwater basins while minimizing state intervention to only when necessary. The SGMA requires the creation of Groundwater Sustainability Agencies (GSAs) to implement the SGMA. The Santa Clara Valley Water District is the GSA for the Santa Clara Subbasin. The 2016 Groundwater Management Plan for the Santa Clara and Llagas Subbasins (GWMP) describes the district's groundwater sustainability goals, and the strategies, programs, and activities that support those goals. The 2016 GWMP identifies the following sustainability goals:

- Groundwater supplies are managed to optimize water supply reliability and minimize land subsidence; and
- Groundwater is protected from contamination, including salt water intrusion.

To achieve these goals, the 2016 GWMP includes four strategies:

1) Manage groundwater in conjunction with surface water.
2) Implement programs to protect and promote groundwater quality.
3) Maintain and develop adequate groundwater models and monitoring networks.
4) Work with regulatory and land use agencies to protect recharge areas, promote natural recharge, and prevent groundwater contamination.

As described above in subsection (b), the project site is not located in a groundwater recharge area and project water demand would not substantially deplete groundwater supplies such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Furthermore, the Project would be required to comply with the LID stormwater management requirements of Provision C.3, the CGP, and applicable City ordinances and policies, including implementation of a SWPPP with BMPs, to control erosion and protect water quality. Therefore, the Project would have a less-than-significant impact related to water quality control plans or sustainable groundwater management plans.

3.11 LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

SETTING

The project site is comprised of two parcels located within a developed commercial and industrial area of the City of San José. The project site is designated Heavy Industrial in the City's General Plan. One parcel is zoned Heavy Industrial Planned Development HI(PD) and one parcel is zoned HI. The parcel zoned HI(PD) was initially HI, however, was rezoned to HI(PD) in 2008 so that the two billboards currently on site could be placed there (City of San José 2008a). The project applicant would apply for a Planned Development Permit as part of the project approvals.

The project site is bounded by heavy industrial uses to the east and south, I-880 to the west, and combined industrial/commercial uses to the north. From 1963 to the present, the site has operated as a specialty truck parts retailer. Historically, the site was used as agricultural land from circa the late 1930s to early 1950s.

Regulatory Framework

Local

Envision San José 2040 General Plan

The project site is designated Heavy Industrial and zoned HI and HI(PD) in the Envision San José 2040 General Plan. The following is a summary of the HI and PD land use designations:

Heavy Industrial Land Use Designation

- Density: FAR up to 1.5 (one to three stories)
- 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. Extractive and primary processing industries are typical of this category.
- The Heavy Industrial designation is also the appropriate category for solid waste transfer and processing stations, if those sites meet other Envision General Plan policies.
- Limited scale retail sales and service establishments serving nearby businesses and their employees may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy Industrial land from being used to its fullest extent and are not of a scale or design that depend on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial users on the property and integrated within an industrial building.

Goals and policies pertaining to HI land use and development have been incorporated by the City and are outlined below where they pertain to the project.

- Goal LU-6: Industrial Preservation. Preserve and protect industrial uses to sustain and develop the city's economy and fiscal sustainability.
    - Policy LU-6.1: Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses. Within the Five Wounds BART Station and 24th Street Neighborhood Urban Village areas, phased land use changes, tied to the completion of the planned BART station, may include the conversion of lands designated for Light Industrial, Heavy Industrial or other employment uses to non-employment use provided that the

Urban Village areas maintain capacity for the overall total number of existing and planned jobs.

- Policy LU-6.4: Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns. Use available public financing to provide necessary infrastructure improvements as one means of encouraging this economic development and revitalization.
- Policy LU-6.5: Maintain and create Light Industrial and Heavy Industrial designated sites that are at least one acre in size in order to facilitate viable industrial uses.
- Policy LU-6.6: Monitor the absorption and availability of industrial land, particularly land identified for light and heavy industrial uses, to ensure a balanced supply of available land for all sectors, including industrial suppliers and services.

DISCUSSION

a) Would the project physically divide an established community? (No Impact)

The project site is an existing industrial site that is currently developed and surrounded primarily by other industrial uses. The project would involve reuse of the existing industrial site. The project would not include the construction of barriers such as roadways or other dividing features that would physically divide an established community. Therefore, no related impact would occur.

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (Less than Significant)

The project site's General Plan land use designation is Heavy Industrial with zoning designations of Heavy Industrial and Heavy Industrial (Planned Development). These designations are 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. Extractive and primary processing industries are typical of this category. 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, with a height limit of 50 feet (1 to 3 stories). Limited-scale retail sales and service establishments may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy Industrial land from being used to its fullest extent and are not of a scale or design that depend on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial users on the property and integrated within an industrial building.

The project would involve redevelopment of the site with a new warehouse building and would retain the existing industrial use of the site. Office uses would be ancillary to the warehouse use and integrated within the building with 5,000 square feet on the ground floor and 5,000 square feet on the mezzanine level. As such, the project would be consistent with the stated intent for the Heavy Industrial land use designation in the General Plan and Zoning Ordinance. Additionally, one of the two parcels was rezoned from HI to HI(PD) in 2008 to accommodate the two billboards currently on site. The project would not relocate the existing billboards and, as such, would be consistent with the HI(PD) zoning designation with a PD permit approval. Therefore, the proposed project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be less than significant.

3.12 MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

SETTING

The California Geological Survey is responsible for classifying land into Mineral Resource Zones under the Surface Mining Control and Reclamation Act (SMARA) based on the known or inferred mineral resource potential of that land. As described in the General Plan EIR, under the 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 construction aggregate materials (City of San José 2011a). The project site is not located within the Communications Hill area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation.

Regulatory Framework

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* establishes sustainability goals for the City through 2040. The Environmental Resources subsection discusses the goals, policies, and actions related to mineral resources. Those included below are applicable to the project.

- Goal ER-11: Extractive Resources. Conserve and make prudent use of commercially usable extractive resources.
    - Policy ER-11.1: When urban development is proposed on lands which have been identified as containing commercially usable extractive resources, consider the value of those resources.
    - Policy ER-11.2: Encourage the conservation and development of SMARA-designated mineral deposits wherever economically feasible.
    - Policy ER-11.3: When making land use decisions involving areas which have a SMARA designation of regional significance, balance mineral values against alternative land uses and consider the importance of these minerals to their market region as a whole and not just their importance to San José.
    - Policy ER-11.4: Carefully regulate the quarrying of commercially usable resources, including sand and gravel, to mitigate potential environmental effects such as dust, noise and erosion.
    - Policy ER-11.5: When approving quarrying operations, require the preparation and implementation of reclamation plans for the contouring and revegetation of sites after quarrying activities cease.

DISCUSSION

a) Would the project 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? (No Impact)

and

b) Would the project 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? (No Impact)

The project site is developed with an existing specialty truck parts retailer and is surrounded by existing industrial development in San José. The project site is located outside the Communications Hill area—the only area in San José containing mineral

deposits subject to SMARA; therefore, the project would have no impact on the loss of availability of a known mineral resource.

3.13 NOISE

Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive ground borne vibration or ground borne noise levels?	☐	☒	☐	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

SETTING

This section is based on a Noise and Vibration Assessment prepared for the project by Illingworth & Rodkin, Inc. (see Appendix G).

Fundamentals of Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its *pitch* or its *loudness*. *Pitch* is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. A *decibel (dB)* is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and

its intensity. Each 10-decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities.

There are several methods of characterizing sound. The most common in California is the *A-weighted sound level (dBA).* This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This *energy-equivalent sound/noise descriptor* is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration. L_{max} is the highest root mean squared (RMS) sound pressure level within the measurement period; L_{min} is the lowest RMS sound pressure level within the measurement period.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about ±1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about ±1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night—because excessive noise interferes with the ability to sleep—24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level* (*CNEL*) is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm to 10:00 pm) and a 10 dB addition to nocturnal (10:00 pm to 7:00 am) noise levels. The *Day/Night Average Sound Level* (L_{dn} or *DNL*) is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period. Noise levels described by DNL and CNEL usually do not differ by more than 1 dB and are used interchangeably in practice.

Fundamentals of Groundborne Vibration

Vibration is a unique form of noise because its energy is carried through buildings, structures, and the ground, whereas sound is simply carried through the air. Thus, vibration is generally felt rather than heard. Some vibration effects can be caused by noise (e.g., the rattling of windows from passing trucks). This phenomenon is caused by the coupling of the acoustic energy at frequencies that are close to the resonant frequency of the material being vibrated. Groundborne vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One method is the Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. In this report, a PPV descriptor with units of millimeters per second (mm/sec) or inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest

construction-related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to cause damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Structural damage can be classified as cosmetic only, such as paint flaking or minimal extension of cracks in building surfaces; minor, including limited surface cracking; or major, that may threaten the structural integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher. Construction-induced vibration that can be detrimental to buildings is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

Existing Noise Environment

The existing noise environment at the project site results primarily from vehicular traffic on I-880. Traffic along other local roadways, industrial operations, train pass-bys along the nearby tracks, and aircraft associated with Mineta San José International Airport operations also affect the noise environment at the site.

The land uses adjacent to the project site include industrial buildings and industrial yards. Opposite I-880 to the west of the site are industrial and commercial land uses. The nearest noise-sensitive land use to the project site is the San José Conservation Corps and Charter School and Challenger School – Berryessa buildings located approximately 800 feet to the east of the project site. Additionally, the nearest residential land uses are located over 1,800 feet to the east and over 2,000 feet to the northeast.

A noise monitoring survey was performed in the project vicinity near sensitive receptors beginning on Wednesday, January 2, 2019 and concluding on Friday, January 4, 2019. The monitoring survey included two long-term (LT-1 and LT-2) noise measurements and one short-term (ST-1) noise measurement. Additionally, two short-term noise measurements (ST-2 and ST-3) were made at the adjacent land uses near the perimeter of the project site on Thursday, June 27, 2019. These measurements were used to establish existing ambient noise levels near the site property line. All measurement locations are shown in Figure 10.

Long-term noise measurement LT-1 was made approximately 35 feet south of the centerline of Berger Drive, near the existing schools. Hourly average noise levels typically ranged from 57 to 65 dBA L_{eq} during daytime hours and from 51 to 63 dBA L_{eq} during nighttime hours. At 7:00 a.m. on Thursday, January 3, 2019, there was an unusually high hourly average noise level of 72 dBA L_{eq}, which may have been due to a street cleaner, garbage truck, a vehicle parked on the street

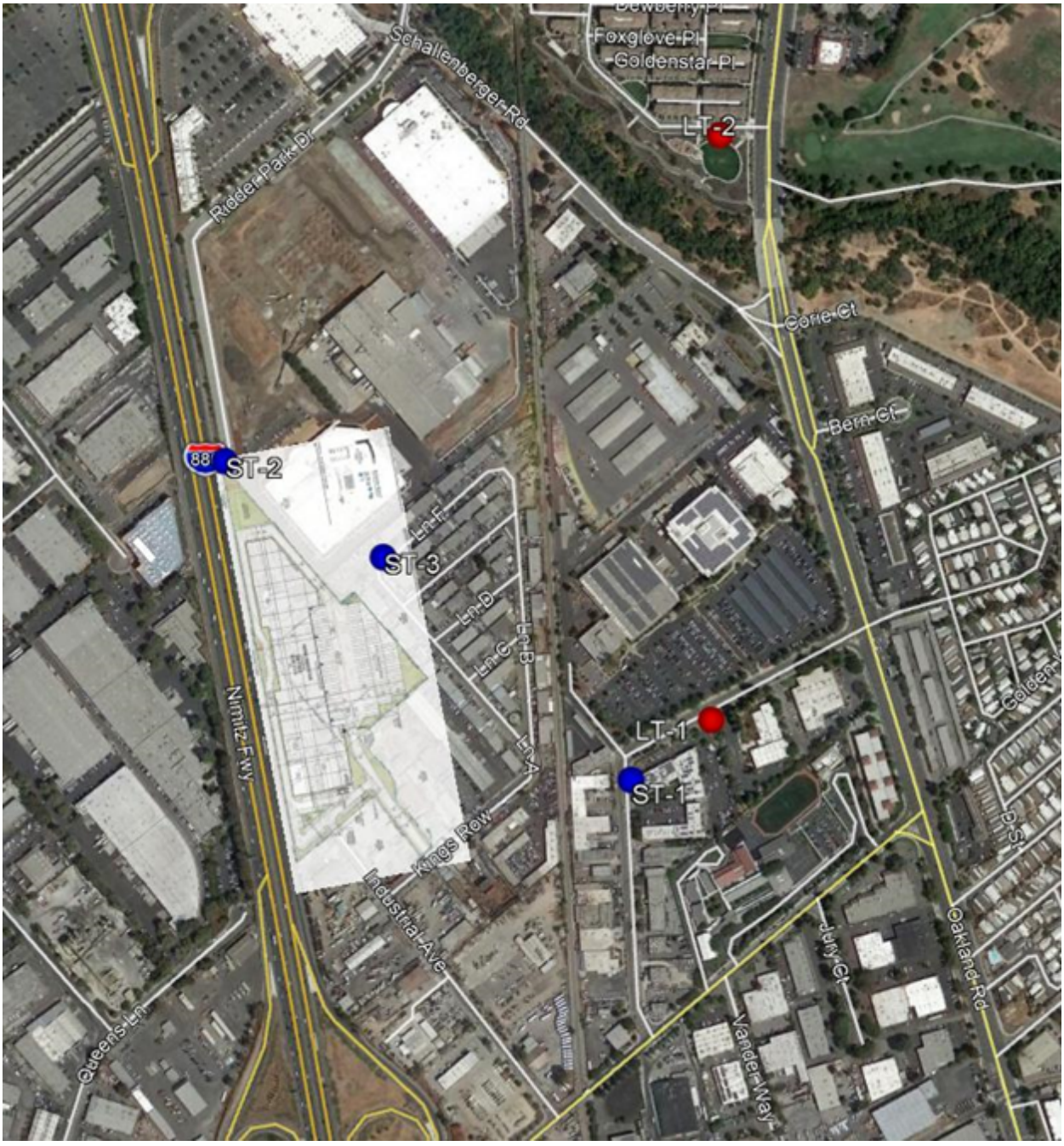
near the sound level meter, landscaping, etc. However, this hourly average noise level was not typical for this monitoring location, based on the other typical morning noise levels. The day-night average noise level at LT-1 was 66 dBA DNL.

Noise measurement LT-2 was made near the existing residences over 2,000 feet northeast of the project site approximately 30 feet south of the centerline of Pear Orchard Drive and approximately 170 feet west of the centerline of Oakland Road. Hourly average noise levels at this location typically ranged from 61 to 67 dBA L_{eq} during the day and from 55 to 65 dBA L_{eq} at night. Between 8:00 a.m. and 10:30 a.m. on Friday, January 4, 2019, the noise environment was higher than typically observed throughout the previous days of monitoring. This could be due to landscaping activities at the park in the vicinity of the sound level meter or starting vehicles parked near the meter. The day-night average noise level was 68 dBA DNL at LT-2.

Noise measurement ST-1 was made near LT-1 at the property line of the charter school. ST-1 was made approximately 30 feet east of the centerline of Berger Drive. ST-1 was made over a 10-minute period between 10:50 a.m. and 11:00 a.m., concurrent with the long-term noise data, on Friday, January 4, 2019. Noise sources attributing to the 10-minute average at ST-1 included a train whistle at the nearby track (noise levels of 53 dBA), tree trimming truck (noise levels of 68 to 70 dBA), airplane flyover (noise levels of 71 dBA), heavy truck pass-bys (noise levels of 68 to 78 dBA), and passenger vehicle pass-bys (noise levels of 62 to 64 dBA). The 10-minute average noise level measured at ST-1 was 61 dBA $L_{eq(10\text{-}min)}$.

Noise measurements ST-2 and ST-3 were made between 2:10 and 2:30 p.m. on Thursday, June 27, 2019. ST-2 was made along the northern boundary of the project site, near the existing commercial office building to the north of the site. ST-2 was made approximately 50 feet from the centerline of the nearest through lane along northbound I-880, which was the dominant noise source at this receptor. Heavy trucks along I-880 generated noise levels ranging from 73 to 78 dBA, while passenger cars generated noise levels of 70 to 71 dBA. A motorcycle was observed to generate noise levels of 73 dBA during this 10-minute measurement. The 10-minute average noise level measured at ST-2 was 72 dBA $L_{eq(10\text{-}min)}$. ST-3 was made along Lane F to the east of the project site. This measurement was approximately 65 feet from the center of the Lane A/Lane F intersection and approximately 170 feet from the nearest project boundary. In addition to nearby I-880 (noise levels of 53 to 56 dBA) and vehicles passing along Lane F (noise levels of 63 to 65 dBA), the surrounding industrial land uses contributed to noise levels measured at this site. Various industrial activities, including hammering, drilling, idling, moving car/parts around, nearby people speaking, etc., dominated this measurement. Noise levels from these industrial sources ranged from 55 to 65 dBA. A train pass-by along the nearby tracks were also observed at ST-3, generating noise levels ranging from 70 to 73 dBA. A small plane overhead generated noise levels of 61 to 62 dBA. The 10-minute average noise level measured at ST-3 was 57 dBA $L_{eq(10\text{-}min)}$.

The General Plan Update EIR reports that noise levels at a distance of 75 feet from the nearest through lane of I-880 along this segment of the roadway range from 81 dBA DNL (2008) to 82 dBA DNL (2035). Based on the ST-2 measurement, the day-night average noise levels from the General Plan Update EIR would accurately reflect the existing noise environment at the site and surrounding land uses.



SOURCE: Illingworth & Rodkin, Inc. 2019

DUDEK

0 1,000 2,000 Feet

FIGURE 10

Noise Measurement Locations

1605 Industrial Avenue Redevelopment Project

Regulatory Framework

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* establishes interior and exterior noise standards and thresholds under CEQA for different land uses within the City as well as vibration thresholds during demolition and construction activities. The following goals and policies are applicable to the project:

- Goal EC-1: Community Noise Levels and Land Use Compatibility. Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.
    - Policy EC-1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:
        - Interior Noise Levels: The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.
        - Exterior Noise Levels: The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:
            - For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the

60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

- For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

- Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
  - Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
  - Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
- Policy EC-1.6: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
- Policy EC-1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:
  - Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

    For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
- Policy EC-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.
- Policy EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic

structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

City of San José Municipal Code

The City's noise environment for development review is regulated by the Zoning Ordinance (Title 20 of the Municipal Code). Table 20-135 of the Zoning Ordinance outlines the maximum sound pressure level thresholds as measured at the receiving property lines. For all adjacent properties used or zoned for industrial purposes, noise levels generated at the project site shall not exceed 70 dBA DNL at the shared property lines. For adjacent properties used or zoned for commercial purposes, noise levels generated at the project site shall not exceed 60 dBA DNL at the shared property line. For all residential land uses, noise levels generated at the project site shall not exceed 55 dBA DNL at the shared property lines. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

DISCUSSION

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Less than Significant)

Construction Noise

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the

construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Policy EC-1.7 of the City's General Plan requires that all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use unless permission is granted with a development permit or other planning approval by the City. Further, 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.

Noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code; however, the noise level threshold for speech interference indoors is 45 dBA. Assuming a 15-dBA exterior-to-interior reduction for standard residential construction and a 25-dBA exterior-to-interior reduction for standard commercial construction, this would correlate to an exterior threshold of 60 dBA L_{eq} at residential land uses and 70 dBA L_{eq} at commercial land uses. Additionally, temporary construction noise would be annoying to surrounding land uses if the ambient noise environment increased by at least 5 dBA L_{eq} for an extended period of time. Therefore, the temporary construction noise impact would be considered significant if project construction activities exceeded 60 dBA L_{eq} at nearby residences or exceeded 70 dBA L_{eq} at nearby commercial land uses and exceeded the ambient noise environment by 5 dBA L_{eq} or more for a period longer than one year.

While the nearest noise-sensitive receptors would be 800 feet or more from the project site, it is assumed that construction of the proposed project would be limited to the daytime allowable hours established by the City since the nearest office buildings would be within 200 feet of the project site. Noise levels measured at LT-1 would represent the ambient noise environment at the schools. These daytime noise levels ranged from 57 to 65 dBA L_{eq}. The daytime noise levels measured at LT-2 would represent the ambient noise environment at the nearest residential land uses located east of Oakland Road to the east of the project site and located to the west of Oakland Road to the northeast of the project site. These noise levels ranged from 61 to 67 dBA L_{eq} during daytime hours. While the ambient noise levels were not measured at the commercial office buildings located to the west of the project site, hourly average noise levels typically range between 70 and 75 dBA L_{eq} during daytime hours at locations along I-880.

Construction activities generate considerable amounts of noise, especially during earth-moving activities and during the construction of the building's foundation when heavy equipment is used. The typical range of maximum instantaneous noise levels would be 78 to 90 dBA L_{max} at a distance of 50 feet. Typical hourly average construction-generated noise levels for industrial warehouse buildings are about 71 to 89 dBA L_{eq} measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth

moving equipment, impact tools, etc.). According to the City's General Plan, the project would be considered to have a significant impact if generates substantial noise continuing for more than 12 months within 500 feet of a residence or 200 feet of commercial or office use, or does not use best available suppression devices and techniques. Construction of the project would last for approximately 10 months.

A detailed list of equipment expected to be used for the proposed project construction and phasing information was provided, and this information is summarized in Table 9, along with the estimated hourly average noise levels expected at the nearest noise-sensitive land uses, as well as the commercial office buildings located opposite I-880 from the project site. The type and quantity of equipment expected for each phase of construction were assumed to be operating simultaneously for the construction noise calculations. This would represent the worst-case scenario at all of the nearest receptors. For each receptor, the construction noise levels were estimated from the center of the proposed warehouse building to nearest property line of the receptor. The estimated noise levels summarized in Table 9 do not assume reductions due to intervening buildings or other existing shielding features, such as sound walls.

TABLE 9
ESTIMATED CONSTRUCTION NOISE LEVELS AT NEARBY LAND USES

Phase	Time Duration	Construction Equipment (Quantity)	Calculated Hourly Average L_{eq}, dBA			
			School – East (1,175ft)	Res. – Northeast (2,370ft)	Comm. – North (360ft)	Comm. – West (390ft)
Demolition	5/1/2019-6/15/2019	Concrete/Industrial Saw (1) Excavator (2) Rubber-Tired Dozer (2) Tractor/Loader/Backhoe (2) Semi-Truck (5) Water Truck (2) Crusher (1)	62	56	72	72
Site Preparation	6/15/2019-7/15/2019	Grader (1) Rubber-Tired Dozer (1) Tractor/Loader/Backhoe (1) Water Truck (1)	58	52	68	67
Grading/ Excavation	6/15/2019-7/15/2019	Grader (1) Rubber-Tired Dozer (1) Tractor/Loader/Backhoe (1) Water Truck (2) Scraper (4)	61-63[a]	55-57[a]	71-73[a]	71-72[a]

TABLE 9
ESTIMATED CONSTRUCTION NOISE LEVELS AT NEARBY LAND USES

Phase	Time Duration	Construction Equipment (Quantity)	Calculated Hourly Average L_{eq}, dBA			
			School – East (1,175ft)	Res. – Northeast (2,370ft)	Comm. – North (360ft)	Comm. – West (390ft)
Trenching	7/15/2019-12/15/2019	Tractor/Loader/Backhoe (4) Excavator (2) Rolling Compactor (2) Laser Screed (1) Concrete/Industrial Saw (5) Concrete Truck (20) Finish Machine (5) Concrete Pump (5) Concrete Truck (10) Water Truck (2)	68	62	78	77
Building-Exterior	9/1/2019-1/1/2020	Crane (2) Forklift (7) Generator Set (5) Welder (3) Concrete Truck (10) Paint Rig (3) Water Truck (1)	64-69[b]	57-63[b]	74-79[b]	73-79[b]
Building-Interior/ Architectural Coating	9/1/2019-2/1/2020	Air Compressor (3) Aerial Lift (10)	54-69[c]	48-63[c]	64-79[c]	63-79[c]
Paving	1/1/2020-3/1/2020	Cement and Mortar Mixer (5) Paver (1) Paving Equipment (1) Roller (3) Blade/Grader (1) Water Truck (1) Tractor/Loader/Backhoe (2) Small Hand Compactor (2)	62-63[d]	56[d]	72-73[d]	72[d]

Notes:

a. The range of levels for the grading phase reflects the grading equipment only and the overlapping period with the site preparation phase.
b. The range of levels for the building-exterior phase reflects the building-exterior equipment only and the overlapping period with the trenching phase.
c. The range of levels for the building-interior phase reflects the building-interior equipment only and the overlapping period with the grading and building-exterior phases.
d. The range of levels for the paving phase reflects the paving equipment only and the overlapping period with the building-interior phase.

As shown in Table 9, noise levels would at times exceed 60 dBA L_{eq} at residential land uses and the school during typical construction phases and would at times exceed 70 dBA L_{eq} at commercial land uses. Further, ambient noise levels at the surrounding uses would potentially be exceeded by 5 dBA L_{eq} or more at various times throughout construction.

However, the proposed duration of construction activities is less than one year, and the temporary noise impact due to project construction would be minimized with the incorporation of the standard permit conditions, below, and considered less-than-significant in accordance with Policy EC-1.7 of the City's General Plan.

Standard Permit Conditions

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- For project sites adjacent to noise-sensitive land uses, such as residences, construct solid plywood fences around the construction site.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

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

Operational Noise

Project-Generated Traffic Noise

According to Policy EC-1.2 of the City's General Plan, a significant permanent noise increase would occur if the project would increase noise levels at noise-sensitive receptors by 3 dBA DNL or more where ambient noise levels exceed the "normally acceptable" noise level standard. Where ambient noise levels are at or below the "normally acceptable" noise level standard, noise level increases of 5 dBA DNL or more would be considered significant. The City's General Plan defines the "normally acceptable" outdoor noise level standard for the residential land uses to be 60 dBA DNL. Existing ambient noise levels at the nearest noise-sensitive receptors range from 57 to 67 dBA and therefore exceed the "normally acceptable" outdoor noise level standard of 60 dBA DNL. Therefore, a significant impact would occur if project-generated traffic would permanently increase ambient levels by 3 dBA DNL. For reference, a 3 dBA DNL noise increase would be expected if the project would double existing traffic volumes along a roadway.

For the proposed project, peak hour turning movements were provided for five different intersections in the project vicinity. Project trips were added to the existing volumes to calculate the Existing Plus Project scenario, and the Existing Plus Project traffic volumes were compared to Existing volumes to determine the project's contribution to the permanent noise level increase. Upon comparison of these traffic conditions, a traffic noise increase of less than 1 dBA was estimated for each roadway segment included in the traffic study. The project would neither result in a doubling of traffic nor result in a permanent noise increase of 3 dBA DNL or more. Therefore, permanent noise increases would be less than significant.

In addition to the applicable General Plan Policy Thresholds, the project has also been reviewed according to Noise Standards within the Municipal Code. Under the City's Noise Element, noise levels from proposed project operations shall not exceed a noise level of 55 dBA DNL at receiving noise-sensitive land uses. The City uses General Plan thresholds as the basis for determining significant noise impacts under CEQA. Therefore, a significant impact would occur if operational noise generated by the proposed project would exceed 55 dBA DNL at the property line of nearest residences or the nearby school.

Additionally, Table 20-135 in Section 20.50.300 of the City's Zoning Code establishes maximum sound pressure level thresholds as measured at the receiving property lines. For all adjacent properties used or zoned for industrial purposes, noise levels generated at the project site shall not exceed 70 dBA at the shared property lines. For adjacent properties used or zoned for commercial purposes, noise levels generated at the project site shall not exceed 60 dBA at the shared property line. For all residential land uses, noise levels generated at the project site shall not exceed 55 dBA at the shared property lines. While exceeding these zoning code noise standards would not be considered a significant impact under CEQA, the exposure of the surrounding land uses to operational noise levels generated by the proposed project are also discussed here in comparison to these zoning code standards for informational purposes only.

Mechanical Equipment Noise

The proposed project would include mechanical equipment, such as heating, ventilation, air conditioning systems, exhaust fans, etc. However, detailed information pertaining to the number and types of units, size, potential housing or screen specifications, source noise levels, and precise locations on or surrounding the building were not available for the proposed project.

For buildings the size of the proposed warehouse, such equipment would typically generate noise levels ranging from 61 to 62 dBA at a distance of 20 feet. Assuming worst-case conditions for the proposed project, the mechanical equipment would be located on the ground-level facing the nearest noise-sensitive receptors, which would be the schools. The distance from the proposed building façade to the property line of the schools would be approximately 1,035 feet. At this distance, the mechanical equipment would range from 27 to 28 dBA, assuming no shielding from intervening buildings. Assuming the equipment operates continuously during daytime and nighttime hours, the day-night average noise level at the property line of the schools would be below 55 dBA DNL and would conform with General Plan Policy EC-1.3. Considering the nearest residential land uses would be farther from the proposed industrial building, the maximum noise level standard and day-night average noise level at the property line of the nearest residences would be below 55 dBA DNL and would comply with applicable General Plan Policies as well as the Zoning Code. This would be a less-than-significant impact.

The property line of the adjacent commercial building would be approximately 35 feet from the nearest building façade where mechanical equipment could be located. Additionally, a 5- to 6-foot fence is located along the boundary of the commercial property facing the proposed building façade which would include the nearest possible equipment. This fence would provide partial shielding for the mechanical equipment. At 35 feet, noise generated at the project site would typically range from 56 to 57 dBA at the commercial property line. Assuming the equipment operates continuously during daytime and nighttime hours, the day-night average noise level at the property line of the schools would be below 60 dBA DNL, assuming partial shielding from the boundary fence. Mechanical equipment at the project site would potentially be 50 to 225 feet from the property lines of the existing industrial sites located adjacent to the project site to the

east and to the south. At these distances and assuming no shielding effects, mechanical equipment noise would be below the 70 dBA DNL threshold for industrial uses and would conform with General Plan Policy EC-1.6 and Municipal Code noise standards. This would be a less-than-significant impact.

Truck Loading and Parking Activities

The site plan indicates loading zones on the eastern façade of the proposed building. According to the project description available at the time of this study, the proposed project would include a total of 32 loading dock doors.[4] While delivery times and frequency of these events were not provided at the time of this study, it is assumed that these activities, including maintenance activities would occur during daytime hours (between 7:00 a.m. and 10:00 p.m.).

Trucks maneuvering at loading docks would generate a combination of engine, exhaust, and tire noise, as well as the intermittent sounds of back-up alarms and releases of compressed air associated with truck/trailer air-brakes. Heavy trucks used for incoming deliveries typically generate noise levels of 70 to 75 dBA at a distance of 50 feet. The noise level of backup alarms can vary depending on the type and directivity of the sound, but maximum noise levels are typically in the range of 65 to 75 dBA at a distance of 50 feet. Similar noise levels would be expected at the common industrial property line as a result of adjacent industrial operations. The distance from the nearest loading zone to property line of the nearest noise-sensitive land use, which would be the schools, would be approximately 1,095 feet. At this distance, typical noise levels for heavy trucks would range from 43 to 48 dBA at this distance, with backup alarms ranging from 38 to 48 dBA at this distance.

Considering the number of loading docks included at the proposed building, worst-case conditions would include constant deliveries such that the hourly average noise levels for each hour between 7:00 a.m. and 10:00 p.m. would range from 43 to 48 dBA at the school property line. Under this assumption, the day-night average noise level at the nearest noise-sensitive land uses, assuming no shielding effects from intervening buildings, would be 46 dBA DNL. This would be below the City's 55 dBA DNL threshold for sensitive land uses.

Further, when the day-night average noise level from the mechanical equipment is combined with the truck deliveries, the total day-night average noise level would be 46 dBA DNL, which would be below 55 dBA DNL. This would be a less-than-significant impact.

The property line of the nearest adjacent industrial site to the east would be approximately 80 feet from the nearest loading dock, and at this distance, typical maximum instantaneous noise levels for heavy trucks would range from 66 to 71 dBA,

[4] This is based on a previous site plan, which was since revised to reduce the number of loading dock doors to 28. Thus, this analysis is conservative in that it slightly overestimates noise from loading activities.

with backup alarms ranging from 61 to 71 dBA. No shielding effects were applied to the adjacent industrial properties. Assuming constant truck deliveries, the industrial property adjacent to the eastern boundary of the project site would be exposed to operational noise levels up to 69 dBA DNL at the shared property line, with and without mechanical equipment noise. This would be below the City's 70 dBA standards for adjacent industrial land uses and would be a less-than-significant impact.

The nearest loading dock would be approximately 115 feet from the property line shared with the commercial use to the north, with partial shielding due to the proposed building façade. At this distance, typical maximum instantaneous noise levels for heavy trucks would range from 58 to 63 dBA assuming 5 dB reduction from the building, with backup alarms ranging from 53 to 63 dBA assuming 5 dB reduction. Assuming constant deliveries throughout each hour between 7:00 a.m. and 10:00 p.m., the commercial property would be exposed to noise levels up to 66 dBA DNL at the shared property line, with and without noise from mechanical equipment. This would potentially exceed the City's 60 dBA standard within the Zoning Code. However, as described further below, however, noise levels from these loading and unloading activities would not exceed the ambient noise environment at the adjacent industrial and commercial land uses.

As stated above in the Setting section, the day-night average noise levels included in the Envision San José 2040 General Plan Update EIR would represent the existing noise environment at the site and surrounding land uses. At a distance of 75 feet from the nearest through lane of I-880 along this segment of the roadway, noise levels would range from 81 dBA DNL (2008) to 82 dBA DNL (2035). The nearest property line of the commercial property and of the industrial property to the east of the site would be approximately 300 and 325 feet, respectively, from the nearest through lane along I-880. At these distances, ambient noise levels would range from 71 to 73 dBA DNL. This would exceed the day-night average noise levels estimated for operations generated at the project site. Further, ST-2 and ST-3, which would represent the ambient noise environment at the adjacent commercial and industrial land uses, resulted in maximum instantaneous noise levels ranging from 75 to 85 dBA L_{max}.

Additionally, existing activities at the project site and the surrounding industrial properties currently contribute to the ambient noise environment. Future activities expected at the proposed project site would generate similar noise levels to the existing industrial uses. Therefore, the project would not be expected to result in a measurable increase in day-night average noise levels and would not be expected to exceed applicable General Plan Policy thresholds or Zoning Code noise standards. This would be a less-than-significant impact.

As demonstrated above, the project would not generate temporary or permanent noise in excess of City standards and the impact would be less than significant. See Section 3.21, Mandatory Findings of Significance, for a discussion of the project's incremental contribution to cumulative noise.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels? (Less than Significant with Mitigation Incorporated)

The construction of the project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities would include site preparation work, foundation work, and new building framing and finishing. According to the list of construction equipment provided for the proposed project, pile driving, which can cause excessive vibration, is not expected for the proposed project.

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

Table 10 presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used.

TABLE 10
VIBRATION SOURCE LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment		PPV at 25 ft. (in/sec)	PPV at 65 ft. (in/sec) at Nearest Com. Bldg.	PPV at 800 ft. (in/sec) at Nearest School Bldg.
Clam shovel drop		0.202	0.071	0.004
Hydromill (slurry wall)	in soil	0.008	0.003	0.000
	in rock	0.017	0.006	0.000
Vibratory Roller		0.210	0.073	0.005
Hoe Ram		0.089	0.031	0.002
Large bulldozer		0.089	0.031	0.002
Caisson drilling		0.089	0.031	0.002
Loaded trucks		0.076	0.027	0.002
Jackhammer		0.035	0.012	0.001
Small bulldozer		0.003	0.001	0.000

Source: Illingworth & Rodkin, Inc., 2019.

The nearest commercial building would be over 65 feet from the project site's boundary, and at this distance, vibration levels could reach 0.07 in/sec PPV. The nearest school is

located over 800 feet away, and at this distance, vibration levels would be less than 0.01 in/sec PPV. This would be considered a less-than-significant impact because vibration levels at sensitive buildings would not exceed 0.20 in/sec PPV as designated in General Plan Policy EC-2.3.

The buildings immediately adjoining the project site are industrial land uses, which are not normally sensitive to low levels of groundborne vibration produced by construction activities. According to the Caltrans *Transportation and Construction Vibration Guidance Manual* (Caltrans 2013), the threshold where there is a risk of damage to modern commercial/industrial structures is 0.5 in/sec PPV. While the estimated construction vibration levels for impacts to the adjacent industrial buildings would not exceed the Caltrans threshold of 0.5 in/sec PPV, estimated vibration levels could exceed General Plan Policy EC-2.3's threshold for buildings of conventional construction, which is 0.20 in/sec PPV. The project would implement the following measure to avoid impacts related to construction vibration.

> **Mitigation Measure NOI-1**: The project applicant shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration-generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not to be limited to, the following measures:
>
> - The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.
> - A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort required for continuous vibration monitoring. Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 25 feet of any adjacent building.
> - Identification of the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 50 feet of construction activities identified as sources of high vibration levels.
> - Preconstruction condition surveys of the structures within 50 feet of construction activities identified as source of high vibration levels shall be completed with the agreement of the property owner.

- Surveys shall be performed prior to any construction activity, in regular interval during construction and after project completion.
- At a minimum, vibration monitoring should be conducted during demolition and excavation activities.
- If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.
- Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

The construction vibration plan shall be submitted to the Director of Planning, Building, and Code Enforcement or Director's designee prior to the issuance of any demolition permits and grading permits. The associated monitoring reports shall be submitted after substantial completion of each phase identified in the project schedule to the Director or Director's designee. An explanation of all events that exceeded vibration limits shall be included together with proper documentation of any exceedance event.

With the incorporation of Mitigation Measure NOI-1, the project would result in a less-than-significant construction vibration impact.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Less than Significant)

Mineta San José International Airport is a public-use airport located approximately 1.25 miles west of the project site. The Santa Clara County Airport Land Use Commission considers industrial land uses generally acceptable in noise environments of 70 dBA CNEL or less (Santa Clara County Airport Land Use Commission 2016). The project site lies outside the 60 dBA CNEL airport noise contour (Santa Clara County Airport Land Use Commission 2016). Therefore, aircraft noise would be compatible with the proposed project, and the impact would be less than significant.

3.14 POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

SETTING

According to the California Department of Finance (DOF) population and housing estimates, the population of San José was 1,051,316 as of January 1, 2018, with 335,164 housing units. The City's population is projected to reach 1,216,000 with 401,000 housing units by the year 2025 (CCSCE 2008). Based on the City's General Plan and ABAG projections, the projected population in 2040 would be 1.3 million persons occupying 430,000 households (City of San José 2011b).

Regulatory Framework

Local

Envision San José 2040 General Plan

Chapter 4, Quality of Life, in the City's General Plan addresses how quality of life will be advanced as the City promotes economic development and continues to grow a safe, diverse, and thriving community with employment opportunities, well maintained infrastructure, urban services, and cultural and entertainment options (City of San José 2011b). The project site is not within the immediate vicinity of any residential land uses and does not entail a residential component.

DISCUSSION

a) Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Less than Significant)

The proposed project does not include any residential land uses or extension of roads or other infrastructure. The project would not construct any permanent residences. The

project consists of construction of an 180,150-GSF industrial building including 10,000 square feet of office space and 170,150 square feet of warehouse space, which would generate approximately 33 net new employees (75 anticipated employees minus 42 existing employees). All new employment positions would be anticipated to be filled by the local labor force, and a substantial number of people would not be expected to have to relocate into the project area. This use would not result in substantial population growth. Therefore, the project would have a less-than-significant impact on population growth.

b) Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (No Impact)

No residential land uses are located on the project site. The project proposes to replace an existing industrial facility with a new industrial facility and would not displace existing housing or people, necessitating the construction of replacement housing. Therefore, the project would not displace housing or people, and no related impact would occur.

3.15 PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) 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 physical 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:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

SETTING

Fire protection services are provided to the project site by the San José Fire Department (SJFD), which serves a total area of 203 square miles. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. The SJFD currently has 35 fire stations through the City. The closest fire station to the project site is Station 5, located at 1380 North 10th Street, approximately 0.4 miles south of the project site.

Police protection services are provided to the project site by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street, approximately 1.5 miles southwest of the project site.

The project site is located within the Orchard Elementary School District, which has one elementary school, and the East Side Union High School District, which has 13 high schools. The closest schools to the project site are the San José Conservation Corps daycare and the Challenger School and Preschool approximately 800 feet southeast of the project site.

The City manages over 3,400 acres of parkland to serve its residents. The nearest parks to the project site are Townsend Park, at Townsend Avenue and Townsend Circle, to the northeast and Luna Park, at 702 Berryessa Road, to the southeast; both are about 0.9 miles from the project site.

Regulatory Framework

Local

Envision San José 2040 General Plan

The Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes Goals, Policies and Implementation Actions for various public services, including Education, Libraries, Health Care, Public Safety (Police and Fire), and Code Enforcement. In addition, the Parks, Open Space, and Recreation Subsection, within the same chapter, provides the Goals, Policies, and Actions related to parks, open space, and recreational facilities. The following is a summary of the applicable Goals and Policies related to education, libraries, police and fire protection, and parks.

Education

- Goal ES-1: Education. Promote the operation of high-quality educational facilities throughout San José as a vital element to advance the City's Vision and goals for community building, economic development, social equity, and environmental leadership.
    - Policy ES-1.1: Facilitate open communication between the City, public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public school students.
    - Policy ES-1.2: Encourage school districts, the City, and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably preceding land acquisition.
    - Policy ES-1.5: Cooperate with school districts in identifying and evaluating the impacts of population and demographic changes that may lead to the need for new schools, school closures, re-opening of closed schools, or the decision that existing school sites should be preserved for meeting future needs.
    - Policy ES-1.9: Provide all pertinent information on General Plan amendments, re-zonings and other development proposals to all affected school districts in a timely manner.

Libraries

- Goal ES-2: Libraries. Maintain and expand Library Information Services within the City to:
    - Enrich lives by fostering lifelong learning and providing every member of the San José community access to a vast array of ideas and information
    - Give all members of the community opportunities for educational and personal growth throughout their lives
    - Develop partnerships to further the educational, cultural and community missions of organizations in San José
    - Support San José State University Library's educational mission in expanding the base of knowledge through research and scholarship
    - Locate branch libraries in central commercial areas of neighborhoods for essential public access to library resources, events, and community meeting spaces, and to stimulate economic development
    - Maximize branch library hours of operation to facilitate daily patronage
        - Policy ES-2.2: Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

Law Enforcement and Fire Protection

- Goal ES-3: Law Enforcement and Fire Protection. Provide high-quality law enforcement and fire protection services to the San José community to protect life, property and the environment through fire and crime prevention and response. Utilize land use planning, urban design and site development measures and partnerships with the community and other public agencies to support long-term community health, safety and well-being.
    - Policy ES-3.1: Provide rapid and timely Level of Service (LOS) response time to all emergencies:
        - For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
        - For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
        - Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.

        - Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
        - Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
    - Policy ES-3.2: Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.
    - Policy ES-3.3: Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.
    - Policy ES-3.8: Use the Land Use / Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.
    - Policy ES-3.9: Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
    - Policy ES-3.10: Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
    - Policy ES-3.15: Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.
    - Policy ES-3.17: Promote installation of fire sprinkler systems for both commercial and residential use and in structures where sprinkler systems are not currently required by the City Municipal Code or Uniform Fire Code.
    - Policy ES-3.20: Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.
    - Action ES-3.22: Maintain the City's Fire Department Strategic Plan as a tool to achieve Envision General Plan Level of Service and other related goals and policies. Base fire station location planning on a four-minute travel radius.
    - Action ES-3.23: Engage public safety personnel in the land use entitlement process for new development projects.

Parks

- Goal PR-1: High Quality Facilities and Programs. Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant

natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

- Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
- Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
- Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.
- Policy PR-1.9: As Urban Village areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately or, in limited instances, publicly owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

DISCUSSION

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire and police protection? (No Impact)

The SJFD and SJPD currently support the project site and would continue to provide fire and police protection services to the project site. As the project would not introduce a new use or activity onto the project site associated with increased calls for services (e.g., nursing home, rehabilitation facility), and because the project would not result in substantial population or employment growth within the area (see Section 3.14, Population and Housing), it would not result in increased demand for fire or police protection services on the site. Therefore, the project would not result in the need for new or physically altered fire or police protection facilities and no impact would occur.

Schools? (No Impact)

The project proposes to construct an industrial building and would not include residential development. The project would not result in substantial population or employment growth within the area, and all new employment positions would be anticipated to be filled by the local labor force, and substantial number of people would not be expected to have to relocate into the project area (see Section 3.14, Population and Housing). Thus,

a substantial increase in the number of school-aged children as a result of the project would not occur. Therefore, the project would not generate new students and no impact on school facilities would occur.

Parks? (No Impact)

The proposed project does not include residential development which would generate an increased demand for parks. The project would not be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance, which is not applicable to commercial and industrial land uses. Therefore, no impact on parks would occur.

Other public facilities? (No Impact)

The project would not include residential development which would generate demand for other public facilities, including libraries or community centers, and no related impact would occur.

3.16 RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities?	☐	☐	☐	☒

SETTING

Parklands in the city are managed by the U.S. Department of Fish and Wildlife, Santa Clara County Parks and Recreation, City of San José Department of Parks, Recreation, and Neighborhood Services, and the Santa Clara Valley Open Space Authority. The nearest parks to the project site are Townsend Park, at Townsend Avenue and Townsend Circle, to the northeast and Luna Park, at 702 Berryessa Road, to the southeast; both are about 0.9 miles from the project site. Because the project proposes an industrial use, it is not subject to the City of San José's adopted Parkland Dedication Ordinance and Park Impact Ordinance.

Regulatory Framework

See the "Parks" subsection in Section 3.15 above.

DISCUSSION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (No Impact)

and

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (No Impact)

The project would not include recreational facilities. As the project would replace an existing industrial use with a new industrial use, the project would not generate increased demand for parks or other recreational facilities. No impacts to parks and recreational facilities would result with construction and operation of the project.

3.17 TRANSPORTATION

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☒	☐	☐
c) Substantially increase hazards due to a geometric design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

SETTING

This section is based on a Transportation Analysis (TA) prepared for the project by Hexagon Transportation Consultants, Inc., which is provided in Appendix H. The TA includes a CEQA transportation analysis, using vehicle miles traveled (VMT), as well as a local transportation analysis (LTA) which examined project effects on intersection operations; vehicle queuing; freeway ramps; site access and on-site circulation; bicycle, pedestrian, and transit facilities; and parking. The queuing analysis is provided in Appendix H for informational purposes and is not discussed in this section, as the City of San José has not defined a policy related to queuing. The TA methodology is summarized below; see Appendix H for detailed methodology.

Vehicle Miles Traveled of Existing Land Uses

The existing VMT for employment uses in the project vicinity is 15.19 per employee, which is higher than the current regional average of 14.37 per employee.

Existing Roadway Network

Regional access to the project site is provided by I-880 and US 101. Local access to the project site is provided via Oakland Road, Old Bayshore Highway, Gish Road, Industrial Avenue, and Kings Row. These facilities are described below.

- **I-880** is a north-south freeway that extends through the Bay Area, connecting Oakland to San José. Near the vicinity of the project site, I-880 is eight lanes wide with three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction. I-880 provides site access via a full interchange at Old Bayshore Highway.
- **US 101** is a 10-lane freeway (four mixed-flow lanes and one HOV lane in each direction) in the vicinity of the site. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the site is provided via full interchanges at Oakland Road and I-880.
- **Oakland Road** is a six-lane, north-south arterial street that services the surrounding commercial and residential uses. In the immediate vicinity of the proposed project, Oakland Road contains three mixed-flow lanes in each direction with a center turn lane. Oakland Road transitions from 13th Street at Hedding Street, and extends north to Montague Expressway, where it transitions into Main Street. Oakland Road provides access to the project site via its connection to Gish Road.
- **Old Bayshore Highway** is an east-west arterial street extending from 13th Street and Commercial Street to Zanker Road. East of 13th Street, Old Bayshore Highway transitions to Commercial Street. Old Bayshore Highway is a four-lane roadway. It provides access to the proposed project via Gish Road.
- **Gish Road** is a two-lane roadway that extends westward from Oakland Road and then turns southward to intersect Old Bayshore Highway near I-880. Gish Road provides access to the project site via its intersection with Industrial Avenue.
- **Industrial Avenue** is a two-lane roadway that extends northward from Gish Road to a dead-end where the existing project driveway is located.
- **Kings Row** is a two-lane roadway that extends eastward from Industrial Avenue to an industrial park with no through access. Kings Row would provide direct access to the proposed project via a proposed new site driveway.

Existing Pedestrian and Bicycle Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, sidewalks exist only on the west (southbound) side of Industrial Avenue from Gish Road to Kings Row, while sidewalks exist along both sides of

Industrial Avenue between Kings Row and the project site. Sidewalks are also present along both sides of Gish Road for a distance of about 700 feet west of Oakland Road. Beyond that point, sidewalks continue along the north (westbound) side of Gish to I-880 with a short gap in the sidewalk between Industrial Avenue and the railroad tracks. There are no sidewalks along the segment of Gish Road between I-880 and Old Bayshore Highway or along Old Bayshore Highway in the vicinity of Gish Road. Oakland Road has sidewalks along both sides of the street in the vicinity of the project site except for a short sidewalk gap on the west (southbound) side of the street between the railroad tracks and Charles Street. Marked crosswalks with pedestrian signal heads and push buttons are provided on the south leg and west leg of the Oakland Road and Gish Road intersection.

The overall network of sidewalks and crosswalks in the study area provides limited connectivity. There are gaps in the pedestrian routes between the project site and the nearest bus route on Oakland Road. Furthermore, there are few commercial services (restaurants, banks, shops, etc.), parks or trails within walking distance of the project site.

Class II bikeways are located along several streets within the study area. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are present on the following roadway segments:

- Oakland Avenue, between Gish Road and Commercial Street
- Old Bayshore Highway, between 10th Street and Zanker Road
- Berger Drive, between Oakland Road and Gish Road

In addition, buffered bike lanes with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane are present on the following roadway segment:

- Oakland Avenue, Gish Road to Montague Expressway

Although Industrial Avenue does not provide bike lanes and is not designated as a bike route, due to its low traffic volumes and low speed, it is conducive to bicycle usage.

Existing Transit Service

Existing transit services near the project site are provided by the Santa Clara Valley Transportation Authority (VTA). The project site is not accessible by transit since there are no transit routes within normal walking distance (0.25 miles). The study area has one local bus route, Route 66. The nearest bus stop is located approximately 0.6 miles from the project site at the intersection of Gish Road and Oakland Road. Route 66 runs from Kaiser Permanente Medical Center in South San José to Milpitas from 5:14 a.m. to 12:08 a.m. with a headway of 15 to 20 minutes during peak commute hours.

Analysis Methodology and Regulatory Framework

Regional

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted *Plan Bay Area 2040* in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara Congestion Management Program (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gasoline tax revenues. The legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element, 2) a transit service and standards element, 3) a trip reduction and transportation demand management element, 4) a land use impact analysis program element, and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

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

Congestion Management Agencies are required by California State statute to monitor roadway traffic congestion and the impact of land use and transportation decisions on a countywide level, at least every two years. SCVTA conducts CMP monitoring and produces the CMP Monitoring and Conformance Report on an annual basis for freeways, rural highways and CMP-designated intersections. SCVTA also prepares and adopts guidelines for preparing transportation impact analyses (TIA) and traffic level of service (LOS) Analysis Guidelines, and Local Model Consistency Guidelines.

The Santa Clara County CMP also includes Deficiency Plan Requirements. Deficiency plans, as they relate to traffic congestion management, are plans that identify offsetting measures to improve transportation conditions on the CMP facility in lieu of making physical traffic capacity improvements such as widening an intersection or roadway.

Local

City of San José Council Policy 5-1 Vehicle Miles Traveled

In adherence to State of California SB 743 and the City's goals as set forth in the Envision San José 2040 General Plan, the City of San José has adopted a new Transportation Analysis Policy, Council Policy 5-1. The policy replaces its predecessor (Policy 5-3) and establishes the thresholds for transportation impacts under the CEQA based on VMT instead of levels of service (LOS). The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions.

The City of San José defines VMT as the total miles of travel by personal motorized vehicles a project is expected to generate in a day. As established in the City's Transportation Analysis Policy, projects that include industrial employment uses would create a significant adverse impact when the estimated project-generated VMT exceeds the existing regional average VMT per employee.

In addition to a VMT analysis, Policy 5-1 also requires the preparation and analysis of a Local Transportation Analysis (LTA) to address the effects of a project on transportation, access, circulation, and related safety elements as it relates to the operation of the project. LTAs provide additional information to evaluate transportation conditions proximate to a Project and supplements the VMT analysis. LTAs implement the multimodal vision of the City's General Plan.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies intended to ensure that the transportation network with the city is safe, efficient and sustainable.

San José's circulation element aims to:

- Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City's share of travel by alternative transportation modes.
- Promote San José as a walking- and bicycling-first city by providing and prioritizing funding for projects that enhance and improve bicycle and pedestrian facilities.

The goals and policies applicable to the project are included below:

- Goal TR-1: Balanced Transportation System: Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians,

and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.

- Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- Policy TR-1.4: Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.
    - Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.
    - The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.
    - Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.
- Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.
- Policy TR-1.8: Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.

    - Policy TR-1.10: Require needed public street right-of-way dedication and improvements as development occurs. The ultimate right-of-way shall be no less than the dimensions as shown on the Functional Classification Diagram except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function. Additional public street right-of-way, beyond that designated on the Functional Classification Diagram, may be required in specific locations to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.

- Goal TR-3: Maximize Use of Public Transit. Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.
    - Policy TR-3.3: As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
- Goal TR-5: Vehicular Circulation. Maintain the City's street network to promote the safe and efficient movement of automobile and truck traffic while also providing for the safe and efficient movement of bicyclists, pedestrian, and transit vehicles.
- Goal TR-8: Parking Strategies. Develop and implement parking strategies that reduce automobile travel through parking supply and pricing management**.**

US 101/Oakland/Mabury Transportation Development Policy

The City adopted the US-101/Oakland/Mabury Transportation Development Policy (TDP) in 2007 which "is intended to achieve all of the following: (1) management of traffic congestion generated by near-term new development in the vicinity of the US-101/Oakland interchange; (2) promotion of General Plan goals for economic development and housing; and (3) improvement of the US-101/Oakland Road interchange and construction of the new US-101/Mabury Road interchange to accommodate new development." The TDP defines the interchange capacity available, identifies the required improvements for future development in the area, explains the funding to complete the required improvements, establishes a traffic fee program for new development in the area to fund the improvements, promotes industrial land use in the area, and allows the LOS of signalized intersections covered by the TDP to temporarily exceed the City's LOS standards until the required improvements are constructed. The project is subject to the City's US-101/Oakland/Mabury Transportation Development Policy.

DISCUSSION

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? (Less than Significant)

Transit, Bicycle, and Pedestrian Facilities

All new development projects in San José should encourage multi-modal travel, consistent with Goal TR-1; TR-3; and TR-5 of the City's General Plan. It is the goal of the General Plan that all development projects accommodate and encourage the use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled. In addition, the adopted City Bike Master Plan establishes goals, policies and actions to make bicycling a daily part of life in San José. The Master Plan includes designated bike lanes along all City streets, as well as on designated bike corridors. In order to further the goals of the City, pedestrian and bicycle facilities should be encouraged with new development projects.

The City's General Plan identifies both walk and bicycle commute mode split targets as 15 percent or more for the year 2040. This level of pedestrian and bicycle mode share may not be achievable by this project given the industrial nature of the project, the limited pedestrian, bicycle, and transit facilities in the project vicinity, and the lack of complementary land uses within a reasonable walking or biking distance. Nevertheless, the project should seek to encourage employees to use active modes of transportation to the extent possible.

Transit Facilities

The project site is not accessible by transit since there are no transit routes within normal walking distance (0.25 miles) and would not conflict with policies addressing transit facilities.

Bicycle Facilities

There are several bike facilities proposed in the immediate vicinity of the project site. The City of San José 2020 Bike Plan has identified objectives for the expansion of bicycle facilities in the vicinity of the project site including the planned addition of Class II bike lanes along Gish Road between Old Bayshore Highway and Oakland Road. The planned bike lanes on Gish Road would connect to existing bikeways on Oakland Road, Old Bayshore Highway, and 10th Street enhancing the bicycle network and encouraging employees of the proposed project to bike to and from work. The project would not conflict with the bike plan.

Pedestrian Facilities

The overall network of sidewalks and crosswalks in the study area provides limited connectivity. There are gaps in the pedestrian routes between the project site and the nearest bus route on Oakland Road. The project would not affect pedestrian facilities in the vicinity of the project site and no conflicts would occur.

US 101/Oakland/Mabury Transportation Development Policy

The City of San José 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 US 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 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.

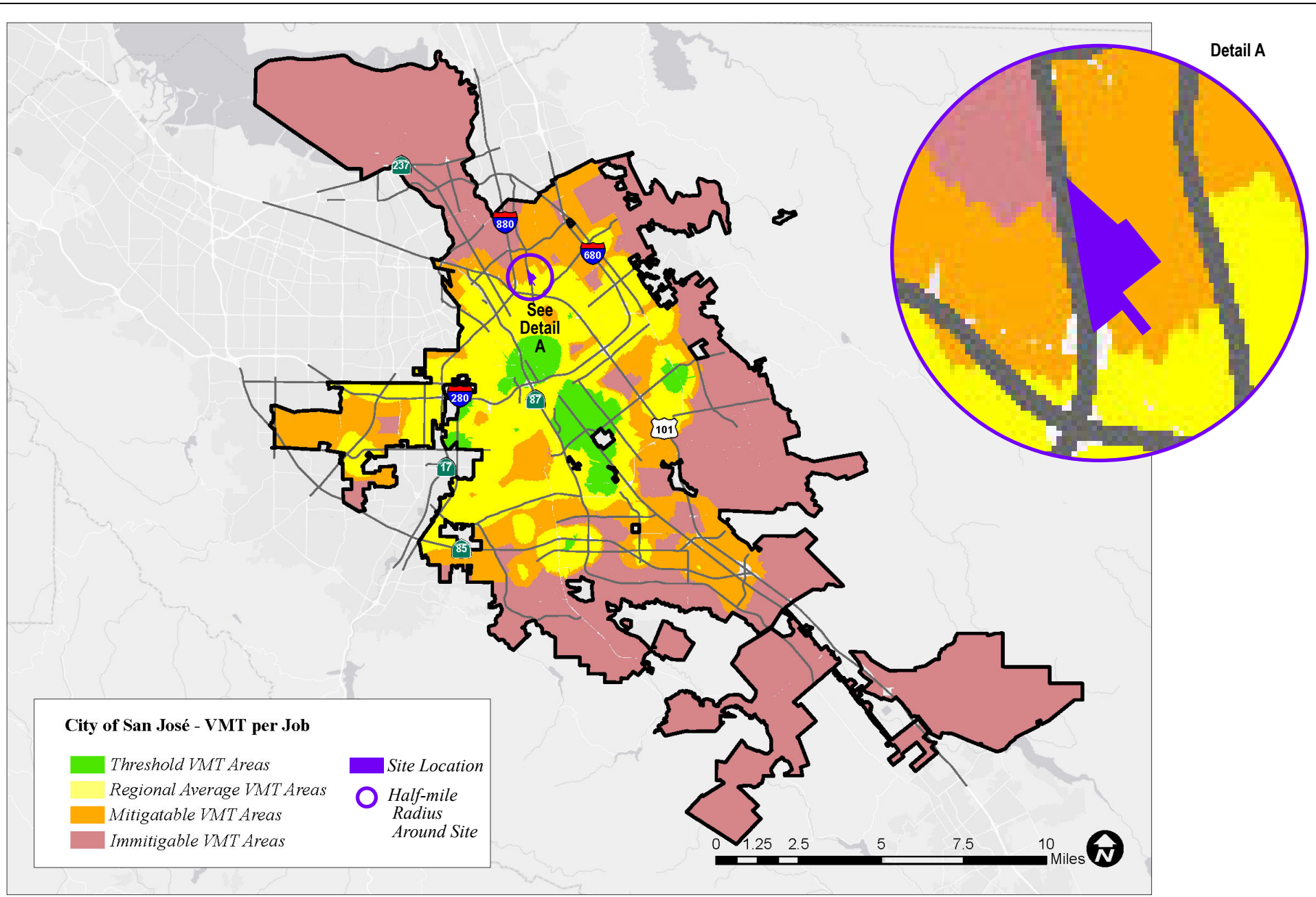
Based on the net project trip assignment, it is estimated that the proposed project would add one vehicle trip to the US 101/Oakland Road interchange during the PM peak hour. Therefore, the project would be required to pay the US 101/Oakland/Mabury TDP traffic impact fee.

Conclusion

As detailed in the above discussions, the project would have a less-than-significant impact with regard to conflicts with programs, plans, ordinances, or policies addressing the circulation system.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? (Less than Significant with Mitigation Incorporated)

The project-level impact analysis under CEQA uses the VMT metric to evaluate a project's transportation impacts by comparing against the VMT thresholds of significance as established in the Transportation Analysis Policy. The thresholds of significance for development projects, as established in the Transportation Analysis Policy, are based on the existing regional average VMT level for employment uses. Figure 11 shows the current VMT levels estimated by the City for workers based on the locations of jobs.



SOURCE: Hexagon Transportation Consultants 2019

FIGURE 11

VMT Heat Map for Workers in San José

1605 Industrial Avenue Redevelopment Project

DUDEK

The threshold of significance for industrial employment uses is the existing regional average VMT level of 14.37 per employee. Based on the City of San José's VMT Evaluation Tool, the project as currently proposed is estimated to generate a total of 14.92 VMT per employee. The project-generated VMT per employee (14.92) is greater than the City's threshold of 14.37 VMT per employee for industrial uses.

The VMT generated by the project (14.92 VMT per employee) would exceed the threshold of 14.37 VMT per employee for industrial uses; therefore, the project may result in a significant transportation impact on VMT, and mitigation measures are required to reduce the VMT impact. According to the Transportation Analysis Handbook, projects located in areas where the existing VMT is above the established threshold (such as the project study area) are referred to as being in "high-VMT areas", and projects in high-VMT areas are required to include a set of VMT reduction measures that would reduce the project VMT to the extent possible.

Implementation of Mitigation Measure TRA-1 would reduce the project VMT to 13.25 per employee, equivalent to an 11-percent reduction in VMT, which would cause the project VMT to fall below the City's threshold and reduce the project impact to a less-than-significant level.

> **Mitigation Measure TRA-1**: Prior to the issuance of any Public Works clearances, the project shall implement the following Transportation Demand Management (TDM) measures:
>
> - *Commute Trip Reduction Marketing and Education Programs*. The project shall implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes. An on-site TDM coordinator shall distribute information about alternative commute options through new employee orientations, special promotional events, and publications.
> - *Ride-Sharing Programs*. An on-site TDM coordinator shall organize a program to match individuals interested in carpooling who have similar commutes. This measure, which shall apply to 100 percent of all employees, promotes the use of carpooling and reduces the number of drive-alone trips.
>
> A traffic engineer shall prepare and submit the TDM plan to the Director of Planning or Director's designee of the City of San José Department of Planning, Building and Code Enforcement, and Director's designee of the City of San Jose Department of Public Works.

In addition to the mitigation measures proposed above, the following project features will be incorporated into the project as conditions of approval in order to help reduce the project VMT to 13.25 per employee.

Conditions of Approval: The project shall implement the following conditions of approval:

- *Bike Parking*. The project shall implement long-term bike parking (1 space per 10 full-time employees per San José's Zoning Code Section 20.90.060B).
- *Showers and Changing Room*. The project shall implement one shower and changing room per San José Zoning Code Section 20.90.066A.

With incorporation of Mitigation Measure TRA-1 and the conditions of approval, the project would have a less-than-significant impact on VMT.

See Section 3.21, Mandatory Findings of Significance, for a discussion of the project's incremental contribution to cumulative VMT.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Less than Significant)

and

d) Would the project result in inadequate emergency access? (Less than Significant)

Site access was evaluated to determine the adequacy of the project site's driveways with regard to geometric design and corner sight distance. Adequate sight distance (sight distance triangles) should be provided at the proposed new project driveway on Kings Row in accordance with Caltrans standards. Sight distance triangles should be measured approximately 10 feet back from the traveled way. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway or intersection and provides drivers with the ability to exit a driveway and locate sufficient gaps in traffic. The minimum acceptable sight distance is often considered the Caltrans stopping sight distance. Sight distance requirements vary depending on the roadway speeds. For outbound traffic onto Kings Row, which is subject to a speed limit of 25 mph, the Caltrans stopping sight distance is 150 feet (based on a design speed of 25 mph).

There are no visual obstructions on the east side of the proposed new driveway on Kings Row. To the west of the proposed new driveway there is a slatted chain-link fence that extends to within approximately six feet of the back of the sidewalk. Based on observations in the field, vehicles exiting the project driveway on Kings Row would be able to see approaching traffic on eastbound Kings Row at least as far away as at the Industrial Avenue/Kings Row intersection, which is approximately 200 feet to the west. Therefore, it can be concluded that the project driveway would meet the Caltrans minimum stopping sight distance standards.

The design of the project is required to comply with the City's standards for emergency vehicle access (including providing adequate points of access, vertical clearance, and turning radius). Emergency vehicles access would be provided via the project driveways on Kings Row and Industrial Avenue. The City of San José Fire Code requires driveways to provide at least 20 feet for fire access. The project driveway would measure approximately 26 feet wide, and therefore would comply with the City's fire code. Therefore, the project would not result in inadequate emergency access.

Based on the above conditions and discussion, the project would not substantially increase hazards due to a design feature (e.g., sharp curves or inadequate site distance) or result in inadequate emergency access and the impact would be less than significant.

NON-CEQA EFFECTS

Senate Bill 743, the revised CEQA Guidelines, and Council Policy 5-1 promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Due to that, the vehicle miles traveled metric promotes those statutory purposes better than level of service and was determined to be the significance metric under CEQA. Therefore, the following analysis is provided for informational purposes only.

As stated previously, San José City Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA based on VMT instead of LOS. However, a Local Transportation Analysis (LTA) was completed for the project in accordance with City policy. The LTA examined project effects on intersection operations; vehicle queuing; freeway ramps; site access and on-site circulation; bicycle, pedestrian, and transit facilities; and parking. All study intersections evaluated are located within the City of San José and were evaluated based on the City of San José LOS standard. The following intersections and freeway ramps were evaluated:

1) I-880 Northbound On/Off Ramps and E. Gish Road (unsignalized)
2) Industrial Avenue and E. Gish Road (unsignalized)
3) Oakland Road and E. Gish Road (signalized)

The signalized study intersection is subject to the City of San José level of service standards. The City of San José has established LOS D as the minimum acceptable intersection operations standard for all signalized intersections unless superseded by an Area Development Policy. The LOS D standard applies to the signalized study intersection evaluated in this report. San José has not established a level of service standard for unsignalized intersections, thus the unsignalized study intersections were evaluated for operational issues.

According to the City of San José's *Transportation Analysis Handbook 2018*, an adverse effect on intersection operations occurs if for either peak hour:

- The level of service at a signalized intersection degrades from an acceptable level (LOS D or better) under background conditions to an unacceptable level under background plus project conditions, or
- The level of service at a signalized intersection is an unacceptable level (LOS E or F) under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

The local transportation analysis determined traffic volumes for the following scenarios:

- **Existing**. Available traffic data were obtained from the City of San José. New peak-hour counts were collected in December of 2018 for intersections where the available data was not available or outdated (more than two years old).
- **Background**. Background peak-hour traffic volumes were estimated by adding to existing traffic volumes the trips generated by nearby approved but not yet completed or occupied projects. Approved project trips and approved project information was obtained from the City of San José.
- **Background Plus Project**. Project trips were added to background traffic volumes to obtain background plus project traffic volumes.
- **Cumulative**. Cumulative traffic volumes reflect future traffic volumes with the proposed project as well as expected traffic growth through the year 2020. Cumulative traffic volumes were estimated by adding to background plus project traffic volumes the traffic generated by potential (but not yet approved) developments. Because there are no proposed projects in the vicinity, the traffic associated with potential future developments was estimated based on a growth rate of 1.2 percent per year.

Observed Existing Traffic Conditions

I-880 Northbound On/Off Ramps and Gish Road

Gish Road experiences long vehicle queues in both the AM and PM peak hour. The I-880 Northbound off-ramp is uncontrolled, while the northbound and westbound Gish Road approaches are stop controlled. Due to the uncontrolled off-ramp, many cars have to wait for a gap in traffic to either continue travelling along Gish Road or to enter the I-880 on-ramp. In the PM peak hour, the queue on northbound Gish Road occasionally extends into the 10th Street/Old Bayshore Highway intersection, but the queue usually clears within two cycles. In the AM peak hour, the northbound queue more frequently extends into the 10th Street/Old Bayshore Highway intersection. Similarly, the right-turn queue on westbound Gish Road often extends past the Industrial Avenue/Gish Road intersection in the AM peak hour.

Industrial Avenue and Gish Road

In the PM peak hour, the Gish Road and Industrial Avenue intersection operates without any major delays or long queues. However, in the AM peak hour, there are often queues in both directions on Gish Road at the intersection of Industrial Avenue due to vehicles waiting to make a left turn from eastbound Gish Road onto Berger Drive and vehicles waiting to make a left turn from westbound Gish Road at the I-880 Northbound Off Ramp. This makes it difficult for vehicles to turn left onto Gish Road from Industrial Avenue. As a result, there were long queues of 7 to 10 vehicles on the southbound Industrial Avenue approach to Gish Road.

Gish Road and Oakland Road

The intersection of Oakland Road and Gish Road operates without any major operational problems. The intersection operates at LOS B during the AM and PM peak hours.

Project Trip Generation

Project trip generation was estimated by applying to the size and uses of the development the appropriate trip generation rates obtained from the ITE Trip Generation Manual, 10th Edition (2017). The average trip generation rates for warehouse (Land Use 150) was applied to the project. Based on the ITE rates for warehouse, a project of this size is estimated to generate a total of 323 gross daily vehicle trips, with 32 trips occurring during the AM peak hour and 35 trips occurring during the PM peak hour (see Table 11).

TABLE 11
PROJECT TRIP GENERATION ESTIMATES

Land Use	Size (s.f.)	Daily Trips		AM Peak Hour Trips				PM Peak Hour Trips			
		Rate[1]	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Proposed Use											
Warehouse[2]	185,500	1.74	323	0.17	25	7	32	0.19	9	26	35
Existing Use											
Specialty Truck Parts Retailer[3]	37,615	5.32	200	0.56	18	3	21	0.61	5	18	23
Net Project Trips			123		7	4	11		4	8	12

Source: Hexagon Transportation Consultants 2019.

Notes:

[1] Rates per 1,000 s.f. (square feet) based on average rate for land use #150 (Warehousing) from the Institute of Transportation Engineers *Trip Generation Manual, 10th Edition*. Existing use trip generation based on driveway counts.

[2] The local transportation analysis evaluates an earlier project description that was slightly larger than the currently proposed project (180,150 s.f.). Thus, the analysis is conservative since the currently proposed project would generate 10 fewer daily trips and 1 fewer trip during the AM and PM peak hours than shown above.

[3] Existing use trips based on peak-hour driveway counts conducted on September 25, 2018. Daily trips estimated based on peak-hour trips and business hours.

As shown in Table 11, the existing use on the project site is estimated to generate 200 daily vehicle trips, with 21 trips occurring in the AM peak hour and 23 trips in the PM peak hour. Thus, the project would be expected to generate 123 net new vehicle trips, with 11 new trips occurring during the AM peak hour and 12 new trips occurring during the PM peak hour.

Intersection Operations

Levels of service at the signalized study intersection were evaluated against the standards of the City of San José. The results of the analysis show that the signalized study intersection currently operates at an acceptable level of service (LOS D or better) during the AM and PM peak hours of traffic. The addition of trips associated with approved developments included under background conditions would cause the intersection delay to decrease slightly compared to existing conditions. This occurs because the intersection delay is a weighted average of all intersection movements. When traffic is added to movements with delays lower than the average intersection delay, the average delay for the entire intersection can decrease.

The signalized study intersection would continue to operate at an acceptable level of service (LOS D or better) under all future scenarios during the AM and PM peak hours (see Table 12). Thus, the project would not have an adverse effect on traffic operations at the signalized study intersection.

TABLE 12
GISH ROAD/OAKLAND ROAD INTERSECTION LEVEL OF SERVICE SUMMARY

Scenario	AM Peak Hour		PM Peak Hour	
Scenario	Average Delay (seconds)	LOS	Average Delay (seconds)	LOS
Existing	18.3	B	16.0	B
Background	18.1	B	15.4	B
Background + Project	18.1	B	15.4	B
Cumulative	18.1	B	15.5	B

Source: Hexagon Transportation Consultants 2019.

3.18 TRIBAL CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) 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?	☐	☐	☐	☒

SETTING

The information in this section is based on a Cultural Resources Technical Report prepared for the Project, and provided in Appendix B. The report included a records search of the California Historical Resources Information System (CHRIS) from the Northwest Information Center (NWIC) conducted for the project site and a 0.5 mile radius, a search of the Native American Heritage Commission (NAHC) Sacred Lands File, Native American group coordination, and a pedestrian survey of the project site for archaeological and built environment resources. The project site is located within a developed urban area surrounded primarily by industrial and industrial/commercial uses.

Regulatory Setting

Federal

National Register of Historic Places

The National Historic Preservation Act of 1966 (54 USC 300202 et seq.) enabled the U.S. Department of the Interior's NPS to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological places (NPS 2019). The NPS is responsible for the designation, documentation, and physical preservation of historic sites.

State

California Register of Historic Places

The California Register of Historic Places, under the OHP, is the State's authoritative guide to significant historical and archeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act (OHP 2019).

Assembly Bill 52

AB 52 requires that California lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. No Native American tribe has contacted the City and requested consultation related to the project area specifically pursuant to AB 52. Appendix B provides details on consultation with tribal contacts recommended by the NAHC, conducted during the preparation of the Cultural Resources Technical Report.

AB 52 also specifies that a project with an effect that may cause a substantial adverse change in the significant of a tribal cultural resource (TCR) is a project that may have a significant effect on the environment. Defined in Section 21074(a) of the Public Resources Code, a TCR is a site feature, place, cultural landscape, sacred place, or object, which is of cultural value to a California Native American tribe and is either listed in or eligible for listing in the California Register of Historical Resources or a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a TCR.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan's* Environmental Resources subsection discusses the City's goals and policies pertaining to tribal cultural resources. Those applicable to the project are included below:

- Goal ER-10: Archaeology and Paleontology. Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.
    - Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

- Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

- Policy IP-12.3: Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological and cultural resources.

DISCUSSION

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? (No Impact)

As described in Section 3.5, Cultural Resources, the existing structures on the project site are neither listed in nor eligible for the NRHP, CRHR, or local register of historic resources (see Appendix B). Furthermore, the site is within a developed urban area. Therefore, the project would not cause a substantial adverse change in the significance of a TCR listed in or eligible for listing in the NRHP, CRHR, or a local register and no related impact would occur.

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe? (No Impact)

As described above in Section 3.5, a CHRIS records search and NAHC Sacred Lands File search were conducted for the project site (see Appendix B). There are no known Native American resources within or adjacent to the proposed project site. Consultation with tribes culturally affiliated to the project area, detailed in Appendix B, did not reveal any concerns with respect to tribal cultural resources. At the time of preparation of this Initial Study, no Native American tribes that are or have been traditionally culturally affiliated with the project vicinity have requested notification from the City of San José under AB 52 regarding projects in the area and their effects on a tribal cultural resource. The project site has previously been disturbed. Given the context of the proposed project area within

a developed urban area of San José, there is a low potential for encountering unrecorded TCRs. Additionally, the implementation of the standard permit conditions described in Section 3.5 would ensure that, in the unlikely event of Native American artifacts or remains being unearthed during construction of the project, all construction work occurring within 100 feet of the find shall immediately stop and the Director of Planning, Building, and Code Enforcement or Director's designee and Historic Preservation Officer will be notified. Therefore, the Project would have no impact on TCRs.

3.19 UTILITIES AND SERVICE SYSTEMS

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

SETTING

The SJWC provides water service to the project site. SJWC relies on groundwater, imported treated water, and local surface water for its potable water supply. On average, SJWC purchases approximately 50 percent of its water supply from the Santa Clara Valley Water District, pumps approximately 40 percent of its supply from the groundwater aquifer, and draws the remaining approximately 10 percent from local surface water sources (SJWC 2018).

Wastewater treatment and disposal is provided by the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF treats an average of 110 million gallons per day (mgd) of wastewater, with a capacity of up to 167 mgd. The resulting fresh water from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution. The RWF is jointly owned by the cities of San José and Santa Clara and is managed and operated by the City of San José's Environmental Services Department. The City is currently implementing a $1.4 billion, 10-year Capital Improvement Program, which comprises a portion of the $2 billion in facility investments envisioned over the next 30 years in the *Plant Master Plan*, adopted in 2013 (City of San José 2018b).

The City owns and maintains the municipal stormwater drainage system which serves the project site. Stormwater is removed from the site primarily by sheet flow action across the paved surfaces towards storm drains located throughout the paved surfaces on the site, or by percolation into the ground. Stormwater from the existing buildings' roofs is collected in gutters and directed toward storm drains.

Republic Services, an independent solid waste disposal contractor, provides solid waste collection services to the project site. Non-residential solid waste may be disposed at any of four privately owned landfills in San José, or at other landfills outside the County. The four privately owned landfills include the following:

- Guadalupe Sanitary Landfill, with a remaining capacity of over 11 million cubic yards and a closure date estimated in 2048 (CalRecycle 2018a);
- Kirby Canyon Recycling and Disposal Facility, with a remaining capacity of over 16 million cubic yards and a closure date estimated in 2022 (CalRecycle 2018b);
- Newby Island Sanitary Landfill, with a remaining capacity of over 21 million cubic yards and a closure date estimated in 2041 (CalRecycle 2018c); and
- Zanker Material Processing Facility, with a remaining capacity of approximately 640,000 cubic yards and a closure date estimated in 2025 (CalRecycle 2018d).

Regulatory Framework

State

California Green Building Standards Code

The CALGreen establishes mandatory green building requirements and provides guidelines for all buildings in California. The code includes specific regulations pertaining to:

- Planning and design
- Energy efficiency
- Water efficiency and conservation
- Material conservation and resource efficiency
- Indoor environmental quality

The guidelines provide measures for new construction projects to achieve green building performance levels, including: reducing indoor water use by 20 percent, reducing wastewater by 20 percent, recycling and salvaging 50 percent of non-hazardous construction debris and providing readily accessible areas for recycle.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* establishes goals and policies that relate to green building design, construction and operation. The following are applicable to the project:

- Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
- Policy MS-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.
- Policy MS-3.2: Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
- Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

DISCUSSION

a) Would the project require or result in the relocation or construction of new or expanded water, or wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (Less than Significant)

The project would be served by the existing water, wastewater treatment, stormwater drainage, electric power, natural gas, and telecommunications infrastructure near the project site, with new service connections provided for the new building. The project would result in an incremental increase in water use and wastewater generation. Water use of industrial/commercial land uses varies widely depending on the type of industrial and commercial uses. The City estimated industrial and commercial water use based on actual water use data as part of its General Plan update in 2010 and determined that, in the North San José area, industrial and commercial water use was approximately 29 gallons per day (gpd) per employee (City of San José 2010).[5] Based on these data, the project would generate an estimated 2,175 gpd of water demand, which would represent a net increase of 957 gpd using the same data to approximate existing use. SJWC's projected total water supply for 2020 is 48,794 million gallons (149,744 acre-feet) per year (SJWC 2011), and thus, the project's incremental increase in water demand would represent only a nominal percentage of SJWC's supplies.

The General Plan EIR concluded that implementation of General Plan policies and existing regulations would ensure full buildout under the General Plan would not exceed available water supply (City of San José 2011a). The proposed project is consistent with development assumptions in the General Plan and, therefore, the project would not exceed the City's available water supply and is assumed to be served by existing water infrastructure without the need for the construction of new or expansion of existing water facilities.

The General Plan EIR states that, for industries without internal recycling or reuse programs, it can be assumed that approximately 85 to 95 percent of water used in the various operations and processes will become wastewater (City of San José 2011a). Assuming that wastewater flow rates from the project would be 95 percent of the estimated water demand, the project would generate an estimated 2,066 gpd of wastewater (a net increase of 909 gpd). Given that the RWF has the capacity to treat 167 mgd of wastewater and treats an average of 110 mgd, an additional capacity of approximately 57 mgd remains. The estimated total wastewater generation and net new wastewater generation from the project would constitute a negligible portion (approximately 0.004 percent and 0.002 percent, respectively) of the RWF's remaining capacity. Therefore, the existing RWF would be able to accommodate increased wastewater flows associated with the project and the project would not require the construction of new or expansion of existing wastewater treatment facilities. Given the

[5] Because a portion of the project site falls within the North San José area boundary, this value was used to approximate water demand generated by the project.

foregoing, the project's impacts on water and wastewater treatment facilities would be less than significant.

As described in Section 3.10, Hydrology and Water Quality, while the project would result in an increase in impervious surface area on the project site, the project would include new stormwater treatment and drainage features in accordance with the LID stormwater management requirements of Provision C.3 of the MRP and City Council Policies 6-29 and 8-14 to minimize and control post-construction stormwater runoff. Given this, the project would not contribute stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system. Therefore, the project's impact on the capacity of stormwater drainage systems would be less than significant.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? (Less than Significant)

As described above in subsection (a), the City estimated industrial and commercial water use based on actual water use data as part of its General Plan update in 2010 and determined that, in the North San José area, industrial and commercial water use was approximately 29 gallons per day (gpd) per employee (City of San José 2010). Based on these data, the project would generate an estimated 2,175 gpd of water demand, which would represent a net increase of 957 gpd using the same data to approximate existing use. SJWC's projected total water supply for 2020 is 48,794 million gallons (149,744 acre-feet) per year (SJWC 2011), and thus, the project's incremental increase in water demand would represent only a nominal percentage of SJWC's supplies.

The General Plan EIR concluded that implementation of General Plan policies and existing regulations would ensure full buildout under the General Plan would not exceed available water supply (City of San José 2011a). The proposed project is consistent with development assumptions in the General Plan and, therefore, the project would not exceed the City's available water supply. Therefore, sufficient water supplies are available to serve the project from existing entitlements and resources and the impact would be less than significant.

c) Would the project 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? (Less than Significant)

As stated above, although the project would generate more wastewater than under existing conditions, the project's wastewater generation would comprise a negligible portion of the RWF's remaining capacity. Therefore, the project would have a less-than-significant impact related to wastewater treatment capacity.

d) Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (Less than Significant)

Based on estimated solid waste generation rates provided by CalRecycle (CalRecycle 2018e), the project could generate an estimated 734 pounds per day (134 tons per year) of solid waste.[6] Based on these same rates, the estimated existing solid waste generation on the project site is 375 pounds per day (68 tons per year). This would result in a net increase in solid waste generation over existing conditions of 359 pounds per day (66 tons per year). As described above, solid waste from the project may be disposed at any of four privately owned landfills in San José, or at other landfills outside the County. The four privately owned landfills have a combined remaining capacity of approximately 48.5 million cubic yards, with estimated closure dates ranging from 2022 to 2048 (CalRecycle 2018a, 2018b, 2018c, 2018d). The amount of solid waste generated by the project would constitute a negligible portion of the remaining available landfill capacity. Therefore, the project would have a less-than-significant impact on landfill capacity.

d) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (No Impact)

The Project would comply with all applicable regulations related to solid waste and no impact would occur.

3.20 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒

[6] Assumes 10.53 pounds per employee per day for commercial uses and 8.93 pounds per employee per day for industrial uses.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

SETTING

The California Department of Forestry and Fire Protection (CAL FIRE) maps areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors, pursuant to Public Resources Code 4201-4204 and Government Code 51175-51189. These areas are referred to as Fire Hazard Severity Zones (FHSZs) and are identified for areas where the state has financial responsibility for wildland fire protection (i.e., state responsibility areas, or SRAs), and areas where local governments have financial responsibility for wildland fire protection (i.e., local responsibility areas, or LRAs). There are three FHSZ mapped for SRAs (moderate, high, and very high), while only lands zoned as very high are identified in LRAs (CAL FIRE 2007). The project site is located within a LRA and is not located near a SRA or a very high FHSZ (CAL FIRE 2012). Additionally, the project site is located within an urbanized area of the City of San José and is surrounded by other heavy industrial land uses to the west, east, and south and by industrial/commercial land uses to the north.

Regulatory Framework

Local

Envision San José 2040 General Plan

- Goal EC-8: Wildland and Urban Fire Hazards. Protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface.
    - Policy EC-8.1: Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
    - Policy EC-8.2: Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
    - Policy EC-8.3: For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

DISCUSSION

a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? (No Impact)

and

b) Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (No Impact)

and

c) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (No Impact)

and

d) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (No Impact)

As the project site is not located in or near SRAs or lands classified as very high FHSZs, no impact would occur related to wildfire hazards, including emergency response/evacuation, pollutants and uncontrolled wildfire spread, associated infrastructure, or post-fire effects.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to substantially 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, substantially 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?	☐	☐	☒	☐

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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.)	☐	☒	☐	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

DISCUSSION

a) Would the project have the potential to substantially 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, substantially 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? (Less than Significant)

The project would not degrade the quality of the environment or substantially reduce habitat of fish or wildlife species or other special-status species, as the project is located within a heavily developed industrial/commercial area of the City. There are no sensitive habitats or wetlands located on or near the project site, and no special-status species are known to occupy the site. No trees, which could potentially serve as habitat for nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC), exist on the project site.

The project would not eliminate important examples of the major periods of California prehistory or history. The project would not result in impacts to built historic resources, as none are located on or near the project site. Although it is not anticipated that new archaeological resources would be encountered, the standard permit conditions described in Section 3.5, Cultural Resources, would be implemented with the project to ensure that impacts related to inadvertent discovery of cultural resources would be less than significant.

b) Would the project 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 past projects, the effects of other current projects, and the effects of probable future projects)? (Less than Significant with Mitigation Incorporated)

The General Plan EIR identified the following cumulative impacts: loss of agricultural land in southern Santa Clara County/north Coyote Valley, traffic congestion, traffic-related noise, increase in VMT per capita and emissions of criteria air pollutants, nitrogen deposition, a regional jobs-housing imbalance, and GHG emissions. The project would neither contribute to cumulative impacts on agricultural land as none is located on or near the project site (see Section 3.2, Agricultural and Forestry Resources), nor to nitrogen deposition impacts on species composition of serpentine ecosystems with payment of the nitrogen deposition fee required by the SCVHP (implemented after the adoption of the General Plan; see Section 3.4, Biological Resources). In addition, the project would not result in a substantial increase in employment and, thus, would not contribute to a regional jobs-housing imbalance (see Section 3.14, Population and Housing). As demonstrated in Section 3.3, Air Quality, subsection (b), cumulative criteria pollutant emissions and health risk impacts would not be considerable. As discussed in Section 3.8, Greenhouse Gas Emissions, the project would have a less-than-significant impact with regard to GHG emissions, which are cumulative in nature.

Cumulative Noise Analysis

A significant impact would occur if the cumulative traffic noise level increase was 3 dBA DNL or greater for future levels exceeding 60 dBA DNL or was 5 dBA DNL or greater for future levels at or below 60 dBA DNL and if the project would make a "cumulatively considerable" contribution to the overall traffic noise increase. A "cumulatively considerable" contribution would be defined as an increase of 1 dBA DNL or more attributable solely to the proposed project.

Cumulative traffic noise level increases were calculated by comparing the Cumulative (No Project) traffic volumes and the Cumulative Plus Project volumes to existing traffic volumes. Up to a 1 dBA DNL increase was calculated along Gish Road, east and west of I-880 and east and west of Oakland Road, under both cumulative (no project) and cumulative plus project scenarios, while all other roadway segments resulted in a less than 1 dBA DNL increase. The estimated cumulative noise increase would be less than 3 dBA DNL along each roadway segment included in the traffic study. Additionally, the proposed project would not result in a cumulatively considerable contribution to the future noise levels since both cumulative scenarios would increase the noise environment by 1 dBA DNL or less. This would be a less-than-significant impact.

Cumulative Vehicle Miles Traveled Analysis

Projects must demonstrate consistency with the Envision San José 2040 General Plan to address cumulative impacts. Consistency with the City's General Plan is based on the project's density, design, and conformance to the General Plan goals and policies. If a project is determined to be inconsistent with the General Plan, a cumulative impact analysis is required as part of the City's Transportation Analysis Handbook.

The project site is located within the Heavy Industrial zone. Heavy Industrial developments can develop at a FAR of up to 1.5. Based on the existing lot area of approximately 477,580 square feet, the project is allowed to develop up to 716,370 square feet (477,580 square feet x 1.5 FAR = 716,370 square feet).

The project as proposed would construct an industrial, one-story building with mezzanine comprised of 180,150 gross square feet of warehouse space. This equates to a FAR of 0.38 (180,150 square feet ÷ 477,580 square feet = 0.38).

The project is consistent with the General Plan goals and policies for the following reasons:

- The project site is near bicycle lanes on Oakland Road.
- The project would provide bicycle parking on the ground level near the project entrance and a shower to encourage employee use of alternative transportation modes.
- With incorporation of Mitigation Measure TRA-1 described above in Section 3.17, Transportation, the project would implement a TDM plan that includes ride-sharing programs aimed at reducing VMT.
- The project promotes economic development and completion of the General Plan transportation network through the US 101/Mabury TDP.
- The project maintains, enhances, and develops the employment lands within an identified key employment area (the East Gish and Mabury industrial area; FS-4.2).

Therefore, based on the project description, the proposed project would be consistent with the Envision San José 2040 General Plan. The project would be considered part of the cumulative solution to meet the General Plan's long-range transportation goals and would result in a less-than-significant cumulative VMT impact with the incorporation of Conditions of Approval and Mitigation Measure TRA-1.

Given all of the foregoing, the project's impacts would be less than cumulatively considerable.

c) Would the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Less than Significant with Mitigation Incorporated)

Implementation of the project would not result in any impacts that are significant and unavoidable or cumulatively considerable, including those related to hazardous materials, emergency response, proximity to airport activities, or transportation hazards. The implementation of the standard permit conditions and Mitigation Measures HAZ-1 through HAZ-4 described in Section 3.9, Hazards and Hazardous Materials, would reduce all potentially significant impacts related to hazardous materials on the project site to a less-than-significant level. Therefore, the project would not result in impacts that would cause substantial adverse effects on human beings, either directly or indirectly.

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5 LEAD AGENCY AND CONSULTANTS

5.1 LEAD AGENCY

Department of Planning, Building, and Code Enforcement
Rosalynn Hughey, Director
David Keyon, Supervising Environmental Planner
Kara Hawkins, Planner

5.2 CONSULTANTS

Dudek
Environmental Consultants and Planners
Collin Ramsey, Senior Project Manager
Catherine Wade, Project Manager
Terrileigh Pellarin, Analyst

Hexagon Transportation Consultants
Transportation Consultants
Michelle Hunt, Vice President and Principal Associate
Ling Jin, Associate

Illingworth & Rodkin
Air Quality, Energy, GHG, and Noise Consultants
James Reyff, Principal
Casey Divine, Staff Consultant
Michael Thill, Principal
Carrie Janello, Senior Consultant

Ninyo & Moore
Geotechnical Consultants
David C. Seymour, Principal Engineering Geologist
Terence K. Wang, Principal Engineer
Timothy P. Sneddon, Principal Engineer

Partner Engineering and Science
Engineering, Environmental, and Energy Consultants
Debbie Stott, Principal
Joe Mangine, Project Manager
Nathan Maroon, Project Scientist

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