City of San José
Planning Division

H18-053

Old Bayshore Highway Warehouse Project

Initial Study

December 2019

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Planning, Building and Code Enforcement
ROSALYNN HUGHEY, DIRECTOR

PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSE, CALIFORNIA

Project Name: Old Bayshore Highway Warehouse Project **File No.:** H18-053

Description: A Site Development for the demolition of the existing on-site structures and construction of a one-story, 69,192-sf warehouse, 34 parking spaces, and associated improvements such as new sidewalk, curb, and gutter.

Location: 1420 Old Bayshore Highway
Assessor's Parcel No.: 237-06-015 **Council District:** 3

Applicant Contact Information:, Panattoni Development Co., Inc. (Attn: Tim Schaedler); 8775 Folsom Boulevard, Suite 200, Folsom, CA 95826; tschaedler@panattoni.com; 916-381-1561

The City has performed an environmental review of the project. The environmental review examines the nature and extent of any adverse effects on the environment that could occur if the project is approved and implemented. Based on the review, the City has prepared a Draft Mitigated Negative Declaration (MND) for this project. An MND is a statement by the City that the project will not have a significant effect on the environment because the project will include mitigation measures that will reduce identified project impacts to a less than significant level. The project site is present on any list pursuant to Section 65962.5 of the California Government Code.

The public is welcome to review and comment on the Draft MND. The public comment period for this Draft MND begins on **December 20, 2019 and ends on January 13, 2020**.

The Draft ND, Initial Study, and reference documents are available online at: www.sanjoseca.gov/negativedeclarations. The documents are also available for review from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San José Department of Planning, Building and Code Enforcement, located at City Hall, 200 East Santa Clara Street; and at the Dr. Martin Luther King, Jr. Main Library, located at 150 E. San Fernando Street.

For additional information, please contact Thai-Chau Le at (408) 535-5658, or by e-mail at Thai-Chau.Le@sanjoseca.gov.

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

12/16/19
Date

Deputy

Circulation period: **December 20, 2019 and ends on January 13, 2020**

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: Old Bayshore Highway Warehouse Project

PROJECT FILE NUMBER: H18-053

PROJECT DESCRIPTION: A Site Development for the demolition of the existing on-site structures and construction of a one-story, 69,192-sf warehouse, 34 parking spaces, and associated improvements such as new sidewalk, curb, and gutter.

PROJECT LOCATION: Panattoni Development Co., Inc. (Attn: Tim Schaedler); 8775 Folsom Boulevard, Suite 200, Folsom, CA 95826; tschaedler@panattoni.com; 916-381-1561

ASSESSORS PARCEL NO.: 237-06-015 **COUNCIL DISTRICT:** 3

APPLICANT CONTACT INFORMATION: Panattoni Development Co., Inc. (Attn: Tim Schaedler); 8775 Folsom Boulevard, Suite 200, Folsom, CA 95826; tschaedler@panattoni.com; 916-381-1561

FINDING

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

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.

Impact CUL 1: Construction of the proposed project could result in a substantial adverse change in the significance of a unique archaeological resource or the disturbance of human remains.

CUL-1.1: Preliminary Investigation: Prior to the issuance of any grading permits, a qualified archaeologist who is trained in both local prehistoric and historical archaeology shall complete presence/absence exploration at the site, to determine if there are any indications of discrete historic-era subsurface archaeological features. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place. The results of the presence/absence exploration, including any treatment recommendations if any, shall be submitted to the Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement for review and approval prior to issuance of any grading permit. Based on the findings of the subsurface testing, an archaeological resources treatment plan as described in MM CUL-1.2 shall be prepared by a qualified archaeologist if necessary.

CUL-1.2: Treatment Plan. If MM CUL-1-1 is applicable, the project applicant shall prepare a treatment plan that reflect permit-level detail pertaining to depths and locations of all ground disturbing activities shall be prepared and submitted to the Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement prior to approval of any grading permit. The treatment plan shall contain, at a minimum:

- Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
- Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
- Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
- Detailed field strategy to record, recover, or avoid the finds and address research goals.
- Analytical methods.
- Report structure and outline of document contents.
- Disposition of the artifacts.
- Appendices: all site records, correspondence, and consultation with Native Americans, etc.

Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

CUL- 1.3: Evaluation. The project proponent shall notify the Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during grading or other construction activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Informative center (NWIC),

and/or equivalent.

F. **GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

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

H. **HAZARDS AND HAZARDOUS MATERIALS.**

Impact HAZ-1: Construction of the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, or 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, create a significant hazard to the public or the environment.

MM HAZ-1.1: Subsequent to removal of machinery from subfloor pits within the on-site fabrication facility, and prior to initiation of demolition activities, the floors of the subfloor pits shall be inspected for indications of oil and/or hydraulic fluid leakage. If indications of potentially hazardous materials are observed, the contaminated materials shall be cleaned and/or disposed of in accordance with all applicable regulations to the satisfaction of the City Engineer. The language of this mitigation shall be included on demolition plans for the proposed project, subject to approval by the City Engineer.

MM HAZ-1.2: During demolition and construction activities, the on-site stormwater catch basin and associated underground stormwater storage pipe shall be removed and disposed of in accordance with all applicable regulations to the satisfaction of the City Engineer. The language of this mitigation shall be included on demolition plans for the proposed project, subject to approval by the City Engineer.

MM HAZ-1.3: Prior to issuance of any demolition permit, the project applicant shall submit an application for Septic/Onsite Wastewater Treatment System Abandonment to the Santa Clara County Department of Environmental Health, Consumer Protection Division. After approval has been obtained, the septic system shall be abandoned consistent with the County's Septic Tank Abandonment Procedures. Proof of abandonment shall be provided to the Director of Planning or Director's Designee prior to any issuance of demolition permits.

MM HAZ-1.4: Prior to issuance of a demolition permit, the project applicant shall implement the following, as identified in the Pre-Demolition Hazardous Materials Survey prepared for the project by ATC Group Service, LLC. (2019) to the satisfaction of the City's Director of Planning or Director's Designee, and the Santa Clara County Department of Environmental Health (SCCDEH). Such recommendations are as follows:

Paint stabilization of lead-based paint (LBP) prior to demolition by a USEPA certified Renovation, Repair and Painting (RRP) contractor using lead safe work practices;
Hazardous waste profile sampling prior to disposal of any lead containing materials; and
If any suspect hazardous materials not previously sampled are uncovered during demolition, they shall be sampled prior to continuation of demolition activities.

A report documenting completion of sampling, results, and recommendations shall be submitted

to the City's Director of Planning or director's Designee, and the SCCDEH prior to the issuance of any demolition permits.

MM HAZ-1.5: Prior to beginning any development activities (grading, excavation, demolition) a notification will be provided to the Santa Clara County Department of Environmental Health (SCCDEH) and the City's Planning Department. The applicant will contact the SCCDEH and provide the results of the Environmental Site Assessment with all applicable references to determine the appropriate next steps including development of a Site Management Plan, Removal Action Work Plan or equivalent document. Evidence of the meeting such as an email or letter shall be provided to the Environmental Planner of the City's Planning Department and the City's Environmental Compliance Officer.

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

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

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

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

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

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

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

P. **TRANSPORTATION / TRAFFIC** – The project would not have a significant impact on this resource, therefore no mitigation is required.

Q. **TRIBAL CULTURAL RESOURCES** - The project would not have a significant impact on this resource, therefore no mitigation is required.

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

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

T. **MANDATORY FINDINGS OF SIGNIFICANCE**

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

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday January 13, 2020** any person may:

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

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

Rosalynn Hughey, Director
Planning, Building and Code Enforcement

12/16/19
Date

Deputy

Thai-Chau Le
Environmental Project Manager

Circulation period: December 20, 2019 to January 13, 2020

TABLE OF CONTENTS

APPENDICES

INITIAL STUDY

December 2019

A. BACKGROUND

1. **Project Title:** Old Bayshore Highway Warehouse Project

2. **Lead Agency Name and Address:** City of San José
Planning Division
1200 East Santa Clara Street
San José, CA 95113

3. **Contact Person and Phone Number:** Thai-Chau Le
Supervising Planner
(408) 535-5658
thai-chau.le@sanjose.gov

4. **Project Location:** 1420 Old Bayshore Highway
San José, CA 95112
Assessor's Parcel Number 237-06-015

5. **Project Sponsor's Name and Address:** Tim Schaedler
Panattoni Development Co., Inc.
8775 Folsom Boulevard, Suite 200
Folsom, CA 95826

6. **General Plan and Zoning Designations:** Heavy Industrial (HI)

7. **Santa Clara Valley Habitat Plan Designation** Area 4: Urban Development Private Development Area, Urban- Suburban Land Cover, and Urban Areas (No Land Cover Fee) Zone

8. **Required Approvals from Other Public Agencies:** Septic Tank Abandonment Permit (Santa Clara County Department of Environmental Health)

9. **Surrounding Land Uses and Setting:**

The project site consists of an approximately 3.8-acre parcel located at 1420 Old Bayshore Highway in the City of San Jose, California. Currently, the site consists of an industrial construction yard developed with an existing office and a manufacturing/fabrication facility associated with the San Jose Concrete Pipe company. A substantial portion of the site is paved with concrete and degraded asphalt, with much of the paved areas covered

with cement dust. The project site is bound by Southern Pacific Railroad (SPRR) tracks to the east, Old Bayshore Highway to the west, and existing industrial development to the north (Intex Auto Parts and Tres Amigos Auto Service). A mobile home park (Triangle Trailer Park), as well as an abandoned single-family home, is located to the west of the project site across Old Bayshore Highway.

10. **Project Description Summary:**

The proposed project would include demolition of the existing structures on the project site and redevelopment of the site with a one-story, 69,192-square-foot (sf) warehouse, 34 parking spaces, and associated improvements. The warehouse would include six loading docks, as well as space for an additional six future loading docks. The project would be consistent with the site's existing land use and zoning designations.

11. **Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:**

The City has not received any requests to be notified of development projects pursuant to Assembly Bill (AB) 52 (Public Resources Code Section 21080.3.1) for this area.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

As indicated by the checklist on the following pages, one or more of the environmental factors shown below could be significantly affected by the proposed project.

☐ Aesthetics	☐ Agriculture and Forest 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

C. BACKGROUND AND INTRODUCTION

San José Municipal Code Title 21 incorporates by reference and adopts the objectives, criteria and procedures for environmental review contained in the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines. This Initial Study of environmental impacts is being prepared to conform to the requirements of the CEQA, the CEQA Guidelines (California Code of Regulations 15000 et. seq.), and the regulations and policies of the City of San José (City).

This Initial Study evaluates the potential environmental impacts, which might reasonably be anticipated to result from implementation of the proposed project. The City of San José is the Lead

Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project.

This Initial Study and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, 3rd floor, during normal business hours.

D. PROJECT DESCRIPTION

The following provides a description of the project site's current environmental setting, as well as the components of the proposed project.

Project Location and Setting

The project site consists of an approximately 3.8-acre parcel located at 1420 Old Bayshore Highway in the City of San José, California (see Figure 1 and Figure 2). The site is identified by Assessor's Parcel Number (APN) 237-06-015, and the site's current General Plan land use designation and zoning designation are both Heavy Industrial (HI).

The project site is bound by Southern Pacific Railroad (SPRR) tracks to the east, Old Bayshore Highway to the west, and existing industrial development to the north (Intex Auto Parts and Tres Amigos Auto Service). The project site has open access to the adjoining parcel to the south of the project site, which is owned by the San Jose Concrete Pipe company. A mobile home park (Triangle Trailer Park), as well as an abandoned single-family home, is located to the west of the project site across Old Bayshore Highway. The nearest body of water is Coyote Creek, located approximately 3,000 feet east of the site.

Currently, the site consists of an industrial construction yard developed with an existing office and a manufacturing/fabrication facility associated with the San Jose Concrete Pipe company. The fabrication building houses equipment for crushing recycled concrete, mixing concrete, and manufacturing concrete pipes in molds. The remainder of the site is used for outdoor storage of concrete pipes, molds, and miscellaneous equipment, including fork lifts. A substantial portion of the site is paved with concrete and degraded asphalt, with much of the paved areas covered with cement dust. Aside from the southern site boundary, the project site is encircled by a chain link fence with an access gate along the project frontage at Old Bayshore Highway. The site contains a single eucalyptus tree which is located along the northern site boundary, and a large shrub located at the western corner of the site. The site is otherwise absent of substantial vegetation.

The project site was previously used for the manufacturing of concrete pipes until operations ceased in 2018. Pipe manufacturing operations were conducted in the fabrication building located in the northeastern portion of the site. Crushed and screened concrete was stored along the SPRR tracks near the eastern portion of the project site.

Figure 1
Regional Project Location

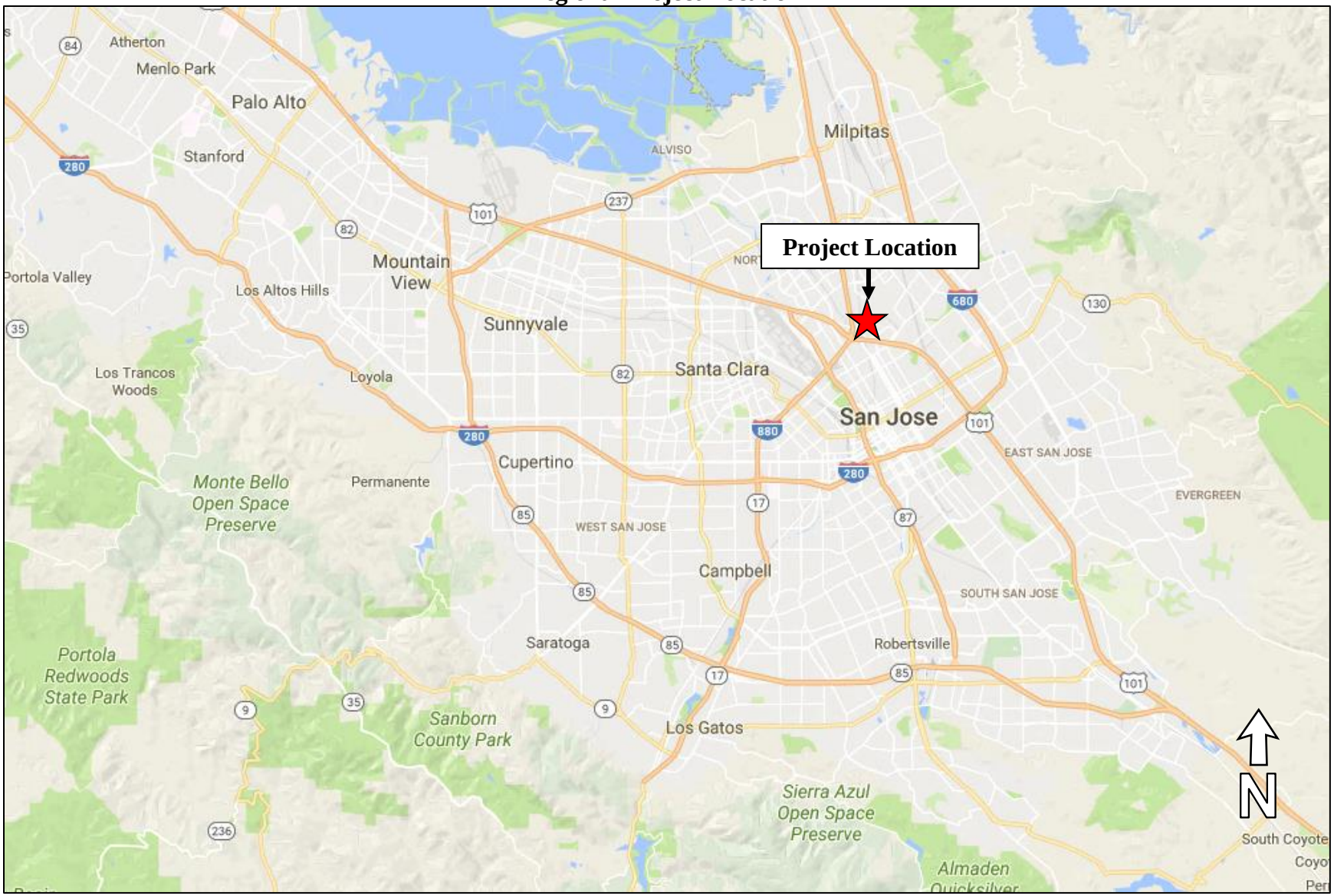


Figure 2
Project Vicinity Map

Project Components

The proposed project would include demolition of the existing on-site structures and redevelopment of the site with a one-story, 69,192-sf warehouse, 34 parking spaces, and associated improvements (see Figure 3 and Figure 4).

The proposed project components are discussed below, including the warehousing building, parking and access, landscaping, utilities and service systems, construction details, and project approvals.

Warehouse Building

The proposed 69,192-sf one-story warehouse building would consist of site cast, tilted concrete panels with a variety of architectural enhancements (see Figure 4). The building would have a maximum height of 28 feet and would be set back approximately 150 feet from the existing SPRR railroad tracks located northeast of the site. Proposed uses for the building would be primarily warehouse with approximately 5,000 sf of office uses; however, a tenant for the building has not been identified at this time.

Parking and Access

Primary access to the site would be provided by two new driveways off of Old Bayshore Highway, as well as a connection to an existing off-site drive aisle to the north of the site, connecting to East Gish Road. With regard to pedestrian access, a new curb, gutter, and sidewalk would be provided along the project frontage at Old Bayshore Highway. A paved, four- to six-foot-wide walkway would extend from the proposed parking area to the new sidewalk along Old Bayshore Highway to provide for pedestrian connectivity with the surrounding area.

A total of 34 parking spaces would be provided on-site, including two American Disabilities Act (ADA)-compliant stalls, one van-accessible stall, and two electric vehicle charging stalls. The proposed parking spaces would be provided on the west side of the warehouse building, oriented along a north-south drive aisle. The project would include a bicycle rack with five bicycle spaces located at the northern end of the proposed parking aisle. In addition, the proposed project would include six loading docks on the east side of the building, as well as space for six future loading docks at the south side of the building. A total of six grade level overhead doors would be distributed between the north, east, and south sides of the building.

Landscaping

As part of the proposed project, landscaping elements would be provided west of the proposed parking area along the project frontage, extending off-site to the adjacent property to the south, and along the northern, eastern, and southern site boundaries. The existing eucalyptus tree at the northern site boundary would be retained. Low water use plants would be used extensively, with moderate water use plants concentrated near the driveways and building entries. Figure 5 provides an overview of the proposed landscaping improvements.

Figure 3
Proposed Site Plan

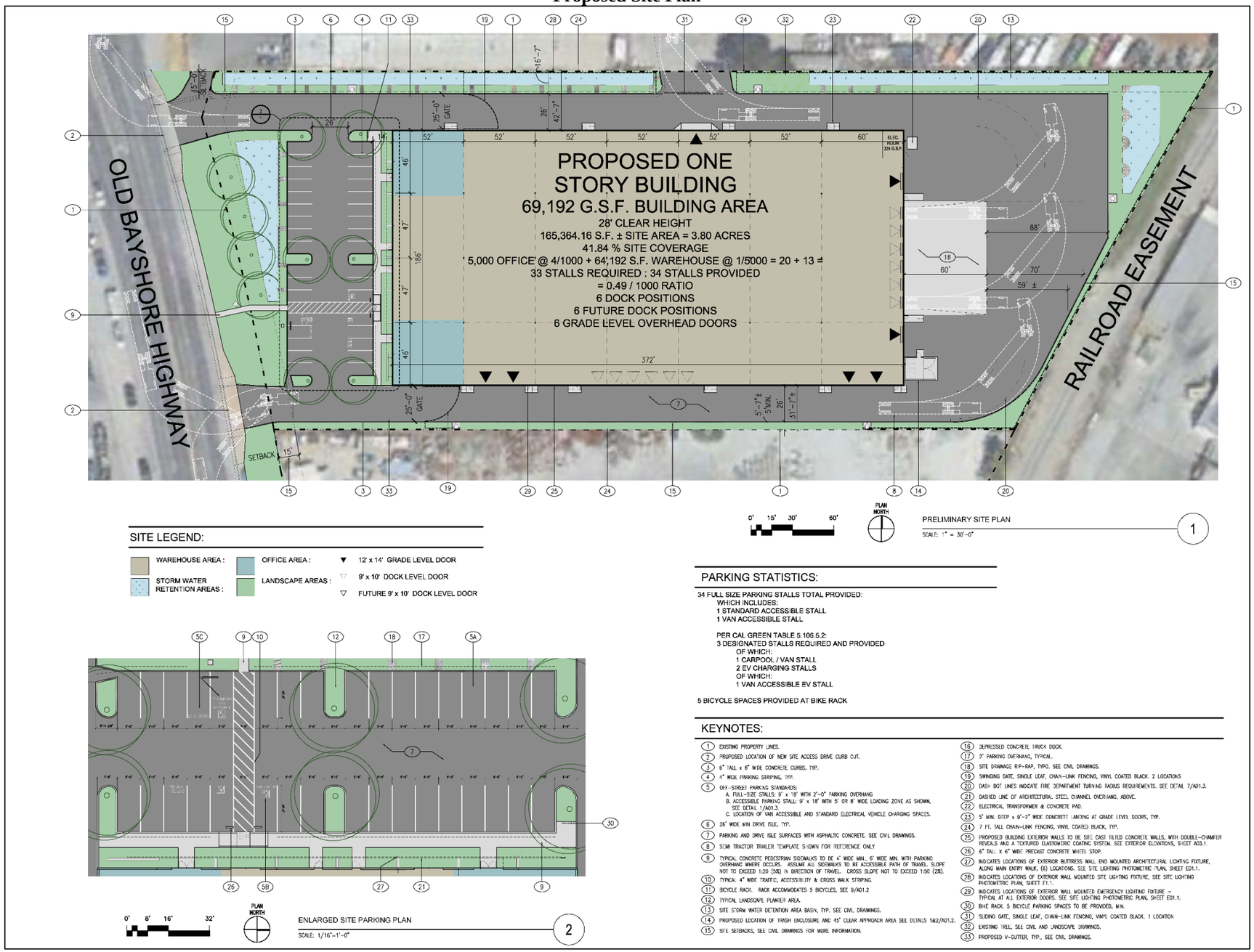


Figure 4
Proposed Warehouse Building

A. VIEW OF BUILDING ENTRY FROM SOUTH WEST

B. VIEW OF BUILDING ENTRY FROM NORTH WEST

Figure 5
Preliminary Landscape Plan

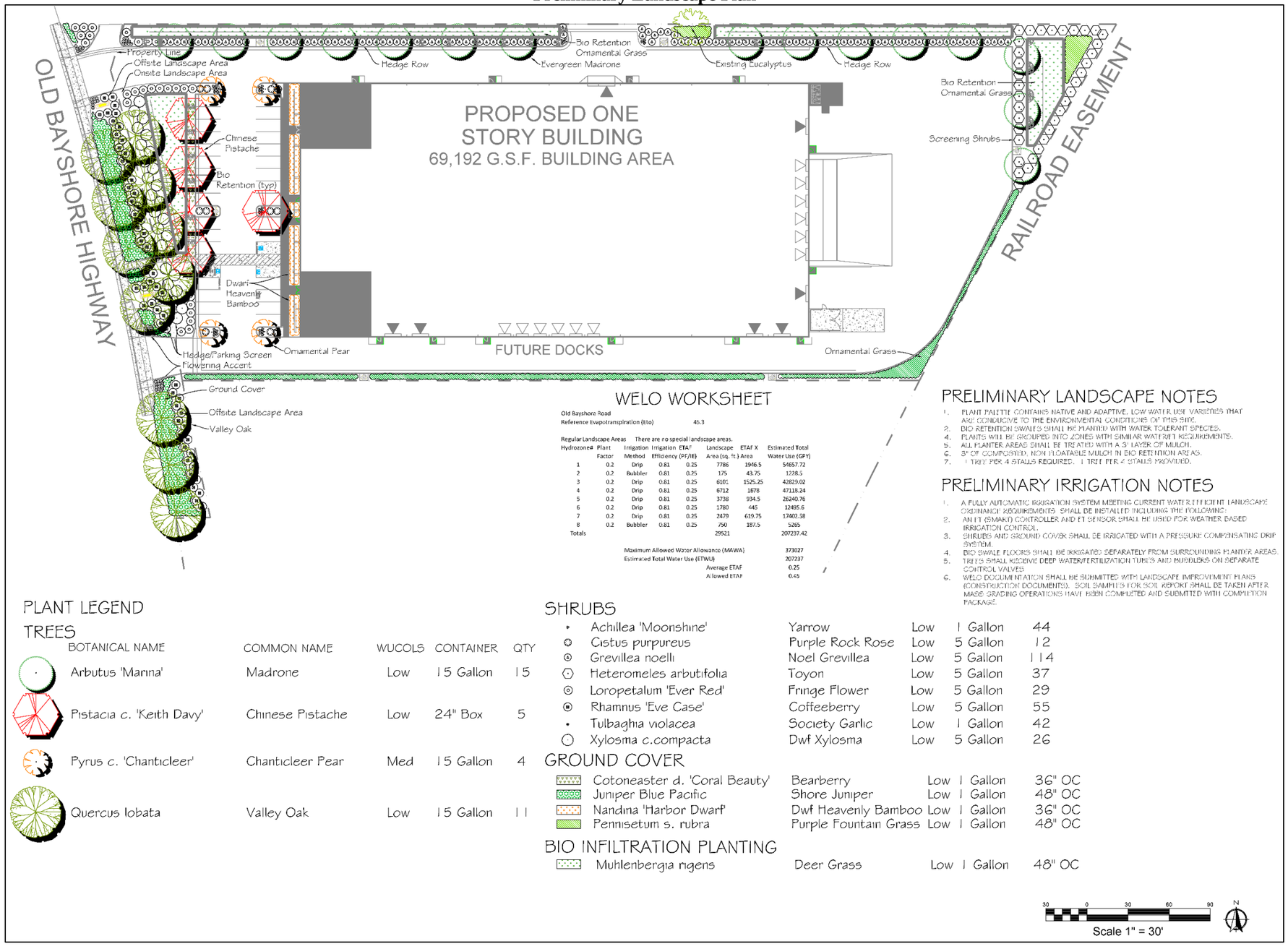
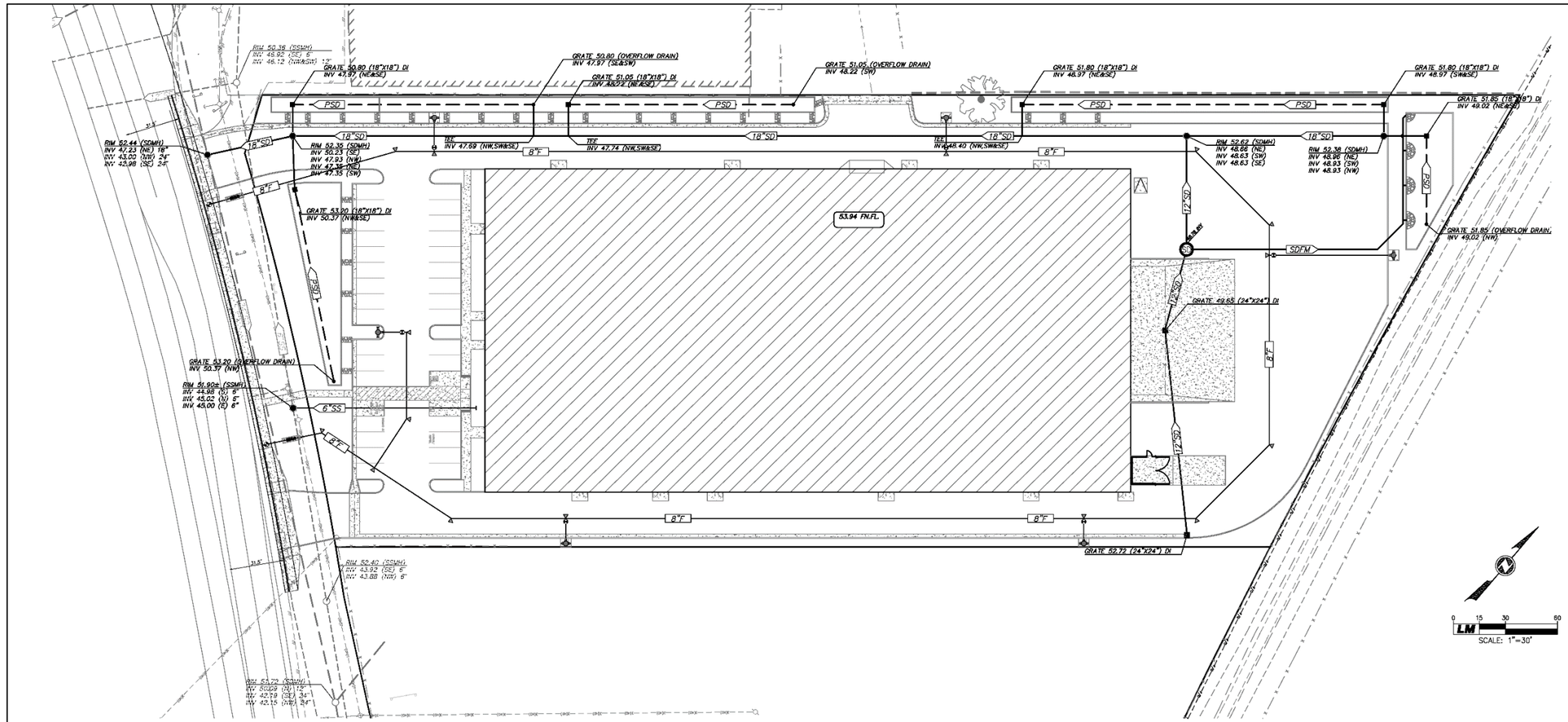


Figure 6
Utilities Plan



GENERAL UTILITY NOTES:

A. POTHOLE & VERIFY EXISTING SEWER/STORM DRAIN AS FIRST ITEM OF WORK AND VERIFY INVERT ELEVATIONS WITH ENGINEER PRIOR TO BEGINNING WORK. CAUTION!!!! EXISTING UTILITIES. CAUTION!!

B. MAINTAIN 6" MIN. CLEAR SPACE BETWEEN ON-SITE PIPES, EXCEPT AS NOTED. AT ALL LOCATIONS WHERE WATER MAIN CROSSES BELOW SEWER AND STORM DRAIN LINES, CENTER PIPE LENGTH SO THAT JOINTS ARE 10' FROM THE CENTERLINE OF THE STORM DRAIN OR SEWER MAIN (TYPICAL).

C. ELECTRICAL AND GAS LAYOUT TO BE VERIFIED WITH PG&E. SEE ELECTRICAL & MECHANICAL PLANS FOR EXACT LOCATION.

D. CONTRACTOR SHALL PROVIDE CONNECTION DETAIL SUBMITTAL FOR DOWN SPOUT CONNECTIONS TO UNDERGROUND STORM DRAIN SYSTEM PRIOR TO BEGINNING ANY STORM DRAIN INSTALLATION WORK INCLUDING ANY REQUIRED FOOTING PENETRATIONS. CONTRACTOR SHALL REVIEW/VERIFY BUILDING CONNECTION LOCATIONS RELATED TO POTENTIAL FOOTING/FOUNDATION OR OTHER CONFLICTS THAT MAY OCCUR. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROVIDE CONNECTIONS FOR ALL BUILDING DOWN SPOUTS TO THE UNDERGROUND STORM DRAIN SYSTEM UNLESS NOTED OTHERWISE. ROUTING OF THE STORM DRAIN PIPE TO DOWN SPOUTS ARE SHOWN FOR GENERAL LOCATION ONLY AND MAY NEED TO BE ADJUSTED DEPENDING ON THE CONTRACTOR'S ACTUAL METHODS OF CONSTRUCTION AND TIMING RELATED TO BUILDING AND SITE CONSTRUCTION.

E. ALL UNDERGROUND FIRE PROTECTION SHALL BE INSTALLED, TESTED, AND MAINTAINED PER NFPA 24, 2010 EDITION.

F. ALL FIRE HYDRANTS, PIV/FDC'S SHALL BE INSTALLED SO AS NOT TO BE BLOCKED BY PARKING STALLS, LOADING ZONES, LANDSCAPING, ETC.

G. ALL FIRE HYDRANTS SHALL HAVE AN 18-INCH CLEARANCE FROM THE CENTER OF THE 4-1/2" DISCHARGE TO FINISHED GRADE LEVEL.

H. ALL FIRE HYDRANTS SHALL HAVE A BLUE DOT REFLECTOR INSTALLED 12-INCHES OFF CENTERLINE IN FRONT OF ALL FIRE HYDRANTS ON THE HYDRANT SIDE.

I. ALL FIRE HYDRANTS SHALL BE INSTALLED WITH BREAK-OFF BOLTS AND/OR BREAK-OFF SPOOLS.

J. ALL FIRE HYDRANTS SHALL BE EQUIPPED WITH A 3'X3' MINIMUM CONCRETE PAD AROUND THEM PER NFPA 24, 2010 EDITION. EXTEND PAD AS SHOWN ON PLANS TO BACK OF CURB.

K. CONTRACTOR SHALL MODIFY DRAIN INLETS WITHIN VEHICULAR TRAFFIC AREA PER DETAIL **, SHEET C701 FOR SUBGRADE DRAINAGE.

L. IF CONTRACTOR IS ORDERING PRECAST DRAINAGE INLETS, CONTRACTOR SHALL SUBMIT AN INSTALLATION MATRIX FOR EACH INLET WITH ALL INVERTS AND GRATES SHOWN FOR ENGINEERS APPROVAL PRIOR TO ORDERING.

M. INSTALL THRUST BLOCK AT ALL WATER FITTINGS PER CITY OF SAN JOSE STANDARDS(▽ - TYPICAL).

N. INSTALL WATER VALVES PER CITY OF WEST SAN JOSE. ALL PLASTIC WATER MAINS SHALL HAVE TRACER WIRE.

O. REMOVE AND REPLACE EXISTING CURB GUTTER AND SIDEWALK AS NECESSARY TO INSTALL NEW UTILITIES.

CONSTRUCTION NOTES ⬡:

1.

Utilities and Service Systems

Sewer service for the proposed project would be provided by the City through a new connection to the project site from an existing six-inch City sewer line located in Old Bayshore Highway to the west of the site (see Figure 6). Water service would be provided by the San José Water Company (SJWC) by a connection to an existing water main located in Old Bayshore Highway.

Runoff from the impervious areas on the site, including the warehouse roof, hardscape, parking areas, and driveways, would be collected by a series of on-site drain inlets and routed to a series of bio-retention basins located to the west of the proposed parking aisle, along the northern site boundary, and within the northeastern portion of the site adjacent to the SPRR tracks. (see Figure 7). Each bio-retention basin would treat and detain on-site stormwater runoff. Treated runoff would flow, by way of a new on-site storm drain system, from the bio-retention basins to the City's existing 24-inch storm drain located in Old Bayshore Highway along the project frontage. Additional detail regarding the design and sizing of the bio-retention basins is included in Section IX, Hydrology and Water Quality, of this IS/MND.

Construction Details

For the purposes of this analysis, the following assumptions have been made regarding project construction activities:

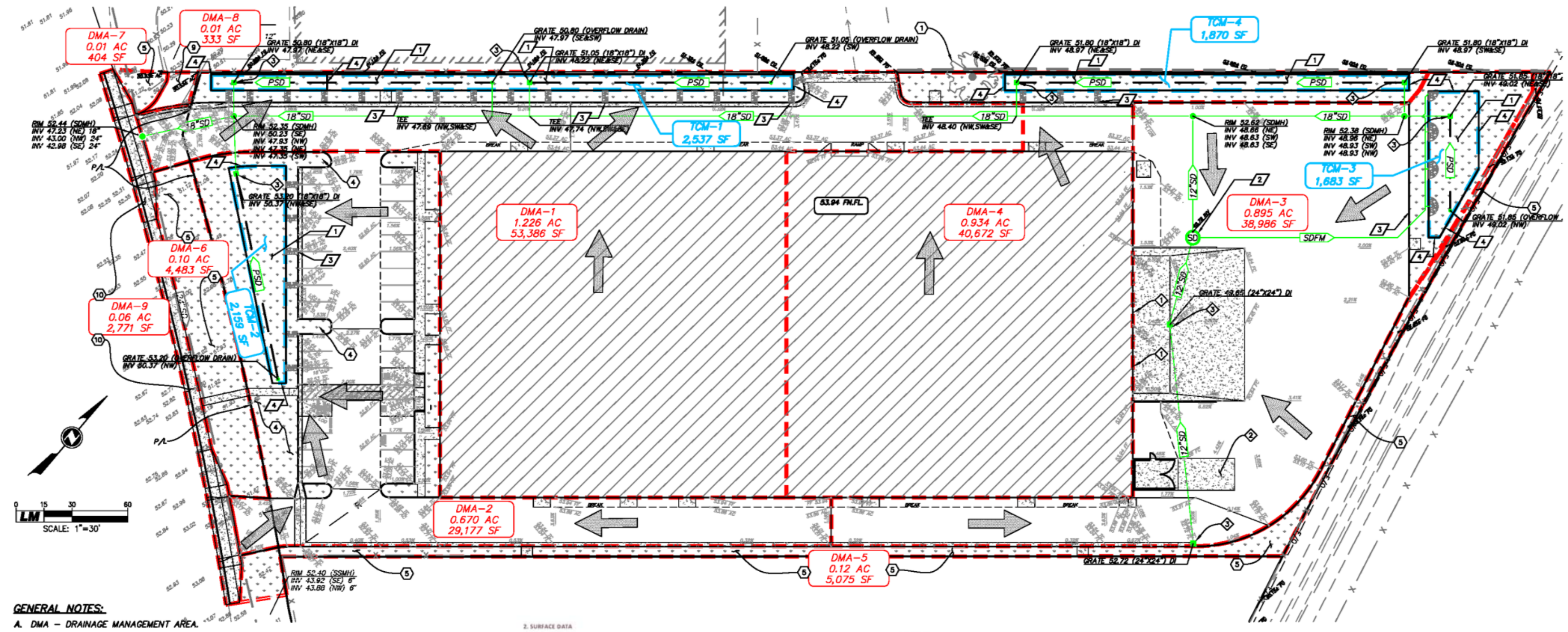
- Construction would occur over an approximately eight-month period; and
- The proposed project would comply with the 2016 California Building Energy Efficiency Standards Code.

Project Approvals

The information contained in this IS/MND will be used by the City of San José as it considers whether or not to approve the proposed project. If the project is approved, the IS/MND would be used by the City and responsible and trustee agencies in conjunction with various approvals and permits. These actions include, but may not be limited to, the following:

- Site Development Permit
- Demolition
- Grading Permits
- Building Permits
- Occupancy Permits
- Easement Vacations
- Other Associated Public Works Clearances

Figure 7
Stormwater Control Plan



GENERAL NOTES:

A. DMA – DRAINAGE MANAGEMENT AREA.
B. BF – BIORETENTION FACILITY, TREATMENT CONTROL MEASURE.
C. SOILS ARE GROUP C, PER USDA SOIL MAP VIEWER REPORT.
D. DEPTH TO GROUNDWATER IS YET TO BE DETERMINED.
E. RECEIVING WATER BODY IS GUADALUPE RIVER, VIA CITY STORM DRAIN SYSTEM.
F. SITE IS NOT IN A FEMA SPECIAL FLOOD HAZARD ZONE. IT IS IN A FEMA ZONE D, WHICH IS AN AREA OF UNDETERMINED FLOOD HAZARD.

SITE DESIGN MEASURES ⬡:

1. PROTECT EXISTING TREES.
2. PRESERVE NATURAL DRAINAGE PATTERNS.
3. DIRECT RUNOFF FROM IMPERVIOUS AREAS TO LANDSCAPED AREAS. FLOW DIRECTION (➡).
4. PLANT TREES ADJACENT TO IMPERVIOUS AREAS.
5. SELF-TREATING AREA.
6. CLUSTER STRUCTURES/PAVING.
7. CREATE NEW PERVIOUS AREAS – LANDSCAPING.
8. USE WATER-EFFICIENT IRRIGATION SYSTEM. SEE LANDSCAPE PLAN FOR FURTHER DETAIL.
9. SELF-RETAINING AREA. DMA 8 TO DRAIN TO DMA 7 (LANDSCAPING) FOR SELF-RETAINMENT.
10. PROPOSED SIDEWALK IS EXEMPT FROM TREATMENT REQUIREMENTS.

POTENTIAL POLLUTION SOURCES AND CONTROL MEASURES ◇:

1. LOADING DOCK. COVERED FOR SIX FEET OUT BEYOND THE EDGE OF THE BUILDING ROOF. SEE ARCHITECTURAL PLANS FOR FURTHER DETAIL.
2. REFUSE AREA. COVERED AND ENCLOSED FOR DUMPSTERS. SEE ARCHITECTURAL PLANS FOR FURTHER DETAIL. GRADED TO MINIMIZE STORMWATER RUN-ON AND RUNOFF. SEE GRADING PLAN FOR FURTHER DETAIL.
3. STORM DRAIN INLET. MARK WITH WORDS "NO DUMPING! FLOWS TO BAY". SEE UTILITY PLAN FOR FURTHER DETAIL.

TREATMENT CONTROL MEASURES ▱:

1. INSTALL BIORETENTION FACILITY PER DETAILS ON SHEET C502. SEE GRADING PLAN, SITE PLAN, UTILITY PLAN, AND LANDSCAPING PLAN FOR MORE DETAIL.
2. INSTALL STORM DRAIN PUMP STATION TO PUMP STORMWATER QUALITY FLOW RATE, 80 GPM (0.2 CFS), TO BIORETENTION FACILITY. HIGHER FLOWS TO OVERFLOW BY GRAVITY THROUGH OVERFLOW PIPE.
3. INSTALL CURB OPENING PER DETAIL 7 ON SHEET C502, TYPICAL WHERE ROCK EROSION CONTROL SHOWN BEHIND CURB.
4. INSTALL CURB CROSS MEMBER PER DETAIL 5 ON SHEET C502.

HYDROMODIFICATION CONTROL MEASURES:

1. NOT APPLICABLE.

O&M SUMMARY:

1. SEE O&M ACTIVITIES IN TABLE 1, THIS SHEET. RESPONSIBLE PARTIES WILL BE SPECIFIED WITH THE FINAL CONSTRUCTION DOCUMENTS.

LEGEND

- DMA — DRAINAGE MANAGEMENT AREA
- TCM — TREATMENT CONTROL MEASURE
- DMA 1 1,000 SF — WATER QUALITY AREA NAME AND SQUARE FOOTAGE
- WATER QUALITY AREA BOUNDARY
- TCM-1 1,000 SF — BIORETENTION FACILITY NAME AND SQUARE FOOTAGE
- BIORETENTION FACILITY AREA
- DIRECTION OF FLOW
- BUILDING
- CONCRETE
- A.C.
- LANDSCAPING

Water Quality Flow - DMA 3				
DMA area	38,986	ft^2		
WQ Rain Intensity	0.2	in/hr		
WQF	80	gpm	0.18	cfs

TREATMENT CONTROL MEASURE SUMMARY TABLE

DMA #	TCM #	Treatment Type	LID or Non-LID	Sizing Method	Drainage Area (s.f.)	Impervious Area (s.f.)	Pervious Area (Other) (s.f.)	% Onsite Area Treated by LID or Non-LID TCM	Bioretention Area Required (s.f.)	Bioretention Area Provided (s.f.)	Excess Bioretion Area (s.f.)	Overflow Riser Height (in)	Storage Depth Provided (ft)	Comments
1	1	Bioretention unlined w/ underdrain	LID	2C. Flow: 4% Method **	53,386	53,386		31.01%	2,135	2,456	321	per plan	6" min.	
2	2	Bioretention unlined w/ underdrain	LID	2C. Flow: 4% Method **	29,177	29,177		16.95%	1,167	2,159	992	per plan	6" min.	
3	3	Bioretention unlined w/ underdrain	LID	2C. Flow: 4% Method **	38,986	38,986		22.64%	1,559	1,683	124	per plan	6" min.	
4	4	Bioretention unlined w/ underdrain	LID	2C. Flow: 4% Method **	40,672	40,672		23.62%	1,627	1,870	243	per plan	6" min.	
5		Self-treating areas	LID		5,075	5,075		2.95%	203					
6		Self-treating areas	LID		4,483	4,483		2.60%	179					
7		Self-treating areas	LID		404	404		0.23%	16					
8		Self-retaining areas	LID		333	333			13					
9****		Untreated ****	Non-LID		2,771	2,771		-	111					Being equivalently treated by EQ-1
EQ-1****								-						Equivalent Treatment for DMA 17
				Totals:	175,287	175,287	0	100.00%						

Footnotes:
* "Lined" refers to an impermeable liner placed on the bottom of a Bioretention basin or a concrete Flow-Through Planter, such that no infiltration into native soil occurs.
** Sizing for Bioretention Area Required calculated using the 4% Method (Impervious Area x 0.04)
*** Per Chapter 2.3 of the C3 Stormwater Handbook Roadway projects that add new sidewalk along an existing roadway are exempt from Provision C.3.c of the Municipal Stormwater Permit.
**** DMA XX is not being treated but will be treated by Equivalent Treatment Area EQ-1. Area EQ-1 is equal to or greater than the required treatment area of DMA XX. EQ-1 is not required to be treated as it is [insert reason here]

E. ENVIRONMENTAL CHECKLIST

The following checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental impact category identified in the checklist.

For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less-Than-Significant With Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

The right-hand column in the checklist cites the source(s) for the answer to each question. The sources cited are identified in Section G, Checklist Sources, at the end of this document. Mitigation measures, if necessary, are identified for all project impacts. Per Section 15370 of the CEQA Guidelines, "mitigation measures" are measures that would minimize, avoid, or eliminate a significant impact. Measures that are standard and required by the City or by law are categorized as "standard permit conditions." All measures shall be printed on all documents, contracts, and project plans.

I. AESTHETICS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	1,2,3,4
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☒	☐	1,2,3,4
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 point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐	1,2,3,4
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	1,2,3,4

Existing Setting

Currently, the project site consists of an industrial construction yard developed with an existing office and a manufacturing/fabrication facility. Generally, the site is located within an urbanized industrial area. A mobile home park is located to the west of the project site across Old Bayshore Highway. Per the California Scenic Highway Mapping System, the project site is not located near a State Scenic Highway.

Applicable Plans, Policies, and Regulations

The City's General Plan includes the following policies adopted to avoid or mitigate visual and aesthetic impacts associated with development in the City:

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-1.8: Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.

Policy CD-1.13: Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both

desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

In addition to the policies listed above, the proposed project would be required to comply with the San José Outdoor Lighting Policy (City Council Policy Number 4-3) and the Industrial Design Guidelines adopted by the City Council.

City Council Outdoor Lighting Policy

San José City Council Policy 4-3 contains guidelines for use of outdoor lighting. The purpose of this policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

Impacts Discussion

a-d. Have a substantial adverse effect on a scenic vista? Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?

Less-Than-Significant Impact.
The project is replacing an existing developed area with a new one-story warehouse building in an industrial area. The site does not have any historic buildings, rock outcroppings, or other scenic resources on or around the site. As previously mentioned, the project site is adjacent to roadways and other existing industrial type of uses.

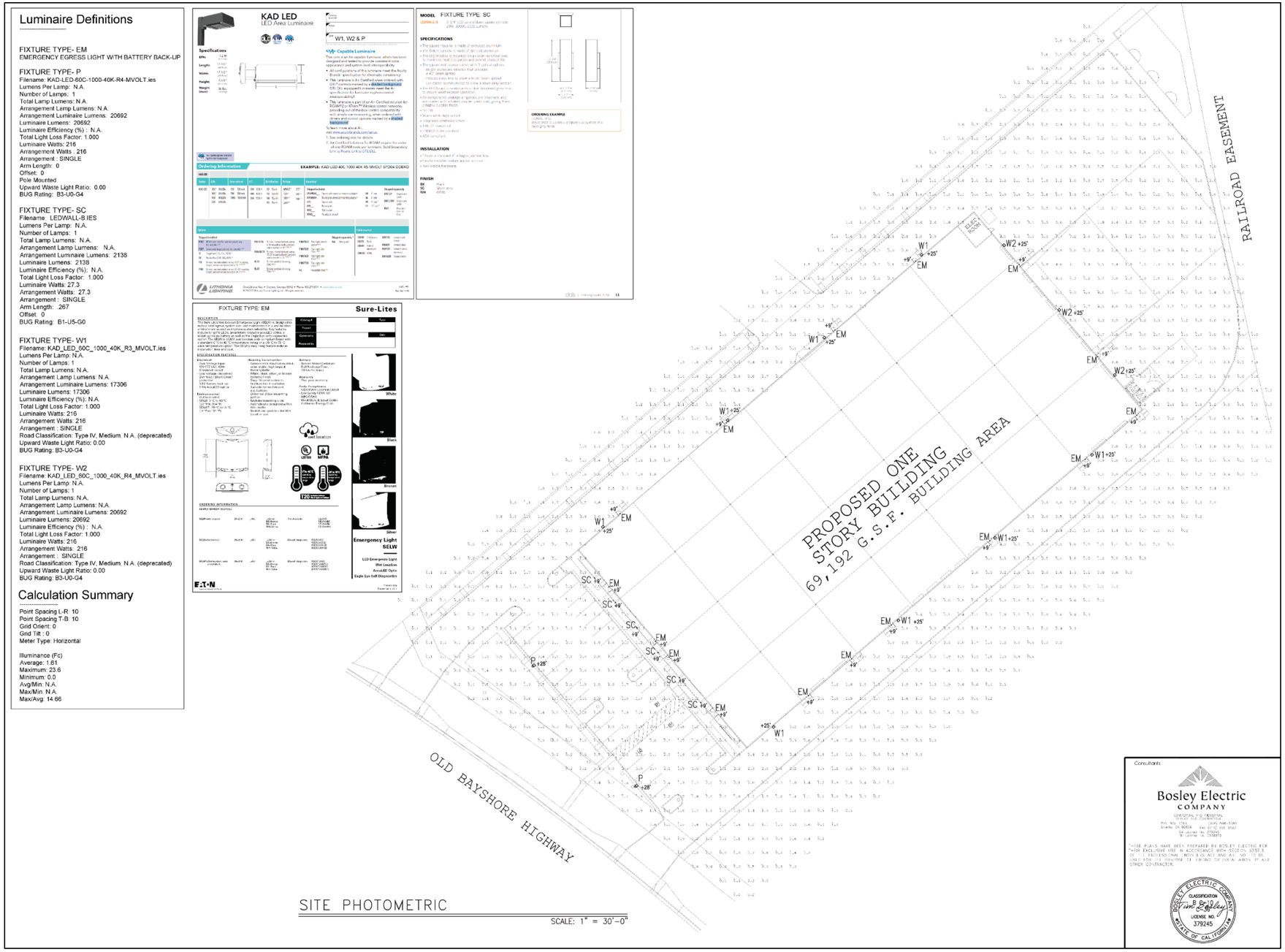
The one-story building would be required to be consistent with the City's Industrial Design Guidelines. The proposed project would retain the existing tree on site and would incorporate one tree for every four parking spaces throughout the parking lot area, which would help to screen parked vehicles from view. Therefore, the project would be adding vegetation to the site.

The color, materials, and architectural details of the building façade would comply with all applicable elements of the Guidelines to ensure compatibility and consistency with other surrounding industrial uses. Furthermore, the project would be subject to all applicable requirements related to aesthetic resources within the City's Municipal Code, including Section 20.50.250 related to height restrictions for ground-mounted light fixtures. Thus, the project would not conflict with applicable City zoning and other regulations governing aesthetic quality.

Lastly, a photometric plan has been prepared for the project which verifies that the proposed exterior lighting would not cause substantial light spillage beyond the project boundaries to any sensitive viewers (see Figure 8). Generally, the project would not result in substantially increased nighttime light or glare beyond what currently occurs on-site.

For reasons mentioned above, the project would not result in a substantial adverse effect on a scenic vista; substantially damaging scenic resources within a State Scenic Highway; substantially degrading the existing visual character of the project site and/or its surroundings; and creating new sources of light and/or glare which would substantially affect day or nighttime views. Thus, the project impact is less-than-significant.

Figure 8
Photometric Site Plan



II. AGRICULTURE AND FOREST RESOURCES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	1,2,3,5
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	1,2,3,5
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))?	☐	☐	☐	☒	1,2
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	1,2

Existing Setting

The project site consists of an existing pipe manufacturing facility located in an urban area in the City of San José and is surrounded by existing development. Per the California Department of Conservation Farmland Mapping and Monitoring Program (FMMP), the site consists of land considered Urban and Built-Up Land.[1] The site's current General Plan land use designation and zoning designation is HI. As such, the site is not zoned or designated in the General Plan for agriculture or forest uses. The site is not under a Williamson Act contract, and is not currently used for agriculture.

Applicable Plans, Policies, and Regulations

The California Department of Conservation FMMP provides maps and data to decision-makers to assist them in making informed decisions regarding the planning of the present and future use of California's agricultural land resources.

The California Land Conservation Act, better known as the Williamson Act, has been the State's premier agricultural land protection program since the Act's enactment in 1965. The California legislature passed the Williamson Act in 1965 to preserve agricultural and open space lands by

[1] California Department of Conservation. *California Important Farmland Finder*. Available at: http://www.conservation.ca.gov/dlrp/fmmp. Accessed April 2019.

discouraging premature and unnecessary conversion to urban uses. In return, land owners receive property tax assessments which are lower than full market value of the property because they are based on farming and open space uses.

Public Resources Code Section 12220(g) defines forest land as the following:

> "Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Public Resources Code Section 4526 defines timberland as the following:

> "Timberland" is land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

Impacts Discussion

a,e. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping Program of the California Resources Agency, to non-agricultural use? 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 noted above, the project site is currently developed, is designated Urban and Built-Up land per the FMMP, and is not located adjacent to designated Farmland. Furthermore, the site is not zoned or designated in the General Plan for agriculture uses, and the site is not used for agriculture or open space. Given the designation of the site as Urban and Built-Up Land, development of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use, or otherwise result in the loss of Farmland to non-agricultural use. Therefore, no impact would occur as a result of the proposed project.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is not under a Williamson Act contract and is designated and zoned for industrial uses. Therefore, the proposed project would not conflict with existing zoning for agricultural use or a Williamson Act contract, and no impact would occur.

c,d. 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))? Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project site is not considered forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), and is not zoned Timberland Production (as defined by Government Code section 51104[g]). As noted above, the site is designated and zoned for industrial uses, and is currently developed with a pipe manufacturing facility. Therefore, the proposed project would have no impact with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning.

III. AIR QUALITY. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	1,6
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?	☐	☐	☒	☐	1,6,7
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	1,6,7, 8,9,10
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐	1,6

Existing Setting

Criteria Pollutants

The City of San José is in the San Francisco Bay Area Air Basin (SFBAAB), which is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The SFBAAB area is currently designated as a nonattainment area for the State and federal ozone, State and federal fine particulate matter 2.5 microns in diameter ($PM_{2.5}$), and State respirable particulate matter 10 microns in diameter (PM_{10}) ambient air quality standards (AAQS). The SFBAAB is designated attainment or unclassified for all other AAQS. It should be noted that on January 9, 2013, the U.S. Environmental Protection Agency (USEPA) issued a final rule to determine that the Bay Area has attained the 24-hour $PM_{2.5}$ federal AAQS. Nonetheless, the Bay Area must continue to be designated as nonattainment for the federal $PM_{2.5}$ AAQS until such time as the BAAQMD submits a redesignation request and a maintenance plan to the USEPA, and the USEPA approves the proposed redesignation. The USEPA has not yet approved a request for redesignation of the SFBAAB; therefore, the SFBAAB remains in nonattainment for 24-hour $PM_{2.5}$.

Sensitive Receptors

Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Sensitive receptors are typically defined as facilities where sensitive receptor population groups (i.e., children, the elderly, the acutely ill, and the chronically ill) are likely to be located. Accordingly, land uses that are typically considered to be sensitive receptors include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics. The nearest existing sensitive receptors to the project site are the mobile homes located approximately 100 feet west of the site across Old Bayshore Highway.

The major pollutant concentrations of concern are localized carbon monoxide (CO) emissions and other toxic air contaminant (TAC) emissions, which are addressed in further detail below.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. High levels of localized CO concentrations are only expected where background levels are high, and traffic volumes and congestion levels are high. Emissions of CO are of potential concern, as the pollutant is a toxic gas that results from the incomplete combustion of carbon-containing fuels such as gasoline or wood. CO emissions are particularly related to traffic levels.

TAC Emissions

Another group of substances found in ambient air referred to as Toxic Air Contaminants (TACs).TACs are a broad class of compounds known to cause morbidity or mortality, usually because theycause cancer. TACs are found in ambient air, especially in urban areas, and are released by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). 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. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. CARB has adopted regulations for stationary and mobile sources to reduce emissions of diesel exhaust and diesel particulate matter (DPM). Several of these regulatory programs affect medium and heavy-duty diesel trucks, which represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).

Fine Particulate Matter (PM2.5) is a TAC composed of a mix of substances, such as carbon andmetals, compounds such as nitrates, organics, and sulfates, and mixtures such as diesel exhaust and wood smoke. Because of their small size (particles are less than 2.5 micrometers in diameter), PM2.5 can lodge deeply into the lungs.

TACs are primarily regulated through state and local risk management programs. These programs are designed to eliminate, avoid, or minimize the risk of adverse health effects from exposures to TACs. Several of these regulatory programs affect medium and heavy-duty diesel trucks, which Represent the bulk of DPM emissions from California highways. To address the issue of diesel emissions in the state, CARB developed the Diesel Risk Reduction Plan (Diesel RRP) to reduce diesel particulate matter emissions. In addition to requiring more stringent emission standards for new on- and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, a significant component of the plan involves application of emission control strategies to existing diesel vehicles and equipment. Many of the measures of the Diesel RRP have been approved and adopted, including the federal on- and non-road diesel engine emission standards for new engines, as well as adoption of regulations for low sulfur fuel in California. Unlike regional criteria air pollutants, local risks associated with TACs and PM2.5 are

evaluated on the basis of risk to human health rather than comparison to an ambient air quality standard or emission-based threshold.

Applicable Plans, Policies, and Regulations

Plans, policies, and programs related to air quality that are applicable to the proposed project are summarized below.

Federal, State, and Regional Regulations

In compliance with Federal Clean Air Act (FCAA) and the California Clean Air Act (CCAA) regulations, due to the nonattainment designations of the area, the BAAQMD periodically prepares and updates air quality plans that provide emission reduction strategies to achieve and maintain attainment of the AAQS, including control strategies to reduce air pollutant emissions through regulations, incentive programs, public education, and partnerships with other agencies. The current air quality plans are prepared in cooperation with the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG).

The most recent federal ozone plan is the 2001 Ozone Attainment Plan, which was adopted on October 24, 2001 and approved by the CARB on November 1, 2001. The plan was submitted to the USEPA on November 30, 2001 for review and approval. The most recent State ozone plan is the 2017 Clean Air Plan (CAP), adopted on April 19, 2017. The 2017 CAP was developed as a multi-pollutant plan that provides an integrated control strategy to reduce ozone, PM, TACs, and greenhouse gases (GHGs). Although a plan for achieving the State PM_{10} standard is not required, the BAAQMD has prioritized measures to reduce PM in developing the control strategy for the 2017 CAP. The control strategy serves as the backbone of the BAAQMD's current PM control program.

The aforementioned air quality plans contain mobile source controls, stationary source controls, and transportation control measures to be implemented in the region to attain the State and federal AAQS within the SFBAAB. Adopted BAAQMD rules and regulations, as well as the thresholds of significance, have been developed with the intent to ensure continued attainment of AAQS, or to work towards attainment of AAQS for which the area is currently designated nonattainment, consistent with applicable air quality plans. The BAAQMD's established significance thresholds associated with development projects for emissions of the ozone precursors reactive organic gases (ROG) and oxides of nitrogen (NO_x), as well as for PM_{10} and $PM_{2.5}$, expressed in pounds per day (lbs/day) and tons per year are listed in Table 1.

Table 1
BAAQMD Thresholds of Significance

	Construction	Operational	
Pollutant	**Average Daily Emissions (lbs/day)**	**Average Daily Emissions (lbs/day)**	**Maximum Annual Emissions (tons/year)**
ROG	54	54	10
NO_x	54	54	10
PM_{10} (exhaust)	82	82	15
$PM_{2.5}$ (exhaust)	54	54	10

Source: BAAQMD, CEQA Guidelines, 2017.

Thus, by exceeding the BAAQMD's mass emission thresholds for emissions of ROG, NO_X, PM_{10}, or $PM_{2.5,}$ a project would be considered to conflict with or obstruct implementation of the BAAQMD's air quality planning efforts and potentially violate or contribute to an existing violation of AAQS. The City, as lead agency, has chosen to use the BAAQMD's thresholds of significance for evaluation of the proposed project.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. The City 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 TACs and PM2.5. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in the table above.

General Plan

The City's General Plan includes the following policies adopted for the purpose of avoiding or mitigating air quality impacts associated with development in the City:

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-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-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.

Impacts Discussion

a,b. Conflict with or obstruct implementation of the applicable air quality plan? Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less-Than-Significant Impact. The proposed project's emissions were quantified using the California Emissions Estimator Model (CalEEMod) software version 2016.3.2 – a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify air quality emissions, including GHG emissions, from land use projects. Where project-specific information is available, such information should be applied in the model. Accordingly, the modeling conducted for the proposed project included the following assumptions:

- Default equipment was assumed, as there are currently no specific equipment available or known for the construction;
- Construction would occur over an approximately nine-month period;
- A total of 150 tons of material would be imported during grading; and
- A total of 150 tons of material would be exported during grading.

All CalEEMod results are included in Appendix A to this IS/MND.

The proposed project's estimated emissions associated with construction and operations are presented and discussed in further detail below. A discussion of the proposed project's contribution to cumulative air quality conditions is provided below as well.

Construction Emissions

According to the CalEEMod results, the proposed project would result in maximum unmitigated construction criteria air pollutant emissions as shown in Table 2.

Table 2
Maximum Unmitigated Construction Emissions (lbs/day)

Pollutant	Proposed Project Emissions	Threshold of Significance	Exceeds Threshold?
ROG	8.08	54	**NO**
NO_X	34.76	54	**NO**
PM_{10} (exhaust)	1.66	82	**NO**
PM_{10} (fugitive)	7.06	None	**N/A**
$PM_{2.5}$ (exhaust)	1.55	54	**NO**
$PM_{2.5}$ (fugitive)	3.46	None	**N/A**

Source: CalEEMod, April 2019 (see Appendix A).

As shown in the table, the proposed project's construction emissions would be below the applicable thresholds of significance for ROG, NO_X, PM_{10}, and $PM_{2.5}$. Although thresholds

of significance for mass emissions of fugitive dust PM_{10} and $PM_{2.5}$ have not been identified by the City of San José or BAAQMD, the proposed project's estimated fugitive dust emissions have been included for informational purposes.

Furthermore, consistent with the certified City policies, the project shall implement the following conditions during all phases of construction on the project site to reduce dust and other particulate matter emissions to a less than significant level:

Standard Permit Conditions

1. Water active construction areas at least twice daily or as often as needed to control dust emissions.
2. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
3. Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
5. Pave new or improved roadways, driveways, and sidewalks as soon as possible.
6. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
7. Replant vegetation in disturbed areas as quickly as possible.
8. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
9. Minimize idling times either by shutting off equipment 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). Provide clear signage for construction workers at all access points.
10. Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
11. Post a publicly visible sign with the telephone number and person to contact regarding dust complaints.

The emissions shown in Table 2 above do not account for the proposed project's required implementation of the standard permit conditions listed above. Compliance with such, to the extent that the measures are required for the proposed project's construction activities, would help to further minimize construction-related emissions. These conditions are targeted at reducing dust and, thus, project compliance would reduce the potential for fugitive dust issues. Because the proposed project would result in construction emissions below the applicable thresholds of significance, construction of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan or contribute substantially to an existing or projected air quality violation, or 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.

Operational Emissions

The proposed project would include operation of an industrial warehouse. Proposed uses for the building would be primarily warehousing, with approximately 5,000 sf of office uses; however, a tenant for the building has not been identified at this time. Criteria pollutant emissions associated with operation of the proposed warehouse would be primarily due to vehicle traffic to and from the project site. Other sources of emissions include electricity generation necessary to serve the project, wastewater processing, and solid waste disposal.

The modeling conducted for the proposed project accounted for adjustments to the CO_2 intensity factor to account for PG&E's compliance with State renewable portfolio standards (RPS). In addition, the vehicle trip rate was adjusted based on a Local Transportation Analysis prepared for the proposed project by Fehr & Peers. According to the CalEEMod results, the proposed project would result in maximum unmitigated operational criteria air pollutant emissions as shown in Table 3. As shown in the table, the proposed project's operational emissions would be below the applicable thresholds of significance.

Table 3
Maximum Unmitigated Operational Emissions

Pollutant	Proposed Project Emissions		Threshold of Significance		Exceeds Threshold?
	lbs/day	tons/yr	lbs/day	tons/yr	
ROG	1.91	0.34	54	10	**NO**
NO_X	1.06	0.19	54	10	**NO**
PM_{10} (exhaust)	0.01	0.00	82	15	**NO**
PM_{10} (fugitive)	0.74	0.13	None	None	**N/A**
$PM_{2.5}$ (exhaust)	0.01	0.00	54	10	**NO**
$PM_{2.5}$ (fugitive)	0.20	0.03	None	None	**N/A**

Source: CalEEMod, April 2019 (see Appendix A).

Because the proposed project's operational emissions would be below the applicable thresholds of significance, operation of the proposed project would not conflict with or obstruct implementation of the applicable air quality plan or 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.

Cumulative Emissions

Past, present, and future development projects contribute to the region's adverse air quality impacts on a cumulative basis. By nature, air pollution is largely a cumulative impact. A single project is not sufficient in size to, by itself, result in nonattainment of AAQS. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then

the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. The thresholds of significance presented in Table 1 represent the levels at which a project's individual emissions of criteria air pollutants or precursors would result in a cumulatively considerable contribution to the SFBAAB's existing air quality conditions. If a project exceeds the significance thresholds presented in Table 1, the proposed project's emissions would be cumulatively considerable, resulting in significant adverse cumulative air quality impacts to the region's existing air quality conditions. Because the proposed project would not result in emissions above the applicable thresholds of significance for ROG, NO_X, PM_{10}, or $PM_{2.5}$, the project would not be expected to result in a cumulatively considerable contribution to the region's existing air quality conditions.

Conclusion

As stated previously, the applicable regional air quality plans include the 2001 Ozone Attainment Plan and the 2010 CAP. Because the proposed project would not result in construction-related or operational emissions of criteria air pollutants in excess of the BAAQMD's thresholds of significance, the proposed project would not be considered to conflict with or obstruct the implementation of any regional air quality plans. Therefore, the proposed project would not contribute, individually or cumulatively, to the region's nonattainment status for ozone or PM. Thus, a less-than-significant impact would occur.

c. Expose sensitive receptors to substantial pollutant concentrations?

Less-Than-Significant Impact. As discussed above, the major pollutant concentrations of concern are localized CO emissions and other TAC emissions, which are addressed in further detail below. In addition, a discussion of health effects related to criteria pollutants is provided.

Localized CO Emissions

In order to provide a conservative indication of whether a project would result in localized CO emissions that would exceed the applicable threshold of significance, the BAAQMD has established screening criteria for localized CO emissions. According to BAAQMD, a proposed project would result in a less-than-significant impact related to localized CO emission concentrations if all of the following conditions are true for the project:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and

- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, underpass, etc.).

The Santa Clara Valley Transportation Authority (VTA) Congestion Management Program (CMP)[2] is the applicable CMP for the project area. The project site is currently operated for industrial uses, and the proposed project would be consistent with the existing land use and zoning designations for the site. Traffic projections used in the CMP planning process are based on land use designations and existing development within the areas under the VTA's jurisdiction; because the project site has been previously developed for industrial uses and the proposed project would continue the use of the site for industrial purposes, vehicle trips related to operations of the project site have been generally considered in the CMP and the proposed project would be consistent with the applicable CMP.

As discussed in Section XVII, Transportation and Circulation, of this IS/MND, the proposed project would result in a net reduction in AM and PM peak hour trips from the project site, as compared to operations of the existing manufacturing facility. As such, the proposed project would not increase traffic volumes at an affected intersection to more than 44,000 vehicles per hour or more than 24,000 vehicles per hour where air mixing is limited.

Considering the above and based on the BAAQMD's screening criteria for localized CO emissions, the proposed project would not be expected to result in substantial levels of localized CO at surrounding intersections or generate localized concentrations of CO that would exceed standards or cause health hazards.

TAC Emissions

The proposed project would involve construction activities and operational heavy-duty diesel truck traffic that would have associated TAC emissions in the form of $PM_{2.5}$, including DPM from diesel-fueled equipment and trucks. The CARB's Handbook includes distribution centers involving diesel truck traffic of more than 100 trucks per day as a source of substantial TAC emissions if located within 1,000 feet from a sensitive receptor. Approximately 20 diesel trucks would operate on the project site over the course of a day during project operations. Because the proposed project would not involve more than 100 trucks at the site per day, per the CARB Handbook, operation of the project would not generate substantial TAC emissions requiring further study. Therefore, operation of the proposed project would not result in substantial TAC emissions.

Construction of the proposed project is anticipated to include the use of diesel-powered construction equipment within the project site. A mobile home park is located to the west of the project site across Old Bayshore Highway. Thus, the proposed project would include operation of heavy-duty diesel-powered construction equipment in proximity to existing sensitive receptors. Due to the proximity of sensitive receptors to the project site, emissions

[2] Santa Clara Valley Transportation Authority. *2015 Congestion Management Plan.* October 2015.

from diesel-powered construction equipment were further analyzed in a Health Risk Analysis (HRA) prepared for the proposed project.

HRA

BAAQMD has not established a quantitative threshold of significance for construction-related TAC emissions. However, BAAQMD has established a threshold of significance for TAC emission and increased health-risks related to permanent, individual stationary sources of TAC emissions as well as cumulative health risks. Construction equipment operating within the project site would be operated temporarily over the anticipated nine-month construction period, intermittently throughout the day, and would be considered a mobile source of emissions. Therefore, construction equipment emitting DPM within the project site would not be considered a stationary source of TAC emissions subject to the BAAQMD's adopted thresholds. Nevertheless, in the absence of adopted standards for TAC emissions from construction-related activities, BAAQMD's stationary source threshold is applied to DPM emissions from the proposed project. To determine whether the proposed project would result in DPM emissions leading to health risks in excess of the BAAQMD's standards, the potential DPM emissions from construction equipment and resulting health risks were modeled, as discussed below.

As noted previously, operation of construction equipment within the project site would result in emissions of DPM. DPM is the solid material in diesel exhaust, more than 90 percent of such material is less than one micrometer in diameter, and, thus, DPM is a subset of the $PM_{2.5}$ category of pollutants. The $PM_{2.5}$ associated with short-term construction activities resulting from implementation of the proposed project using the construction assumptions presented under questions 'a' and 'b', at the maximally exposed sensitive receptor nearest to the site, has been estimated using the American Meteorological Society/Environmental Protection Agency (AMS/EPA) Regulatory Model (AERMOD) dispersion model. The associated cancer risk and non-cancer hazard index were calculated using the CARB's Hotspot Analysis Reporting Program Version 2 (HARP 2) Risk Assessment Standalone Tool (RAST), which calculates the cancer and non-cancer health impacts using the risk assessment guidelines of the 2015 Office of Environmental Health Hazard Assessment (OEHHA) Guidance Manual for Preparation of Health Risk Assessments.[3] The modeling was performed in accordance with the USEPA's User's Guide for the AMS/EPA Regulatory Model – AERMOD[4] and the 2015 OEHHA Guidance Manual.

Although BAAQMD has not established specific thresholds for construction-related activities, for the purposes of this analysis, the City considers an increase in cancer risk by 10 in 1 million cases or more to be a significant impact resulting from project construction. Additionally, BAAQMD considers an increase in hazard index of 1.0 or more to be a significant impact. Although the BAAQMD's standard for increased hazard index is

[3] Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments* [pg. 8-18]. February 2015.

[4] U.S. Environmental Protection Agency. *User's Guide for the AMS/EPA Regulatory Model (AERMOD)*. December 2016.

intended for use with stationary equipment, again, for the purposes of this analysis, and in the absence of adopted construction-specific thresholds, an increase in hazard index of 1.0 or more resulting from project construction is considered a significant impact.

The cancer and non-cancer health risks associated with construction-related DPM emissions are presented in Table 4 below. As shown in the table, construction activity would not result in project-level cancer or non-cancer health risks in excess of the thresholds of significance applied in this analysis at the maximally exposed sensitive receptor nearest to the site, identified to be located at the existing mobile home park to the southwest of the project site.

In addition to the project-level consideration of health risks, BAAQMD has established cumulative thresholds for cancer risk and hazard index. The cumulative impact analysis should include all past, present, and foreseeable future sources of TACs within a 1,000-foot radius of a sensitive receptor, in addition to the contribution of the proposed project.

Table 4
Maximum Cancer Risk and Hazard Index Associated with Construction DPM

	Cancer Risk (per million persons)	**Acute Hazard Index**	**Chronic Hazard Index**
At Maximally Exposed Receptor	7.62	0.00	0.01
Thresholds of Significance	*10*	*1.0*	*1.0*
Exceed Thresholds?	**NO**	**NO**	**NO**

Sources: AERMOD and HARP 2 RAST, April 2019 (see Appendix A).

The BAAQMD's thresholds for cumulative health risks as well as the calculated cumulative health risk to the receptors located at the mobile home park to the west of the site are presented in Table 5 below.

Table 5
Cumulative Cancer Risk and Hazard Index

	Cancer Risk (per million persons)	**Acute Hazard Index**	**Chronic Hazard Index**
Project Construction	7.620	0.000	0.011
U.S. Route 101	11.301	0.009	0.010
Interstate 880	8.215	0.009	0.018
Auto Tech Collision Center	0.00	0.003	0.003
Cumulative Health Risk	27.136	0.021	0.042
Thresholds of Significance	*100*	*10.0*	*10.0*
Exceed Thresholds?	**NO**	**NO**	**NO**

Note: Although all stationary sources within permitted by BAAQMD within 1,000 feet of the existing mobile home park were considered, only the Auto Tech Collision Center was reported by BAAQMD as having potential cancer or hazard risks. Thus, only the Auto Tech Collision Center was included in this table.

Sources: AERMOD and HARP 2 RAST, April 2019 (see Appendix A).

Nearby sources of TACs considered in the cumulative risk analysis include U.S. Route 101, Interstate 880, and several nearby permitted sources of emissions as catalogued by BAAQMD.

As shown in Table 5, the cumulative health risk to existing sensitive receptors at the mobile home park to the west of the project site would not exceed the BAAQMD's cumulative threshold for cancer risk or hazard index. Therefore, the proposed project would not result in a significant project-level or cumulative impact related to health risks for nearby sensitive receptors.

Criteria Pollutants

The BAAQMD thresholds of significance were established with consideration given to the health-based air quality standards established by the NAAQS and CAAQS, and are designed to aid the district in achieving attainment of the NAAQS and CAAQS. The BAAQMD's thresholds of significance are intended to aid achievement of the NAAQS and CAAQS for which the SFBAAB is in nonattainment, but the thresholds of significance do not represent a level above which individual project-level emissions would directly result in public health impacts. Rather, the thresholds of significance represent emissions levels that would ensure that project-specific emissions would not inhibit attainment of regional NAAQS and CAAQS. As noted previously in discussion in checklist question 'a' and 'b', the proposed project would not result in short-term construction-related or long-term operational emissions of criteria pollutants that would exceed BAAQMD standards. Thus, the project would not inhibit attainment of regional NAAQS and CAAQS. Accordingly, the proposed project would not expose sensitive receptors to excess concentrations of criteria pollutants.

Conclusion

Based on the above, the proposed project would not expose any sensitive receptors to substantial concentrations of localized CO or TACs, including DPM from construction activity or future on-site diesel truck operations. Therefore, the proposed project would result in a less-than-significant impact related to the exposure of sensitive receptors to substantial concentrations of pollutants.

d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less-Than-Significant Impact. Emissions of pollutants have the potential to adversely affect sensitive receptors within the project area. Pollutants of principal concern include emissions leading to odors, emission of dust, or emissions considered to constitute air pollutants. Air pollutants have been discussed in sections "a" through "c" above. Therefore, the following discussion focuses on emissions of odors and dust.

Per the BAAQMD CEQA Guidelines, odors are generally regarded as an annoyance rather than a health hazard.[5] Manifestations of a person's reaction to odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). The presence of an odor impact is dependent on a number of variables including: the nature of the odor source; the frequency of odor generation; the intensity of odor; the distance of odor source to sensitive receptors; wind direction; and sensitivity of the receptor.

Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantitative methodologies to determine the presence of a significant odor impact do not exist. Typical odor-generating land uses include, but are not limited to, wastewater treatment plants, landfills, and composting facilities. The proposed project would not introduce any such land uses. However, the proposed project's activities could result in diesel fumes, for instance during the temporary construction period and/or associated with the heavy-duty truck traffic during operations, which could be considered objectionable.

Construction is temporary and construction equipment would operate intermittently throughout the course of a day, would be restricted to daytime hours per Section 20.100.450 of the City's Municipal Code, and would likely only occur over portions of the project site at a time. In addition, all construction equipment and operation thereof would be required to comply with all applicable regulations, including the In-Use Off-Road Diesel Vehicle Regulation and BAAQMD rules and regulations. The aforementioned regulations would help to minimize air pollutant emissions, as well as any associated odors. Considering the short-term nature of construction activities, the regulated and intermittent nature of the operation of construction equipment, construction of the proposed project would not be expected to create objectionable odors affecting a substantial number of people.

The project would involve heavy-duty diesel truck traffic at the site, as discussed above. The truck delivery schedule is currently unknown, but the deliveries would not occur all at one particular time. As such, similar to the discussion above related to construction equipment odors, any odors associated with the delivery trucks would likely be of short duration and would occur intermittently throughout the day. Furthermore, heavy-duty trucks have previously operated within the project site, and the proposed project would not be anticipated to increase any potential impacts from the operation of trucks within the project site beyond what currently occurs. The nearest existing sensitive receptors would be the mobile home park located west of the project site across Old Bayshore Highway. Given that the on-site loading dock area would be located to the east of the proposed warehouse, heavy-duty diesel truck operations would primarily occur a substantial distance away from the sensitive receptors. As such, associated diesel odors would not be expected to create objectionable odors affecting a substantial number of people.

It should be noted that BAAQMD regulates objectionable odors through Regulation 7, Odorous Substances, which does not become applicable until the Air Pollution Control

[5] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines* [pg. 7-1. May 2017.

Officer (APCO) receives odor complaints from ten or more complainants within a 90-day period. Once effective, Regulation 7 places general limitation on odorous substances and specific emission limitations on certain odorous compounds, which remain effective until such time that citizen complaints have not been received by the APCO for one year. The limits of Regulation 7 become applicable again when the APCO receives odor complaints from five or more complainants within a 90-day period. Thus, although not anticipated, if odor complaints are made during construction or after the proposed project is developed, the BAAQMD would ensure that such odors are addressed and any potential odor effects reduced to less than significant.

For the aforementioned reasons, construction and operation of the proposed project would not result in emissions (such as those leading to odors) adversely affecting a substantial number of people, and a less-than-significant impact would occur.

IV. BIOLOGICAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
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?	☐	☐	☒	☐	1,2,3,11
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☒	1,2,3
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?	☐	☐	☐	☒	1,2,3
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	☐	☒	1,2,3
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	1,2,3,4
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☒	☐	1,2,3,11

Existing Setting

Special-status species include those plant and wildlife species that have been formally listed, are proposed as endangered or threatened, or are candidates for such listing under the federal and State Endangered Species Acts. Both acts afford protection to listed and proposed species. In addition, California Department of Fish and Wildlife (CDFW) Species of Special Concern, which are species that face extirpation in California if current population and habitat trends continue, U.S.

Fish and Wildlife Service (USFWS) Birds of Conservation Concern, sensitive species included in USFWS Recovery Plans, and CDFW special-status invertebrates are all considered special-status species. Although CDFW Species of Special Concern generally do not have special legal status, they are given special consideration under CEQA. In addition to regulations for special-status species, most birds in the U.S., including non-status species, are protected by the Migratory Bird Treaty Act (MBTA) of 1918. Under the MBTA, destroying active nests, eggs, and young is illegal. In addition, plant species on California Native Plant Society (CNPS) Lists 1 and 2 are considered special-status plant species and are protected under CEQA.

The project site is located within the Santa Clara Valley Habitat Plan (SCVHP) area and is designated in the SCVHP as Urban Development, which includes residential densities greater than one dwelling unit per 2.5 acres, as well as industrial, commercial, institutional, public facilities, public/quasi-public, and major educational facilities land use designations. Per the SCVHP, the site consists of the Urban-Suburban land cover type.[6] The site is currently developed with an industrial pipe manufacturing facility. The site contains a single eucalyptus tree which is located along the northern site boundary, and a large shrub located at the western corner of the site. The site is otherwise absent of substantial vegetation.

In order to determine the potential for special status plant or wildlife species to occur within the project region, the California Natural Diversity Database (CNDDB) was queried for the San Jose West quadrangle within which the project site is located. Based on the results of the CNDDB search, a total of five special-status plant species and 12 special-status wildlife species have been recorded within the project region. However, based on known habitat requirements, none of the identified species have the potential to occur on the project site. Such habitat requirements include, but are not limited to, grassland, chaparral, coastal dunes, wetlands, and coniferous forests, none of which are present on-site.

Applicable Plans, Policies, and Regulations

Various plans, policies, and regulations related to biological resources that are applicable to the proposed project are discussed below.

Migratory Bird Treaty Act

The Federal MBTA prohibits killing, possessing, or trading in migratory birds, except in accordance with regulations prescribed by the Secretary of the Interior. The MBTA encompasses whole birds, parts of birds, and bird nests and eggs. In addition, birds of prey are protected in California under provisions of the State Fish and Game Code, Section 3503.5, which prohibits the unlawful take, possession, or destruction of any birds of prey of nests of birds of prey. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

[6] County of Santa Clara, City of San José, City of Morgan Hill, City of Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority. *Final Santa Clara Valley Habitat Plan, Santa Clara County, California* [Figure 3-10]. January 29, 2013.

Santa Clara Valley Habitat Plan

The SCVHP was developed through a partnership between Santa Clara County, the cities of San José, Morgan Hill, and Gilroy, the Santa Clara Valley Water District (SCVWD), the Santa Clara VTA, the USFWS, and 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 has been approved by the local partners, and City of San José adopted the plan on January 29, 2013.

San José Municipal Code

Per the City's Municipal Code, "Heritage" and "Ordinance" trees cannot be removed without obtaining a tree removal permit from the City. Per Chapter 13.28 and 13.32 of the Municipal Code, Heritage trees are trees located on private property that have been found by the City Council to have a special significance to the community. Ordinance Trees include any live or dead woody perennial plant with a main stem or trunk measuring 18 inches in diameter at a height measured 24 inches above the natural grade slope. Furthermore, the Section 13.32.110 of the Municipal Code stipulates that trees requiring removal are to be replaced at a specified ratio depending on the size of the tree and whether the trees are native, non-native, or orchard trees.

General Plan

The City's General Plan includes the following policies adopted for avoiding or mitigating biological resources impacts associated with development in the City:

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 MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6: As a condition of new development, require, where appropriate, 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.

Impacts Discussion

a,f. 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 CDFW or USFWS? Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?

Less-Than-Significant Impact. As discussed previously, the project site does not contain suitable habitat for any of the five special-status plant species and 12 special-status wildlife species known to occur within the project region based on the results of the CNDDB search. Thus, redevelopment of the site as part of the proposed project would not result in impacts to such species. It should be noted that the project site contains one eucalyptus tree along the northern site boundary, to be preserved as part of the project, that could potentially provide nesting habitat for local birds protected under the MBTA. However, given that both the project site and the adjacent parcel to the north are currently developed with industrial uses and subject to ongoing noise from industrial operations and heavy-duty truck traffic, such birds are not likely to occur on-site or adjacent to the site. Furthermore, the site does not contain land cover types that would support any of the wildlife or plant species covered by the SCVHP. As such, per the SCVHP, wildlife and/or plant surveys are not required. In addition, given that the site is currently developed with industrial uses and does not contain substantial natural land cover, payment of SCVHP fees would not be required. However, the SCVHP requires payment for nitrogen deposition fees for all covered projects that generate new net vehicle trips. With the implementation of the following environmental condition, the project would be consistent with the adopted HCP and would be less than significant.

Standard Permit Condition

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 Santa Clara Valley Habitat Plan 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.

Based on the reasons and the implementation of the condition mentioned above, the proposed project would not 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 CDFW or USFWS, and the project would not conflict with the SCVHP. Thus, a less-than-significant impact would occur.

b,c. Have a substantial adverse effect on riparian habitat or a sensitive natural community identified by the CDFW or USFWS? 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. As noted above, the project site is currently developed with an industrial pipe manufacturing facility. The site does not contain riparian habitat, sensitive natural communities, aquatic features, or wetlands. As such, impacts to such resources would not occur.

d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

No Impact. Habitat loss, fragmentation, and degradation have the potential to alter the use and viability of wildlife movement corridors (i.e., linear habitats that naturally connect and provide passage between two or more otherwise distinct larger habitats or habitat fragments). The suitability of a habitat as a wildlife movement corridor is related to, among other factors, the habitat corridor's dimensions (length and width), topography, vegetation, exposure to human influence, and the species in question.

The project site is located within an urban area and is surrounded by existing development on all sides. Aside from the southern site boundary, the project site is encircled by a chain link fence with an access gate along the project frontage at Old Bayshore Highway. Furthermore, as discussed previously, the project site does not contain aquatic features that would allow for fish passage. Therefore, the project would not interfere substantially with the movement of any resident or migratory fish or wildlife species, or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites, and no impact would occur.

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less-Than-Significant Impact. The project site contains a single eucalyptus tree located along the northern site boundary that would be preserved as part of the proposed project. As noted previously, the City provides protections for Ordinance Trees, defined as any live or dead woody perennial plant with a main stem or trunk measuring 18 inches in diameter at a height measured 24 inches above the natural grade slope. As the tree would be preserved on-site, the following tree protection standard shall be implemented as part of the project.

Standard Permit Conditions

The applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or

removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval, and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the applicant to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.

V. CULTURAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☒	☐	1,2,3, 12,13
b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	☐	☒	☐	☐	1,2,3, 12,13
c. Disturb any human remains, including those interred outside of dedicated cemeteries.	☐	☒	☐	☐	1,2,3, 12,13

Existing Setting

Based on a records search conducted by the North Central Information Center of the California Historical Resources Information System (CHRIS), the project site does not include, and is not located adjacent to, recorded buildings or structures listed in the State Office of Historic Property Directory.[7] It should be noted that the existing on-site pipe fabrication facility and associated office were constructed on the site in 1956 or earlier. Structures that are 50 years of age or older may be eligible for consideration as historic resources under the California Register of Historic Places (CRHP) and the National Register of Historic Places (NRHP). Thus, the structures have been evaluated pursuant to the CRHP and NRHP criteria. The CRHR eligibility criteria include the following:

(1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the U.S.;
(2) It is associated with the lives of persons important to local, California, or national history;
(3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
(4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association.

The NRHP eligibility criteria include the following: "The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess aspects of integrity of location, design, setting, materials, workmanship, feeling, association, and

(a) is associated with events that have made a significant contribution to the broad patterns of our history;

[7] North Central Information Center. *Record search results for the proposed Old Bayshore Highway Warehouse Project, APN 237-06-015, City of San Jose, CA.* April 2, 2019.

(b) is associated with the lives of a person or persons significance in our past;
(c) embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction; or
(d) has yielded or may be likely to yield information important in prehistory or history.

The pipe fabrication facility consists of a metal-framed, metal-sided structure (see Figure 9 below). The structure is typical of other industrial storage structures in the region. The office is a single-story, wood-sided building with a shingle roof. The existing on-site pipe fabrication facility and associated office located on the project site are not known to be associated with any significant historical events in the project region or California, and is not likely to yield information important to the prehistory or history of the local area, California, or the nation. In addition, the structures have not been occupied or owned by any persons important to local, State, or national history, and do not possess any unique architectural elements. Based on the above, the aforementioned structures are not eligible for consideration as historical resources per the CRHR or NRHP eligibility criteria, and, thus, would not be considered historical resources.

Per the CHRIS search, the project site does not contain any recorded archaeological resources. However, a moderate potential exists for unrecorded historic-period archaeological resources to occur within the project area. Based on an evaluation of the environmental setting and features associated with known sites, Native American resources have been found in areas marginal to the San Francisco Bay shore and inland near intermittent and perennial watercourses. The Native American Heritage Commission (NAHC) conducted a search of the NAHC's Sacred Lands File for the project's area of potential effect (APE) with negative results.[8] However, per the CHRIS search, given that the project site is located approximately 0.5-mile west of Coyote Creek and contains Holecene alluvial fan deposits, there is a potential for unrecorded Native American resources to occur on-site during construction activities.

Applicable Plans, Policies, and Regulations

The City's General Plan includes the following policies adopted for the purpose of avoiding or mitigating cultural resources impacts associated with development in the City:

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

[8] Native American Heritage Commission. *Old Bayshore Highway Warehouse Project, City of San Jose; San Jose West USGS Quadrangle, Santa Clara County, California.* March 18, 2019.

Figure 9
Views of Existing Pipe Fabrication Facility and Office

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.

Impacts Discussion

a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Less-Than-Significant Impact. Historical resources are typically features that are associated with the lives of historically important persons and/or historically significant events, or that embody the distinctive characteristics of a type, period, region or method of construction. Historic-period site indicators generally include: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps). As noted previously, the existing on-site fabrication facility consists of a metal-framed, metal sided shed structure. The existing office is a single-story, wood-sided building with a shingle roof. Neither structure includes any unique character-defining features.

The buildings and structures on site, therefore do not qualify as historic resources pursuant to the applicable CRHR or NRHP eligibility criteria. Therefore, demolition of such structures and redevelopment of the site with an industrial warehouse as part of the proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, and a less-than-significant impact would occur.

b,c. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5? Disturb any human remains, including those interred outside of dedicated cemeteries?

Less-Than-Significant Impact with Mitigation. According to the records search conducted for the project site, given the extent of known cultural resources and the environmental setting of the project area, the potential for archaeological resources to occur in the vicinity of the proposed project area is moderate. In addition, while a record search of the NAHC Sacred Lands File for the APE yielded negative results, the site is 0.57 mile away from a waterway and is within an archeological sensitive area. Portions of the site are currently paved and the new project would excavate approximately 139,526 sf for building foundation and surface parking lot. With this excavation, a moderate potential

exists for unrecorded Native American resources to occur on-site, because of the proximity of the site to the nearest waterway and the presence of Holocene alluvial fan deposits.

Compliance with the City's standard permit conditions, as described below, would help to limit potential impacts related to accidental discovery of unknown buried archaeological or paleontological materials during ground-disturbing activities associated with the project.

Standard Permit Conditions

Consistent with General Plan policies ER-10.2 and ER-10.3, the following standard permit conditions would be applied to the proposed project to reduce or avoid impacts to previously undiscovered archaeological resources, including human remains:

- 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 Planning, Building and Code Enforcement (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 2641, shall be followed. If human remains are discovered 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 Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall 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 Native American Heritage Commission (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 mediation by the NAHC fails to provide measures acceptable to the landowner.

While implementation of the City's standard permit conditions would help to reduce potential impacts to unknown archaeological resources, based on the results of the CHRIS search conducted for the project site, further site investigation is required prior to initiation of ground-disturbing activities on the project site in order to ensure that the proposed project would not cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5 or disturb any human remains, including those interred outside of dedicated cemeteries. Thus, a potentially significant impact could occur.

Mitigation Measure(s)
With implementation of the following mitigation measures, the above potential impact would be reduced to a less-than-significant level.

CUL-1.1: *Preliminary Investigation: Prior to the issuance of any grading permits, a qualified archaeologist who is trained in both local prehistoric and historical archaeology shall complete presence/absence exploration at the site, to determine if there are any indications of discrete historic-era subsurface archaeological features. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place. The results of the presence/absence exploration, including any treatment recommendations if any, shall be submitted to the Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement for review and approval prior to issuance of any grading permit. Based on the findings of the subsurface testing, an archaeological resources treatment plan as described in MM CUL-1.2 shall be prepared by a qualified archaeologist if necessary.*

CUL-1.2: *Treatment Plan. If MM CUL-1-1 is applicable, the project applicant shall prepare a treatment plan that reflect permit-level detail pertaining to depths and locations of all ground disturbing activities shall be prepared and submitted to the Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement prior to approval of any grading permit. The treatment plan shall contain, at a minimum:*

- *Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.*

- *Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).*
- *Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).*
- *Detailed field strategy to record, recover, or avoid the finds and address research goals.*
- *Analytical methods.*
- *Report structure and outline of document contents.*
- *Disposition of the artifacts.*
- *Appendices: all site records, correspondence, and consultation with Native Americans, etc.*

Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

CUL-1.3: *Evaluation. The project proponent shall notify the Director of Planning or Director's designee of the City of San José Department of Planning, Building, and Code Enforcement of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during grading or other construction activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Informative center (NWIC), and/or equivalent.*

V. ENERGY. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐	1,2,3,4, 14
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐	1,2,3,4, 14

Existing Setting

The main forms of available energy supply are electricity, natural gas, and oil. The existing on-site pipe manufacturing facility has historically involved electricity use associated with lighting and operation of machinery, as well as diesel fuel and natural gas use associated with haul trucks accessing the site and operation of various pieces of industrial equipment (e.g., forklifts).

Applicable Plans, Policies, and Regulations

Various plans, policies, and regulations related to energy conservation that are applicable to the proposed project are discussed below.

California Green Building Standards Code

The 2016 California Green Building Standards Code, otherwise known as the CALGreen Code (CCR Title 24, Part 11), is a portion of the CBSC, which became effective with the rest of the CBSC on January 1, 2017. The purpose of the CALGreen Code is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices. The provisions of the code apply to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout California. Requirements of the CALGreen Code include, but are not limited to, the following measures:

- Compliance with relevant regulations related to future installation of Electric Vehicle charging infrastructure in residential and non-residential structures;
- Indoor water use consumption is reduced through the establishment of maximum fixture water use rates;
- Outdoor landscaping must comply with the California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), or a local ordinance, whichever is more stringent, to reduce outdoor water use;
- Diversion of 65 percent of construction and demolition waste from landfills;
- Mandatory periodic inspections of energy systems (i.e., heat furnace, air conditioner, mechanical equipment) for nonresidential buildings over 10,000 sf to ensure that all are working at their maximum capacity according to their design efficiencies; and

- Mandatory use of low-pollutant emitting interior finish materials such as paints, carpet, vinyl flooring, and particle board.

Building Energy Efficiency Standards

The 2016 Building Energy Efficiency Standards is a portion of the CBSC, which expands upon energy-efficiency measures from the 2013 Building Energy Efficiency Standards resulting in a five percent reduction in energy consumption from the 2013 standards for commercial structures. Energy reductions relative to previous Building Energy Efficiency Standards are achieved through various regulations including requirements for the use of high efficacy lighting, improved water heating system efficiency, and high-performance attics and walls.

Climate Smart San José

Climate Smart San José is a plan developed by the City to reduce air pollution, save water, and create a healthier community. The plan articulates how buildings, transportation/mobility, and citywide growth need to change in order to minimize impacts on the climate. The plan outlines strategies that City departments, related agencies, the private sector, and residents can take to reduce carbon emissions consistent with the Paris Climate Agreement. The plan recognizes the scaling of renewable energy, electrification and sharing of vehicle fleets, investments in public infrastructure, and the role of local jobs in contributing to sustainability. It includes detailed carbon-reducing commitments for the City, as well as timelines to deliver on those commitments.

General Plan

The City's General Plan includes the following policies adopted for the purpose of avoiding or mitigating energy impacts associated with development in the City:

Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
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-2.2	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-2.6 Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.

Policy MS-2.7 Encourage the installation of solar panels or other clean energy power generation sources over parking areas.

Impacts Discussion

a,b. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less-Than-Significant Impact.

A description of the proposed project's potential effects related to energy demand during construction and operations is provided below.

Construction Energy Use

Construction of the proposed project would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. In addition, diesel-fueled portable generators may be necessary to provide additional electricity demands for temporary on-site lighting, welding, and for supplying energy to areas of the site where energy supply cannot be met via a hookup to the existing electricity grid. Project construction would not involve the use of natural gas appliances or equipment.

All construction equipment and operation thereof would be regulated per the CARB In-Use Off-Road Diesel Vehicle Regulation. The In-Use Off-Road Diesel Vehicle Regulation is intended to reduce emissions from in-use, off-road, heavy-duty diesel vehicles in California by imposing limits on idling, requiring all vehicles to be reported to CARB, restricting the addition of older vehicles into fleets, and requiring fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. The In-Use Off-Road Diesel Vehicle Regulation would subsequently help to improve fuel efficiency and reduce GHG emissions. Technological innovations and more stringent standards are being researched, such as multi-function equipment, hybrid equipment, or other design changes, which could help to reduce demand on oil and emissions associated with construction.

The CARB has recently prepared the *2017 Climate Change Scoping Plan Update* (2017 Scoping Plan),[9] which builds upon previous efforts to reduce GHG emissions and is

[9] California Air Resources Board. *The 2017 Climate Change Scoping Plan Update.* January 20, 2017.

designed to continue to shift the California economy away from dependence on fossil fuels. Appendix B of the 2017 Scoping Plan includes examples of local actions (municipal code changes, zoning changes, policy directions, and mitigation measures) that would support the State's climate goals. The examples provided include, but are not limited to, enforcing idling time restrictions for construction vehicles, utilizing existing grid power for electric energy rather than operating temporary gasoline/diesel-powered generators, and increasing use of electric and renewable fuel-powered construction equipment. The regulation described above, with which the proposed project must comply, would be consistent with the intention of the 2017 Scoping Plan and the recommended actions included in Appendix B of the 2017 Scoping Plan.

Based on the above, the temporary increase in energy use occurring during construction of the proposed project would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. In addition, the proposed project would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand.

Operational Energy Use

Following implementation of the proposed project, PG&E would provide electricity and natural gas to the project site. Energy use associated with operation of the proposed project would be typical of warehouse uses, requiring electricity and natural gas for interior and exterior building lighting, heating, ventilation, and air conditioning (HVAC), electronic equipment, machinery, appliances, security systems, and more. Maintenance activities during operations, such as landscape maintenance, would involve the use of electric or gas-powered equipment. In addition to on-site energy use, the proposed project would result in transportation energy use associated with vehicle trips generated by employee commutes and the movement of goods.

The proposed warehouse project would be subject to all relevant provisions of the most recent update of the CBSC, including the Building Energy Efficiency Standards. Adherence to the most recent CALGreen Code and the Building Energy Efficiency Standards would ensure that the proposed structure would consume energy efficiently through the incorporation of such features as door and window interlocks, direct digital controls for HVAC systems, and high efficiency outdoor lighting. Required compliance with the CBSC would ensure that the building energy use associated with the proposed project would not be wasteful, inefficient, or unnecessary. In addition, electricity supplied to the project by PG&E would comply with the State's RPS, which requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020 and to 60 percent by 2030. Thus, a portion of the energy consumed during project operations would originate from renewable sources.

With regard to transportation energy use, the proposed project would comply with all applicable regulations associated with vehicle efficiency and fuel economy. In addition, as

discussed in Section XVIII, Transportation, of this IS/MND, the proposed project would result in reduced vehicle trip generation relative to prior operations at the site and, thus, would likely result in similar or reduced VMT. In addition, the project would include the construction of a new sidewalk along the project frontage and connecting off-site to an existing sidewalk segment south of the site. The proposed improvements in pedestrian connectivity would encourage the use of alternative means of transportation to and from the project site. The use of alternative means of transportation and associated reduction of VMT would reduce fuel consumption.

Conclusion

Based on the above, construction and operation of the proposed project would not result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

VII. GEOLOGY AND SOILS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐	1,2,3,4
ii. Strong seismic ground shaking?	☐	☐	☒	☐	1,2,3,4
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	1,2,3,4
iv. Landslides?	☐	☐	☐	☒	1,2,3,4
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1,2,3,4
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?	☐	☐	☒	☐	1,2,3,4
d. Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐	1,2,3,4
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1,2,3
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐	1,2,3

Existing Setting

Per the City's General Plan EIR, the nearest earthquake fault zone relative to the project site is located approximately three miles to the east of the site, and the site is not located within an area subject to seismically-induced landslides. However, the site is located within a State Seismic

Hazard Zone for liquefaction.[10] In addition, the General Plan EIR notes that the near-surface sediments blanketing much of the City of San José are composed primarily of fine-grained silt and clay soils with varying expansive clay minerals, as well as varying sand and gravel content. According to the City's General Plan EIR, the project site is located within an area of "high sensitivity at depth (varies geographically)" for paleontological resources.[11]

Applicable Plans, Policies, and Regulations

Various plans, policies, and regulations related to geology and soils that are applicable to the proposed project are discussed below.

San José Municipal Code

Chapter 17.10, Geologic Hazards Regulations, of the City's Municipal Code contains various rules and regulations to ensure an appropriate level of review to projects which are located in geologically sensitive areas. Per Section 17.10.105(A), any grading or construction occurring on a property within a geologic hazard zone must demonstrate full compliance with the provisions of the chapter, including issuance of a geologic hazard clearance pursuant to Section 17.10.300.

General Plan

The City's General Plan includes the following policies adopted for the purpose of avoiding or mitigating impacts related to geology and soils associated with development in the City:

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 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 and reviewed 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.

Policy EC-4.1: Design and build all new or remodeled habitat 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: Development in areas subject to soils and geologic hazards, including un-engineered fill and weak soils and landslide-prone areas, only when the

[10] City of San José. *Envision San José 2040 General Plan Environmental Impact Report* [Figure 3.6-1]. November 2011.

[11] City of *San José*. *Envision San José 2040 General Plan* [Figure 3.11-1]. June 2011.

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, 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 ES-4.9: Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Policy ER-11.1 For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Impacts Discussion

a.i-iii, c. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: 1) 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? 2) strong seismic ground shaking; or 3) seismic-related ground failure, including liquefaction? 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 Impact. As noted above, per the City's General Plan EIR, the project site is not located within an earthquake fault zone. Therefore, the likelihood of surface rupture occurring from active faulting at the project site is low. However, given that the project site is located within the San Francisco Bay Area, an active seismic region, the project would undoubtedly experience severe ground shaking during moderate and large magnitude earthquakes produced along the San Andreas Fault or other active Bay Area fault zones. In addition, the project site is located within a State Seismic Hazard Zone

for liquefaction, a phenomenon that occurs when saturated sandy soils lose strength during earthquake shaking.

Lateral spreading, subsidence, liquefaction, and collapse are all related to seismic activity. Lateral spreading occurs when soils move toward unsupported surfaces or slopes during earthquake shaking. Subsidence occurs when loose, sandy soils settle during earthquake shaking. Given that the project site is relatively flat and is not located adjacent to any slopes or free faces, lateral spreading would not pose a substantial risk to the project. However, given that the soils in the project area may be subject to liquefaction, the project site could be subject to risks related to subsidence.

The proposed warehouse and associated improvements would be designed in accordance with the adopted edition of the California Building Code (CBC) requirements in place at the time of construction. Structures built according to the seismic design provisions of current building codes must be able to: 1) resist minor earthquakes without damage; 2) resist moderate earthquakes without structural damage, but with some non-structural damage; and 3) resist major earthquakes without collapse, but with some structural, as well as non-structural damage. In addition, in accordance with State law, a liquefaction evaluation consistent with State guidelines for the evaluation and minimization of seismic hazards would be submitted to, reviewed, and approved by the City Geologist or other qualified reviewer prior to final project approval. Furthermore, given that the proposed project would be consistent with the site's existing General Plan land use and zoning designations, seismic and unstable soil issues potentially affecting the project have been previously analyzed in the General Plan EIR. The project site is surrounded by existing development and is located in a highly urbanized setting.

Based on the above, and with compliance with applicable regulations, including CBC, the proposed project would not expose people or structures to substantial adverse effects including the risk of loss, injury, or death involving the rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zone Map, strong seismic ground shaking, or seismic-related ground failure, including liquefaction. In addition, the project would not result in on- or off-site landslides, lateral spreading, or collapse related to being located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project. Thus, a less-than-significant impact would occur.

aiv. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

No Impact. Per the City's General Plan EIR, the project site is not located within an area subject to seismically-induced landslide risks. In addition, the site is not located near a steep slope or other topographical feature that is considered a risk for landslide occurrence. Therefore, landslides would not pose a risk to the proposed project.

b. Result in substantial soil erosion or the loss of topsoil?

Less-Than-Significant Impact. As discussed in Section X, Hydrology and Water Quality, of this IS/MND, the proposed project would not result in substantial soil erosion or the loss of topsoil.

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

Less-Than-Significant Impact. Expansive soils increase in volume when they absorb water and have the potential to crack or otherwise compromise the integrity of building foundations. As discussed previously, near-surface sediments blanketing much of the City of San José are composed primarily of fine-grained silt and clay soils with varying expansive clay minerals, as well as varying sand and gravel content. Such units are typically moderately to very-highly expansive.

The proposed project would be constructed in conformance with the CBC, which includes specific design guidelines for dealing with expansive soils. The two most common methods to prevent damage from expansive soils are to design the building's foundation to resist soil movement and to control surface drainage in order to reduce seasonal fluctuations in soil moisture. Pursuant to the CBC and Chapter 17.10, Geologic Hazard Regulations, of the City's Municipal Code, the project applicant would be required to submit a geotechnical report for the site prior to issuance of building permits. The geotechnical study would identify appropriate construction and structural design methods to reduce the potential for damage from unstable soil conditions, including subsidence and expansive soils, and associated risks to the proposed development would not occur.

Consistent with City's policies and standards, the project would be subject to the following standard permit conditions:

Standard Permit Conditions

- 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.
- 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.

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. Sewer service for the proposed project would be provided by the City by way of a new connection to the existing six-inch City sewer line located in Old Bayshore Highway to the west of the site. Thus, septic tanks or alternative wastewater disposal systems would not be required for the proposed project, and no impact would occur.

f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less-Than-Significant Impact. As noted in the General Plan EIR, paleontological resources include fossils – the remains or traces of once-living organisms preserved in sediments or sedimentary rocks – and the geologic context in which they occur. As noted above, according to the City's General Plan EIR, the project site is located within an area of "high sensitivity at depth (varies geographically)" for paleontological resources.

Currently, the project site consists of an industrial construction yard developed with an existing office and a manufacturing/fabrication facility associated with the San Jose Concrete Pipe company. A substantial portion of the site is paved with concrete and degraded asphalt, with much of the paved areas covered with cement dust. Thus, the surface of the project site has been subject to substantial disturbance. Given that the proposed project would not require ground-disturbing activities at a substantially greater depth relative to what has previously occurred on-site, the project would not directly or indirectly destroy any unknown unique paleontological resources or sites or unique geologic features. In addition, the project would be subject to the City's standard permit conditions below.

Standard Permit Condition

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 Planning, Building and Code Enforcement (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.

Application of such standard permit conditions would reduce or avoid impacts to previously undiscovered paleontological resources. Thus, a less-than-significant impact would occur.

VIII. GREENHOUSE GAS EMISSIONS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	1,2,3,6, 14
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	☐	☐	☒	☐	1,2,3,6, 14

Existing Setting

Emissions of greenhouse gases (GHGs) contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on earth. An individual project's GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact. As such, impacts related to emissions of GHG are inherently considered cumulative impacts. While the existing on-site pipe manufacturing facility ceased operations in 2018, the facility has recently involved generation of vehicle trips and other on-site operations that produce GHG emissions.

Applicable Plans, Policies, and Regulations

Various plans, policies, and regulations related to GHG emissions that are applicable to the proposed project are discussed below.

Federal and State Regulations

A number of regulations currently exists related to GHG emissions, predominantly Assembly Bill (AB) 32, Executive Order S-3-05, and Senate Bill (SB) 32. AB 32 sets forth a statewide GHG emissions reduction target of 1990 levels by 2020. Executive Order S-3-05 sets forth a transitional reduction target of 2000 levels by 2010, the same target as AB 32 of 1990 levels by 2020, and further builds upon the AB 32 target by requiring a reduction to 80 percent below 1990 levels by 2050. SB 32 also builds upon AB 32 and sets forth a transitional reduction target of 40 percent below 1990 levels by 2030. In order to implement the statewide GHG emissions reduction targets, local jurisdictions are encouraged to prepare and adopt area-specific GHG reduction plans and/or thresholds of significance for GHG emissions. The common unit of measurement for GHG is expressed in terms of annual metric tons of CO2 equivalents (MTCO2*e*/yr).

BAAQMD

The proposed project is located within the jurisdictional boundaries of the BAAQMD. The BAAQMD developed a threshold of significance for project-level GHG emissions in 2009. The

District's approach to developing the threshold was to identify a threshold level of GHG emissions for which a project would not be expected to substantially conflict with existing California legislation. At the time that the thresholds were developed, the foremost legislation regarding GHG emissions was AB 32, which established an emissions reductions goal of reducing statewide emissions to 1990 levels by 2020.[12] The BAAQMD threshold of significance for project-level operational GHG emissions is 1,100 $MTCO_2e$/yr. BAAQMD's approach to developing a threshold of significance for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with AB 32. If a project would generate GHG emissions above the threshold level during operation, the project would be considered to generate significant GHG emissions and conflict with applicable GHG regulations. It should be noted that neither the City of San José nor BAAQMD have established a quantitative threshold or standard for determining whether a project's construction-related GHG emissions are significant.

Since the adoption of BAAQMD's GHG thresholds of significance, the State legislature has passed AB 197 and SB 32, which builds off of AB 32 and establishes a statewide GHG reduction target of 40 percent below 1990 levels by 2030. Considering the legislative progress that has occurred regarding statewide reduction goals since the adoption of BAAQMD's standards, the emissions thresholds presented above would determine whether a proposed project would be in compliance with the 2020 emissions reductions goals of AB 32, but would not demonstrate whether a project would be in compliance with SB 32. In accordance with the changing legislative environment, the BAAQMD has begun the process of updating the District's CEQA Guidelines; however, updated thresholds of significance have not yet been adopted. In the absence of BAAQMD-adopted thresholds to assess a project's compliance with SB 32, the City has chosen to consider additional GHG emissions thresholds.

The BAAQMD has determined that projects with operational emissions equal to or less than 1,100 $MTCO_2e$/yr would comply with the emission reductions target of 1990 levels by 2020 set forth by AB 32. SB 32 requires that by 2030 statewide emissions be reduced by 40 percent beyond the 2020 reduction target set by AB 32; therefore, in the absence of specific guidance from BAAQMD or the CARB, the City assumes that in order to meet the reduction targets of SB 32, a proposed project would be required to reduce emissions by an additional 40 percent beyond the emissions reductions currently required by BAAQMD for compliance with AB 32. Assuming a 40 percent reduction from current BAAQMD targets would be in compliance with SB 32, a proposed project would be in compliance with SB 32 if the project's emissions did not exceed 660 $MTCO_2e$/yr.

By using the BAAQMD thresholds of significance for GHG and the updated SB 32 thresholds discussed above, the City would comply with Section 15064.4(b)(3) of the CEQA Guidelines, which suggests that lead agencies consider the extent that the project would comply with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction of GHG emissions.

Climate Smart San José

The City Council adopted the Climate Smart San Jose (CSSJ) on February 28, 2018. Climate Smart San José is a new San José community-wide initiative to reduce air pollution, save water, and

[12] Bay Area Air Quality Management District. *California Environmental Quality Act Guidelines Update: Proposed Thresholds of Significance*. December 7, 2009.

create a strong and healthy community. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility and water. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our California climate
- Densify our city to accommodate our future neighbors
- Make homes efficient and affordable for families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our city to reduce vehicle miles traveled
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

Impacts Discussion

a,b. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?

Less-Than-Significant Impact. Implementation of the proposed project would cumulatively contribute to increases of GHG emissions. Estimated GHG emissions attributable to future development would be primarily associated with increases of carbon dioxide (CO_2) and, to a lesser extent, other GHG pollutants, such as methane (CH_4) and nitrous oxide (N_2O) associated with area sources, mobile sources or vehicles, utilities (electricity and natural gas), water usage, wastewater generation, and the generation of solid waste. The common unit of measurement for GHG is $MTCO_2e$/yr.

A discussion of the project's compliance with applicable BAAQMD thresholds related to GHG emissions is provided below.

BAAQMD Thresholds

The proposed project's estimated construction and operational GHG emissions were quantified using CalEEMod, using the same assumptions as presented in the Air Quality section of this IS/MND, and are presented in Table 6 and Table 7 below. The proposed project's required compliance with the current California Building Energy Efficiency Standards Code was assumed in the modeling. In addition, the CO_2 intensity factor within the model was adjusted to reflect PG&E's anticipated progress towards statewide renewable portfolio standard goals. All CalEEMod results are included in Appendix A to this IS/MND. It should be noted that in order to provide a worst-case estimate of project GHG emissions, emissions associated with prior on-site pipe manufacturing operations were not accounted for in the CalEEMod assumptions.

Table 6 Unmitigated Project Construction GHG Emissions	
Construction Year	**Annual GHG Emissions ($MTCO_2e$/yr)**
2020	263.14
Source: CalEEMod, April 2019 (see Appendix A).	

Table 7 Unmitigated Project Annual GHG Emissions			
Emission Source	**Annual GHG Emissions ($MTCO_2e$/yr)**	**Threshold of Significance ($MTCO_2e$/yr)**	**Exceeds Threshold? (Yes/No)**
Area	0.00		
Energy	44.95		
Mobile	139.98		
Solid Waste	32.71		
Water	32.92		
Operational Emissions	**250.56**	**660**	**NO**
Source: CalEEMod, April 2019 (see Appendix A).			

As shown in the tables, the proposed project would result in operational GHG emissions below the adjusted 660 MT CO_2e/yr threshold. Therefore, operation of the proposed project would not result in impacts related to GHG emissions.

Construction GHG emissions are a one-time release and are, therefore, not typically expected to generate a significant contribution to global climate change. As noted previously, neither the City nor BAAQMD has adopted a threshold of significance for construction-related GHG emissions. Nevertheless, to provide a conservative estimate of emissions, the proposed project's construction GHG emissions have been amortized over the anticipated operational lifetime of the project. The BAAQMD does not recommend any specific operational lifetimes for use in amortizing construction-related GHG emissions; however, the Sustainable Building Task Force's 2003 report on *The Costs and Financial Benefits of Green Buildings* as well as Executive Order D-16-00, suggest an operational lifetime of 25 years for typical buildings.[13] Thus, the total construction emissions shown in Table 6, amortized over 25 years, would be 10.53 $MTCO_2e$/yr. Adding the amortized construction emissions to the estimated annual operational GHG emissions provides an annual emissions estimate of 261.09 $MTCO_2e$/yr, which is below BAAQMD's adjusted 660 $MTCO_2e$/yr threshold of significance.

Conclusion

Based on the above, the estimated annual GHG emissions would be below the applicable BAAQMD thresholds of significance, as adjusted to ensure consistency with the emissions reductions required by SB 32. As such, the proposed project would not be considered to generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with any applicable plan, policy, or regulation adopted for

[13] Sustainable Building Task Force. *The Costs and Financial Benefits of Green Buildings* [pg. 10]. October 2003.

the purpose of reducing the emissions of GHGs. Thus, a less-than-significant impact would occur.

IX. HAZARDS AND HAZARDOUS MATERIALS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	1,2,3,4, 19
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☒	☐	☐	1,2,3,16, 17,18,20
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☒	☐	☐	1,2,3,4
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?	☐	☒	☐	☐	1,2,3, 16
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?	☐	☐	☐	☒	1,2,3, 21
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	1,2,3
g. Expose people or structures, either directly or indirectly, to the risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒	1,2,3, 22

Existing Setting

A Phase I Environmental Site Assessment (ESA) was prepared for the project site, as well as the two parcels to the south of the site, by Avocet Environmental, Inc. (see Appendix B).[14] Per the Phase I ESA, the project site has been used for manufacturing of concrete pipes by the San Jose Concrete Pipe company since at least 1956, by which time the site had been developed with the pipe fabrication facility and associated office. Operation of such uses continued until 2018.

[14] Avocet Environmental, Inc. *Phase I Environmental Site Assessment, 1420 Old Bayshore Highway, San Jose, California, 95112.* January 24, 2019.

Per the Phase I ESA, the fabrication building houses equipment for crushing recycled concrete, mixing concrete, and manufacturing concrete pipes in molds. The remainder of the site is used for outdoor storage of concrete pipes, molds, and miscellaneous equipment, including fork lifts. A substantial portion of the site is paved with concrete and degraded asphalt, with much of the paved areas covered with cement dust. Based on a walkover survey of the site conducted on April 26, 2018 as part of the Phase I ESA, the project site contains a total of four power poles, two of which support electrical transformers. However, Avocet Environmental, Inc. did not identify any signs of leakage from the transformers.

The following sections provide a summary of potential hazardous conditions identified on the project site as part of the Phase I ESA.

Soil Contamination

The project site previously contained a 3,000-gallon underground storage tank (UST) used for gasoline and a 7,500-gallon UST used for diesel fuel, both of which were installed in approximately 1970. In May of 1999, the two USTs were removed. Confirmation soil sampling conducted during the removal of the USTs and subsequent subsurface investigations indicated that soil and groundwater had been locally impacted by Total Petroleum Hydrocarbons (TPH) in the gasoline (TPH-g) and diesel (TPH-d) ranges. Four groundwater monitoring wells were installed, and monitoring conducted between 2000 and 2004 indicated that such contaminants were naturally attenuating and were not likely to migrate offsite. Limited soil vapor sampling was conducted at each of the groundwater monitoring well locations, but contaminants were not detected. In 2005, the Santa Clara County Department of Environmental Health (SCCDEH) issued a case closure letter for the former USTs at the project site. It should be noted that per the Phase I ESA, the site is still included on multiple lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5, including listings which note the presence of both former USTs, as well an above-ground storage tank (AST) on-site. Section 65962.5 requires the DTSC to compile and update as appropriate, […] a list of all the following: ….(1) [a]ll hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code ("HSC")." The hazardous waste facilities identified in Health and Safety Code (HSC) Section 25187.5 are those where DTSC has taken or contracted for corrective action because a facility owner/operator has failed to comply with a date for taking corrective action in an order issued under HSC Section 25187, or because DTSC determined that immediate corrective action was necessary to abate an imminent or substantial endangerment. However, the 2018 site survey did not identify any ASTs on the site.

Subsequent to the on-site soil sampling discussed above, work at the nearby property at 1336 Old Bayshore Highway identified a zone of TPH-impacted soil and groundwater that appeared to extend northward underneath the project site. As part of the limited due diligence investigation conducted by Avocet Environmental, Inc. in May of 2018, a total of eight soil samples were collected from the project site and submitted to laboratory analysis, and soil vapor probes were installed within each of the hand-augured borings. Based on the results of the sampling and analysis, volatile organic compound (VOC) concentrations detected on-site were far below the applicable commercial/industrial screening levels established by the San Francisco Bay Regional Water Quality Control Board (RWQCB, the Department of Toxic Substances Control (DTSC), and the U.S. Environmental Protection Agency (USEPA). Furthermore, per Avocet Environmental, Inc., the TPH- and arsenic-impacted soil previously identified at 1336 Old

Bayshore Highway does not appear to extend northward into the project site. Thus, Avocet Environmental, Inc. determined that preventative measures would not be required to mitigate potential vapor intrusion into any future commercial/industrial buildings constructed on-site.

However, residual TPH is present in the former UST area at 1420 Old Bayshore Highway at concentrations that marginally exceed very conservative screening levels, specifically San Francisco Bay RWQCB's ESLs for TPH-d for commercial and construction worker exposure. In response, a Soil Management Plan has been prepared that includes remedial actions to address TPH contamination on the project site. In addition, the Soil Management Plan addresses de minimus surface spills of petroleum, oils, and lubricants that were observed on the project site.

Machinery Pits

As noted in the Phase I ESA, the project site contains several subfloor pits inside of the existing on-site fabrication building. Such pits are used for conveyor belts and pipe molds. Operation of the machinery inside of the pits historically involved lubricating oils and, in some instances, hydraulics. At the time of the Phase I ESA, the pits were not accessible for inspection.

Stormwater Storage Infrastructure

The project site contains an underground 72-inch diameter concrete pipe, with sealed ends, that is currently used for stormwater capture. Per the Phase I ESA, while unlikely, the possibility exists that the structure could be contaminated with hazardous materials.

Asbestos-Containing Materials and Lead-Based Paint

The existing on-site buildings were constructed at a time when the use of asbestos-containing materials (ACM) and lead-based paint (LBP) was common, both of which are considered hazardous substances. As such, a Pre-Demolition Hazardous Materials Survey was conducted by ATC Group Services, LLC (ATC) (see Appendix B).[15] The purpose of this survey was to determine the presence of ACMs and LBP, as well as poly-chlorinated biphenyl (PCB) contaminated materials.

Based on the results of the Pre-Demolition Hazardous Materials Survey, none of the samples collected from the on-site buildings contained detectable levels of asbestos. In addition, ATC did not observe any indications of PCB contamination. However, two materials sampled during the survey and subsequently analyzed were determined to contain detectable amounts of lead.

Septic Tank

Per the Phase I ESA, the project site currently contains a septic tank located to the southwest of the existing on-site office building.

[15] ATC Group Services, LLC. *Pre-Demolition Hazardous Materials Survey, Old Bayshore North, LLC, 1420 Old Bayshore Highway, San Jose, California, ATC Project Number: NPPAN18041.* January 2, 2019.

Applicable Plans, Policies, and Regulations

The City's General Plan includes the following policies adopted for the purpose of avoiding or mitigating impacts related to hazards and hazardous materials associated with development in the City:

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-7.2: 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-7.5: In 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.

Impacts Discussion

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less-Than-Significant Impact. Operations associated with the proposed project would be typical of other warehouses in the City, and would be governed by the uses permitted for the site per the City's Municipal Code. Currently, the site is zoned HI. Per Section 20.50 of the City's Municipal Code, the HI zoning designation allows for warehouse retail uses where they are compatible with adjacent industrial uses and do not constrain future uses of the site for industrial purposes.

It should be noted that the code enforcement division of the City's Bureau of Fire Prevention is responsible for conducting inspections of all facilities that use, store, or handle hazardous materials. Such facilities are required to operate in accordance with the California Fire Code, Chapter 17.68 (Hazardous Materials Storage Permit) of the City's Municipal Code, and all applicable federal and State regulations based on the building's specific occupancy classification and the products used on-site.[16] While not currently anticipated, in the event that future operations associated with the proposed warehouse

[16] City of *San José*, Fire Department. *Hazardous Materials Program.* Available at: http://www.sanjoseca.gov/index.aspx?NID=2524. Accessed May 2019.

involve the routine use, transport, or disposal of hazardous materials, such materials would be safely managed in accordance with the applicable regulations. Therefore, the proposed project would not create a significant hazard to the public or the environment related to such, a less-than-significant impact would occur.

b,d. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? 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, create a significant hazard to the public or the environment?

Less-Than-Significant Impact with Mitigation. The following discussion provides an analysis of potential hazards and hazardous materials associated with upset or accident conditions related to the proposed construction activities and existing on-site conditions.

Construction Activities

Demolition and construction activities associated with the proposed project would involve the use of heavy-duty equipment, which would contain fuels, oils, and hydraulic fluid. In addition, various other products commonly associated with construction such as concrete, paints, and adhesives would be used on-site. Small quantities of potentially toxic substances (e.g., petroleum and other chemicals used to operate and maintain construction equipment) would be used at the project site and transported to and from the site during construction. However, the project contractor would be required to comply with all California Health and Safety Codes and local City and County ordinances regulating the handling, storage, and transportation of hazardous and toxic materials. Significant risks to the public or workers are not expected with the assumption that such products would be used, transported, and disposed of properly in accordance with the handling instructions on their labels and in accordance with all applicable regulations.

Existing On-Site Hazardous Materials

As noted previously, the following potentially hazardous conditions have been identified on the project site: contaminated soils; machinery pits; stormwater storage infrastructure; and lead. The site is currently included on multiple lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. In addition, the Phase I ESA noted the presence of an existing on-site septic tank. Prior to demolition and construction activities associated with the proposed project, consistent with the Soil Management Plan noted previously, up to 150 tons of contaminated soils would be exported from the site and disposed of appropriately. The exported soil would be replaced with approximately 150 tons of imported clean fill or gravel. Thus, contaminated soils would not pose a risk to the proposed project.

However, per the Phase I ESA, because the existing on-site machinery pits and stormwater storage infrastructure could not be fully inspected, the potential exists for such features to be contaminated with hazardous materials, thereby posing a risk to workers during demolition and construction activities associated with the proposed project. Similarly, per the Pre-Demolition Hazardous Materials Survey, specific measures are required to ensure

that lead contamination in the existing on-site structures do not pose a hazard to workers during demolition activities. Furthermore, consistent with Santa Clara County Department of Environmental Health standards, abandonment of the on-site septic tank would be required prior to initiation of demolition activities.

Conclusion

Demolition and construction activities associated with the proposed project would be required to adhere to all relevant guidelines and ordinances regulating the handling, storage, and transportation of hazardous materials. However, due to the presence of existing on-site hazards and hazardous materials, the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. In addition, the project site is included on multiple lists of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Thus, a potentially significant impact could occur.

Mitigation Measure(s)
With implementation of the following mitigation measures, the above potential impact would be reduced to a *less-than-significant* level.

HAZ-1.1: *Subsequent to removal of machinery from subfloor pits within the on-site fabrication facility, and prior to initiation of demolition activities, the floors of the subfloor pits shall be inspected for indications of oil and/or hydraulic fluid leakage. If indications of potentially hazardous materials are observed, the contaminated materials shall be cleaned and/or disposed of in accordance with all applicable regulations to the satisfaction of the City Engineer. The language of this mitigation shall be included on demolition plans for the proposed project, subject to approval by the City Engineer.*

HAZ-1.2: *During demolition and construction activities, the on-site stormwater catch basin and associated underground stormwater storage pipe shall be removed and disposed of in accordance with all applicable regulations to the satisfaction of the City Engineer. The language of this mitigation shall be included on demolition plans for the proposed project, subject to approval by the City Engineer.*

HAZ-1.3. *Prior to issuance of any demolition permit, the project applicant shall submit an application for Septic/Onsite Wastewater Treatment System Abandonment to the Santa Clara County Department of Environmental Health, Consumer Protection Division. After approval has been obtained, the septic system shall be abandoned consistent with the County's Septic Tank Abandonment Procedures. Proof of abandonment shall be provided to the Director of Planning or Director's Designee prior to any issuance of demolition permits.*

HAZ-1.4: *Prior to issuance of a demolition permit, the project applicant shall implement the following, as identified in the Pre-Demolition Hazardous*

Materials Survey prepared for the project by ATC Group Service, LLC. (2019) to the satisfaction of the City's Director of Planning or Director's Designee, and the Santa Clara County Department of Environmental Health (SCCDEH). Such recommendations are as follows:

- *Paint stabilization of lead-based paint (LBP) prior to demolition by a USEPA certified Renovation, Repair and Painting (RRP) contractor using lead safe work practices;*
- *Hazardous waste profile sampling prior to disposal of any lead containing materials; and*
- *If any suspect hazardous materials not previously sampled are uncovered during demolition, they shall be sampled prior to continuation of demolition activities.*

A report documenting completion of sampling, results, and recommendations shall be submitted to the City's Director of Planning or director's Designee, and the SCCDEH prior to the issuance of any demolition permits.

HAZ-1.5: *Prior to beginning any development activities (grading, excavation, demolition) a notification will be provided to the Santa Clara County Department of Environmental Health (SCCDEH) and the City's Planning Department. The applicant will contact the SCCDEH and provide the results of the Environmental Site Assessment with all applicable references to determine the appropriate next steps including development of a Site Management Plan, Removal Action Work Plan or equivalent document. Evidence of the meeting such as an email or letter shall be provided to the Environmental Planner of the City's Planning Department and the City's Environmental Compliance Officer.*

c. 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 Impact with Mitigation. The nearest school, Challenger School, is located approximately 0.17-mile northeast of the project site. However, as discussed above, the proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials or substances during operations. In addition, potential impacts associated with existing on-site hazards during construction would be reduced to less-than-significant levels with implementation of Mitigation Measures HAZ-1.1 through HAZ-1.4.

With the implementation of such measures, a less-than-significant impact would occur related to emission of hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Mitigation Measure(s)
With implementation of the following mitigation measures, the above potential impact would be reduced to a *less-than-significant* level.

Implement Mitigation Measures HAZ-1.1 through HAZ-1.4.

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 nearest airport to the project site, Norman Y. Mineta San José International Airport, is located approximately 1.5 miles west of the site. According to the Comprehensive Land Use Plan (CLUP) prepared for the airport, the site is not located within an Airport Safety Zone.[17] Therefore, the proposed project would not result in a safety hazard for people residing or working in the project area, and no impact would occur.

f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less-Than-Significant Impact. The proposed project would not alter or obstruct any nearby roads currently providing emergency services access to the area. In addition, the proposed project would be designed to allow for unimpeded emergency traffic through and around the site. The project would be consistent with the uses anticipated for the site per the City's General Plan. Therefore, the project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan and a less-than-significant impact would occur.

g. Expose people or structures to the 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 is located in an industrial area that is highly disturbed and developed, is surrounded on all sides by existing development, and is located in a highly urbanized setting. Furthermore, per the California Department of Forestry and Fire Protection (CAL FIRE) Fire and Resources Assessment Program, the proposed project is not located in a Very High Fire Hazard Severity Zone (VHFHSZ).[18] The site is not located adjacent to any open space areas. Therefore, no impact would occur related to exposure of people or structures to the risk of loss, injury or death involving wildland fires.

[17] Santa Clara County. *Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport* [Figure 7]. Amended November 16, 2016.

[18] CAL FIRE. *Very High Fire Hazard Severity Zones in LRA, Santa Clara County.* October 8, 2008.

X. HYDROLOGY AND WATER QUALITY. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐	1,2,3, 4,26
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐	1,2,3, 23,24
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;	☐	☐	☒	☐	1,2,3, 4,26
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐	1,2,3, 4,26
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; or	☐	☐	☒	☐	1,2,3, 4,26
iv. Impede or redirect flood flows?	☐	☐	☒	☐	1,2,3, 25
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒	1,2,3, 25
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐	1,2,3, 23,24

Existing Setting

Existing drainage, groundwater, and flooding conditions in the project area are described in the following sections.

Drainage

Currently, the site is graded such that stormwater runoff ponds in the central portion of the site. Historically, the ponded water has been used for dust control on the site. Overflow from the central depression is routed to a catch basin to the north, which drains into a subsurface, 72-inch-diameter

concrete pipe with sealed ends, located along the northern property boundary. Excess stormwater that cannot be stored in the 72-inch-diameter pipe sheet flows across the adjacent parcel to the north into stormwater infrastructure located along Gish Avenue.

Groundwater

Per the City's 2015 Urban Water Management Plan, Groundwater provides about half of the County's water supply for potable use, through pumping by retail water agencies or individual well owners.[19] The groundwater basin in Santa Clara County is not adjudicated and has not been identified or projected to be in overdraft by DWR. The quality, supply, and management of the local groundwater basin is monitored and managed by Santa Clara Valley Water District (SCVWD) and is summarized in the 2016 Groundwater Management Plan (GMP).[20]

Flooding

Per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for the project area (Panel #06085C0232H), the project site is located within Zone D, which is characterized as an Area of Undetermined Flood Hazard.[21] The project site is not located within a designated Special Flood Hazard Area.

Applicable Plans, Policies, and Regulations

Various plans, policies, and regulations related to hydrology and water quality that are applicable to the proposed project are discussed below.

Construction General Permit

Any construction or demolition activity that results in land disturbance equal to or greater than one acre or whose projects disturb less than one acre, but are part of a larger common plan of development that in total disturbs one or more acres, must comply with the Construction General Permit, administered by the State Water Resources Control Board (SWRCB). The Construction General Permit requires the installation and maintenance of Best Management Practices (BMPs) to protect water quality until the site is stabilized.

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

City of San José Excavation and Grading Ordinance

All development projects within the City of San José are subject to Chapter 17.04, Excavation and Grading, 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 issuance of a permit for grading

[19] City of San José. *2015 Urban Water Management Plan*. June 2016.
[20] Santa Clara Valley Water District. *Groundwater Management Plan, Santa Clara and Llagas Subbasins.* November 2016.
[21] Federal Emergency Management Agency. *National Flood Hazard Layer FIRMette*. Generated April 23, 2019.

activity occurring during the rainy season (October 1 to April 30), projects are required to submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

C.3 Standards

All municipalities within Santa Clara County (and the County itself) are required to develop more restrictive surface water control standards for new development projects to comply with Provision C.3 of the RWQCB Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit Order No. R2-2015-0049.

The City of San José's Post-Construction Urban Runoff Management Policy (City Council Policy 6-29) implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCM) to the maximum extent practicable. In addition, the policy establishes specific design standards for post-construction TCM for projects that create, add, or replace 10,000 sf or more of impervious surfaces. Because the proposed project would create approximately 139,526 sf (3.20 acres) of impervious area, the project would be subject to the requirements of the RWQCB's C.3 Standards, including all applicable standards within the Santa Clara Valley Urban Runoff Pollution Prevention Program Stormwater C.3 Guidebook (C.3 Guidebook).

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. Development projects that create and/or replace one acre or more of impervious surface and are located in a sub-watershed 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. Per the Stormwater Evaluation Form prepared for the proposed project, the project site is not located within a subwatershed with less than 65 percent impervious area, and, thus, the project would be exempt from the hydromodification requirements of Policy 8-14.

General Plan

The City's General Plan includes the following policies adopted for the purpose of avoiding or mitigating hydrology and water quality impacts associated with development in the City:

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-8.3:	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
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-5.16:	Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

Impacts Discussion

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less-Than-Significant Impact. The following section describes the project's consistency with applicable water quality standards and waste discharge requirements during construction and operation.

Construction

During the early stages of construction, topsoil would be exposed due to grading of the site. After grading and prior to overlaying the ground surface with impervious surfaces and structures, the potential exists for wind and water erosion to discharge sediment and/or urban pollutants into stormwater runoff, which could adversely affect water quality downstream.

The City's NPDES permit requires applicants to show proof of coverage under the State's General Construction Permit prior to receipt of any construction permits. The State's General Construction Permit requires a SWPPP to be prepared for the site. A SWPPP describes BMPs to control or minimize pollutants from entering stormwater and must address both grading/erosion impacts and non-point source pollution impacts of the development project. Because the proposed project would disturb greater than one acre of land, the proposed project would be subject to the requirements of the State's General Construction Permit.

In addition, the project would be subject to all applicable provisions of the City's Excavation and Grading Ordinance. Specifically, prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the project applicant would be required to submit to the Director of Public Works an Erosion Control Plan detailing BMPs that would prevent the discharge of stormwater pollutants. Therefore, compliance with the applicable regulations would ensure that the project would not violate any water quality standards or waste discharge requirements or otherwise degrade water quality during construction.

Operation

Following completion of project buildout, the site would be largely covered with impervious surfaces and topsoil would not be exposed. As such, the potential for impacts to water quality would be reduced upon development of the proposed project. However, impervious surfaces on the project site could contribute incrementally to the degradation of downstream water quality through the potential release of pollutants during storm events. Typical urban pollutants that would likely be associated with the proposed project include sediment, pesticides, oil and grease, metals, and trash.

As noted above, because the proposed project would create approximately 139,526 sf (3.20 acres) of impervious area, the project would be subject to the requirements of the

RWQCB's C.3 Standards. Compliance with such requirements would ensure that impacts to water quality standards or waste discharge requirements would not occur during operation of the proposed project.

The Stormwater Evaluation Form prepared for the proposed project conforms with the most recent C.3 Guidebook and verifies that the proposed project would comply with all City stormwater requirements.[22] In compliance with the C.3 Guidebook, the proposed project would direct runoff from the impervious areas on the site, including the warehouse roof, hardscape, parking areas, and driveways, into stormwater treatment control measures that would treat and detain stormwater runoff on-site (see Figure 7). Long-term maintenance of the proposed stormwater treatment control measures would be the responsibility of the property owner(s) and/or management.

The stormwater treatment control measures would be consistent with the requirements within the C.3 Handbook and would be equipped with structures to direct excess runoff during large storm events directly into the City's drainage system. Details of specific Site Design, Pollutant Source Control, and Stormwater Treatment Control Measures demonstrating compliance with Provision C.3 of the Municipal Regional Stormwater Permit (NPDES Permit Number CAS612008), shall be included in the project design, to the satisfaction of the Director of Planning, Building and Code Enforcement.

Overall, the proposed project would comply with the requirements of the SWRCB and the RWQCB, and would meet or exceed C.3 Standards. Therefore, during operation, the project would comply with all relevant water quality standards and waste discharge requirements, and would not degrade water quality.

Conclusion

Based on the above, the project would comply with all applicable regulations during construction and operation, and would not involve uses associated with the generation or discharge of polluted water.

b,e. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less-Than-Significant Impact. Currently, the project site is developed with structures and paved surfaces; thus, substantial infiltration of on-site runoff does not occur. In addition, the site is not located within the vicinity of a substantial groundwater recharge area, such as a creek or riparian corridor. The City's General Plan EIR concluded that buildout of the General Plan area, including the project site, would result in a less-than-significant impact related to groundwater recharge.

[22] Santa Clara Valley. *Urban Runoff Pollution Prevention Program Stormwater C.3 Guidebook*. June 2016.

The proposed project would include redevelopment of the project site with an industrial warehouse and associated improvements, which would not increase water use relative to what has historically occurred on-site. In addition, given that the proposed project would be consistent with the site's existing land use and zoning designations, groundwater impacts associated with development of the project have been previously anticipated by the City and analyzed in the General Plan EIR. Therefore, the proposed project's impacts related to depleting groundwater supplies or interfering substantially with groundwater recharge or conflicting with the 2016 GMP would be less than or similar to impacts identified in the General Plan EIR, and a less-than-significant impact would occur.

ci-iii. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would: result in substantial erosion or siltation on- or off-site; increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; or 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 Impact. The proposed project would include demolition of the existing on-site structures and redevelopment of the site with an industrial warehouse and associated improvements. As a result of the project, the total amount of on-site impervious surfaces would increase from approximately 95,924 sf to 139,526 sf. Thus, the amount of surface runoff associated with the site could increase. However, as discussed above, the project is required to comply with C.3 Standards and is proposed to include appropriate site design measures, source control measures, and treatment systems for stormwater runoff.

Given that the proposed project would be consistent with the project site's current General Plan land use and zoning designations, changes in runoff patterns associated with development of the project have been previously anticipated by the City and analyzed in the General Plan EIR. In addition, per the Stormwater Evaluation Form prepared for the proposed project, the project site is not located within a subwatershed with less than 65 percent impervious area. Thus, the project would be exempt from hydromodification management controls. Overall, a less-than-significant impact would occur.

c-iv. 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 impede or redirect flood flows?

Less-Than-Significant Impact. As noted above, per the FEMA FIRM data for the project area, the project site is located within Zone D, which is characterized as an Area of Undetermined Flood Hazard. The project site is not located within a designated Special Flood Hazard Area and is not within a 100-year or 500-year floodplain. Thus, the project site is not located within an area subject to substantial flooding risks. As a result, the project would not 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 impede or redirect flood flows.

d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact. As discussed under question 'civ' above, the project site is not located within a flood hazard zone. Tsunamis are defined as sea waves created by undersea fault movement, whereas a seiche is a long-wavelength, large-scale wave action produced in a confined body of water such as a lake or reservoir by earthquake ground shaking or landsliding. Per the City's General Plan EIR, only the northernmost extent of San José's Sphere of Influence adjacent to San Francisco Bay and Guadalupe and Alviso sloughs (i.e., not within the City's Urban Service Area) are presently within a tsunami hazard area associated with the San Francisco Bay. Given that the project site is not located within such an area, tsunamis would not pose a substantial risk to the project. Seiches do not pose a risk to the proposed project, as the project site is not located in close proximity to any large closed bodies of water. Mudflows typically occur on steep, unstable slopes. Given that the project site is not located on a slope, mudflows would not pose a risk to the proposed project, and no impact would occur.

XI. LAND USE AND PLANNING. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Physically divide an established community?	☐	☐	☐	☒	1,2,3,4
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?	☐	☐	☒	☐	1,2,3,4

Existing Setting

Currently, the site consists of an industrial construction yard developed with an existing office and a manufacturing/fabrication facility associated with the San Jose Concrete Pipe company. The project site is bound by SPRR tracks to the east, Old Bayshore Highway to the west, and existing industrial development to the north (Intex Auto Parts and Tres Amigos Auto Service). The project site has open access to the adjoining parcel to the south of the project site, which is owned by the San Jose Concrete Pipe company. A mobile home park is located to the west of the project site across Old Bayshore Highway. The site's current General Plan land use designation and zoning designation is Heavy Industrial.

Applicable Plans, Policies, and Regulations

Plans, policies, and programs related to land use and planning that are applicable to the proposed project are summarized below.

General Plan

The City's General Plan includes the following land use policies applicable to the proposed project.

Policy IE-1.2 To retain land capacity for employment uses in San José, protect and improve the quantity and quality of all lands designated exclusively for industrial uses, especially those that are vulnerable to conversion to non-employment uses.

Policy CD-3.1 Promote development patterns that cause areas to function and provide connectivity as a whole rather than as individual developments.

Impacts Discussion

a. Physically divide an established community?

No Impact. A project would risk dividing an established community if the project would introduce infrastructure or alter land use so as to change the land use conditions in the surrounding community or isolate an existing land use. Given that the project site is currently developed with industrial uses and is located within an industrial area, the

proposed project would not physically divide an established community. In addition, the project would be consistent with the site's existing General Plan land use and zoning designations. Thus, no impact would occur.

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?

Less-Than-Significant Impact. The City's General Plan designates the project site as Heavy Industrial and the site is zoned Heavy Industrial (HI). The proposed warehouse would be consistent with the existing land use and zoning designations, and, thus, would not conflict with the City's General Plan or Zoning Ordinance. Given that the proposed project is consistent with the City's General Plan and Municipal Code, the project would not cause a significant environmental impact due to conflicts with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. In addition, as discussed throughout this IS/MND, the proposed project would not result in any significant environmental effects that cannot be mitigated to a less-than-significant level by the mitigation measures provided herein. Furthermore, the proposed project would provide an employment-generating land use that would connect with other industrial uses in the project area, consistent with Policy IE-1.2 and Policy CD-3.1 in the City's General Plan. Thus, a less-than-significant impact would occur.

XII. MINERAL RESOURCES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
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?	☐	☐	☐	☒	1,2,3,4
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?	☐	☐	☐	☒	1,2,3,4

Existing Setting

Per the City's General Plan, neither the State Geologist nor the State Mining and Geology Board has classified any areas within the project site or vicinity as containing mineral deposits that are either of Statewide significance or require further evaluation.

Applicable Plans, Policies, and Regulations

Plans, policies, or regulations related to mineral resources are not applicable to the proposed project, as the project site does not contain such resources.

Impacts Discussion

a-b. 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? 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. As discussed above, the City's General Plan does not identify any known mineral resources within the project site or vicinity. In addition, the site is currently developed. Therefore, construction of the proposed project would not result in the loss of any known mineral resources or 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, and no impact would occur.

XIII. NOISE. *Would the project result in:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
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?	☐	☐	☒	☐	1,2,3, 4,27
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	1,2,3, 4,27
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?	☐	☐	☒	☐	1,2,3, 4,27

Existing Setting

The following discussion is based primarily on an Environmental Noise Assessment prepared for the proposed project by Saxelby Acoustics.[23] The following terms are referenced in the Environmental Noise Assessment:

- Decibel (dB): A unit of sound energy intensity.
- Day-Night Average Level (L_{dn}): The average sound level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 PM to 7:00 AM) hours.
- Community Noise Equivalent Level (CNEL): The average sound level over a 24 hour period, with a penalty of 5 dB applied to noise occurring during daytime hours (7:00 AM to 10:00 PM) and a penalty of 10 dB applied to noise occurring during nighttime hours (10:00 PM to 7:00 AM).
- Equivalent Sound Level (L_{eq}): The average sound level over a given time-period.
- Maximum Sound Level (L_{max}): The maximum sound level over a given time-period.
- Median Sound Level (L_{50}): The sound level exceeded 50 percent of the time a given time-period.

Sensitive noise receptors in the project vicinity, as well as the existing noise environment of the project area, are discussed below.

[23] Saxelby Acoustics. *Environmental Noise Assessment, 1420 Old Bayshore Highway Warehouse Project, City of San José, California, Project #190309.* April 16, 2019.

Sensitive Noise Receptors

Some land uses are considered more sensitive to noise than others, and, thus, are referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise-sensitive land uses are typically given special attention in order to achieve protection from excessive noise. In the vicinity of the project site, sensitive land uses include the Triangle Trailer Park located at 1410 North 10th Street, directly west of the project site across Old Bayshore Highway. An abandoned single-family home is located at the same location.

Existing Ambient Noise Levels

In order to quantify existing ambient noise levels in the vicinity of the project site, short-term noise level measurements and continuous 24-hour noise level measurements were conducted in the project site vicinity, near existing sensitive receptors, as part of the noise analysis (see Figure 10 for noise measurement locations). A Larson Davis Laboratories (LDL) Model 831 precision integrating sound level meter was used for the ambient noise level measurement survey. The meter was calibrated before and after use with a B&K Model 4230 acoustical calibrator to ensure the accuracy of the measurements. Table 8 below provides a summary of the noise measurement results. With these measures, the ambient noise at the noise measurement sites is estimated to range from 68 to 73 dBA DNL.

Table 8
Summary of Ambient Noise Level Measurements

Site	Start Date/Time	Average Measured Daytime (7 AM to 10 PM) Noise Levels (dB)			
		DNL	L_{eq}	L_{50}	L_{max}
ST-1	10/10/17 – 9:50 AM	68	67	63	81
ST-2	10/3/17– 10:06 AM	68	67	62	86
ST-3	10/3/17– 10:21 AM	73	72	68	86

* Estimated based on typical day/night distribution of sound for similar projects in the vicinity of the project site.

Source: Saxelby Acoustics, 2019.

Existing Railroad Noise Levels

As noted previously, the project site is bounded to the east by a set of SPRR tracks. Per the Environmental Noise Assessment, rail activity was not observed during visits to the site. Additionally, ambient noise monitoring previously conducted by Saxelby Acoustics at a different site located adjacent to the same rail line did not reflect any substantial rail activity.

Figure 10
Noise Measurement Locations

Soruce: Saxelby Acoustics, 2019.

Applicable Plans, Policies, and Regulations

Plans, policies, and programs related to noise that are applicable to the proposed project are summarized below.

California State Building Codes

The State Building Code, Title 24, mandates that interior noise levels attributable to exterior sources shall not exceed 45 dB L_{dn} or CNEL in any habitable room. Title 24 also mandates that for structures containing noise-sensitive uses to be located where the L_{dn} or CNEL exceeds 60 dB, an acoustical analysis must be prepared to identify mechanisms for limiting exterior noise to the prescribed allowable interior levels. If the interior allowable noise levels are met by requiring that windows be kept closed, the design for the structure must also specify a ventilation or air conditioning system to provide a habitable interior environment.

General Plan

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-1.3 Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

Policy EC-1.6 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-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 buildings 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. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building 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.

In accordance with the above regulations, as well as the City's Noise Ordinance, a significant noise impact would occur if traffic generated by the proposed project would substantially increase noise levels at sensitive receptors in the project site vicinity. The existing ambient noise levels at such receptors range from 68 to 73 DBA DNL.

Per General Plan Policy EC-1.1 and EC-1.2, a substantial increase would occur if: a) the noise level increase is 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) the noise level increase is 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. Per Table EC-1 in the General Plan, 60 dBA DNL is the threshold of "normally acceptable" noise levels for residential uses, such as the existing mobile homes located southwest of the project site. Furthermore, per the CBC, a significant impact could occur if long-term noise level increases associated with the project would cause interior noise levels in excess of 45 dB CNEL/L_{dn} at the nearby mobile home park.

With regard to on-site noise sources, a significant impact would occur if the proposed project would cause noise levels to exceed 55 dB L_{dn} at the property line of the nearest noise-sensitive receptor. With regard to construction noise, a significant impact would occur if the proposed project 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, per Policy EC-1.7 of the General Plan.

With regard to vibration, General Plan Policy EC-2.3 requires that construction vibrations be limited to a peak particle velocity (PPV) of 0.20 inches per second (in/sec) for buildings of normal conventional construction, such as the structures located in the project vicinity.

Impacts Discussion

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?

Less-Than-Significant Impact. The proposed project would generate short-term temporary noise level increases during construction activities, as well as permanent noise level increases associated with vehicle traffic on local roadways, on-site operation of mechanical equipment, parking lot circulation, and operation of the proposed loading docks. The potential noise sources are discussed below.

Construction Noise

During project construction, heavy equipment would be used for site preparation, grading, paving, and building construction, which would increase ambient noise levels in the project area when in use. Noise levels associated with construction depend on 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 receptors.

As part of the Environmental Noise Assessment, the Federal Highway Administration's (FHWA) Roadway Construction Noise Model (RCNM) was used to predict noise levels for standard construction equipment used for roadway improvement projects. The assessment of potential significant noise effects due to construction is based on the standards and procedures described in the Federal Transit Authority (FTA) guidance manual and FHWA's RCNM. Construction noise associated with each phase of project development is summarized in Table 9 below.

Table 9
Future Construction Noise

Sensitive Receptor	Measured Daytime Noise Level (L_{eq}) (dB)	Predicted Construction Noise Level (L_{eq}) (dB)
Site Preparation		
R1 (Abandoned SF Home)	67	45
R2 (Mobile Home Park)	67	53
Grading		
R1 (Abandoned SF Home)	67	50
R2 (Mobile Home Park)	67	58
Building Construction		
R1 (Abandoned SF Home)	67	48
R2 (Mobile Home Park)	67	56
Paving		
R1 (Abandoned SF Home)	67	47
R2 (Mobile Home Park)	67	55

(Continued on next page)

Table 9
Future Construction Noise

Sensitive Receptor	Measured Daytime Noise Level (L_{eq}) (dB)	Predicted Construction Noise Level (L_{eq}) (dB)
Architectural Coating		
R1 (Abandoned SF Home)	67	40
R2 (Mobile Home Park)	67	48

Note: Measured Daytime L_{eq} values were calculated at noise measurement locations ST-1 and ST-2.

Source: Saxelby Acoustics, 2019.

As shown in the table, construction activities associated with the proposed project would generate noise levels ranging between 45 and 58 dB L_{eq} at the nearest noise-sensitive receptors. Measured ambient noise levels were found to be approximately 67 dB L_{eq} at the same receptors. Given that construction-related activities would not increase ambient noise levels, the project would not cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. Furthermore, the project would be required to comply with the City's standard permit conditions related to construction noise, as described below. Thus, a less-than-significant impact would occur.

Standard Permit Conditions

Despite the preceding, the following standard permit conditions would be applied to the proposed project to limit noise level increases associated with construction activities:

- 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.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- 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.

Project Traffic Noise

As discussed in Section XVII, Transportation, of this IS/MND, vehicle trip generation associated with operation of the proposed project would be less than that associated with the pipe manufacturing operations that have occurred on-site. Therefore, the proposed project would not result in a substantial increase in traffic noise levels relative to existing conditions, and a less-than-significant impact would occur.

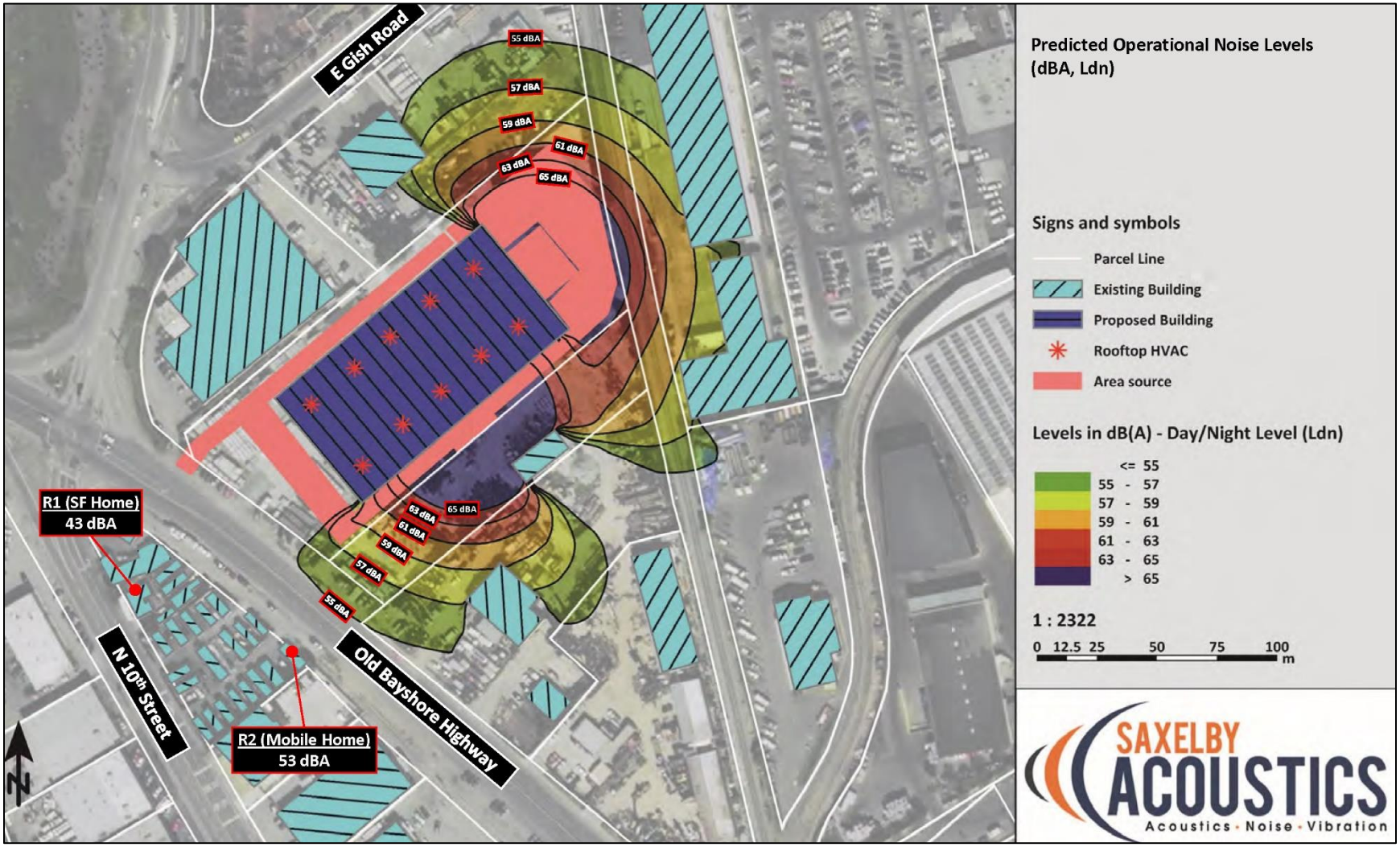
Project On-Site Noise Sources

The primary on-site noise sources associated with the proposed project would be rooftop heating, ventilation, and air conditioning (HVAC) equipment, parking lot circulation, and operations associated with the proposed 12-bay loading dock. In order to evaluate noise sources at the nearest noise-sensitive receptors, Saxelby Acoustics used the SoundPLAN noise prediction model to plot noise contours and to calculate noise levels at the noise sensitive receptors located around the project site. Inputs to the SoundPLAN model included ground topography and ground type, noise source locations and heights, receiver locations, and sound power level data. The predicted operational noise contours associated with the proposed project are included in Figure 11. Operation of the proposed project would generate noise levels ranging from 43 to 53 dB L_{dn} at the property line of the nearest sensitive receptors. Therefore, operation of the proposed project would not generate noise levels exceeding the City's standard of 55 dB L_{dn} at the property line of such receptors, and a less-than-significant impact would occur.

Conclusion

Based on the above, construction and operational noise associated with the proposed project would not result in the exposure of persons to or noise levels that would exceed the applicable City standards. Thus, the proposed project would not cause 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, and a less-than-significant impact would occur.

Figure 11
Future On-Site Noise Level Contours



Source: Saxelby Acoustics, 2019.

b. Generation of excessive groundborne vibration or groundborne noise levels?

Less-Than-Significant Impact. Vibration can be measured in terms of acceleration, velocity, or displacement. As noted above, the City requires that construction vibrations be limited to 0.20 in/sec PPV.

The primary vibration-generating activities associated with the proposed project would occur during grading, placement of utilities, and paving of the proposed parking areas. Table 10 below presents typical vibration levels that could be expected from construction equipment at various distances. The most substantial source of groundborne vibrations associated with project construction would be the use of vibratory compactors.

Table 10
Vibration Levels for Various Construction Equipment

Type of Equipment	PPV at 25 feet (inches/second)	PPV at 50 feet (inches/second)	PPV at 100 feet (inches/second)
Large Bulldozer	0.089	0.031	0.011
Loaded Trucks	0.076	0.027	0.010
Small Bulldozer	0.003	0.001	0.000
Auger/drill Rigs	0.089	0.031	0.011
Jackhammer	0.035	0.012	0.004
Vibratory Hammer	0.070	0.025	0.009
Vibratory Compactor/roller	0.210	0.074	0.026

Source: Saxelby Acoustics, 2019.

As shown in Table 10, vibratory compactors typically generate vibration levels of 0.210 in/sec at a distance of 25 feet, and 0.074 in/sec at a distance of 50 feet. Therefore, at a distance of 50 feet or greater from the vibration source, groundborne vibrations would be less than 0.2 in/sec PPV, and, thus, would not cause annoyance to sensitive receptors.

Construction activities occurring on the southern portion of the project site could occur less than 50 feet from the neighboring industrial building to the north, potentially resulting in groundborne vibrations exceeding the 0.2 in/sec PPV structural damage threshold if vibratory compactors are used. However, the proposed project would be required by the City to comply with General Plan Policy EC-2.3, which would ensure that the use of heavy vibration-generating construction equipment would not occur within the immediate vicinity of the any nearby buildings.

Furthermore, the nearest residential uses are located over 100 feet from the proposed construction area. At such distances, construction vibrations are not predicted to exceed acceptable levels. Per the City's standard permit conditions, all construction activities would be limited to the hours of 7:00 AM to 7:00 PM, Monday through Friday, and prohibited on weekends. Compliance with such would ensure that the proposed project would not expose people or structures to excessive groundborne vibration or groundborne noise levels. All construction related conditions discussed above shall be implemented to reduce noise and vibration during construction periods.

Based on the above, a less-than-significant impact would occur related to generation of excessive groundborne vibration or groundborne 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?

Less-Than-Significant Impact. The nearest airport relative to the project site, Norman Y. Mineta San José International Airport, is located approximately 1.5 miles west of the site. Per the Environmental Noise Analysis, the project site is located outside the 60 dBA CNEL noise contour associated with the airport. Furthermore, the project would be consistent with the site's existing General Plan land use and zoning designations. Therefore, the proposed project would result in a less-than-significant impact related to exposure of people residing or working in the project area to excessive noise levels.

Noise Issues Not Covered Under CEQA

Impacts of the environment on a project (as opposed to impacts of a project on the environment) are beyond the scope of required CEQA review. "[T]he purpose of an EIR is to identify the significant effects of a project on the environment, not the significant effects of the environment on the project." (*Ballona Wetlands Land Trust v. City of Los Angeles*, (2011) 201 Cal.App.4th 455, 473 (*Ballona*).) The California Supreme Court recently held that "CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents. What CEQA does mandate… is an analysis of how a project might exacerbate existing environmental hazards." (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 392; see also *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 197 ["identifying the effects on the project and its users of locating the project in a particular environmental setting is neither consistent with CEQA's legislative purpose nor required by the CEQA statutes"], quoting *Ballona*, *supra*, 201 Cal.App.4th at p. 474.)

Based on the above, for the purposes of the CEQA analysis, the relevant inquiry is not whether construction workers or future workers at the proposed warehouse would be exposed to preexisting environmental noise-related hazards, particularly noise associated with the existing SPRR rail line to the northeast of the project site. Nonetheless, the City has chosen to include information, for full disclosure, regarding how the vibration and noises impact of the existing environment could affect the proposed building.

Given that the proposed warehouse is located further from the existing railroad tracks than the existing on-site pipe fabrication facility, rail-related noise levels at the proposed building would be reduced. In addition, whereas the existing fabrication facility includes multiple areas that are open to the outside environment, the proposed warehouse would be a fully-enclosed structure, thereby further reducing interior noise levels within the building. Furthermore, the proposed warehouse would not be considered a noise- or vibration-sensitive use. Compliance with applicable State building code standards would be sufficient to minimize any potentially issues related to noise exposure vibration damage (such damage is usually only an issue for much older,

more sensitive structures). Based on the above, the proposed project would not be subject to any noise or vibration hazards associated with the existing SPRR rail line.

XIV. POPULATION AND HOUSING. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	☐	☐	☒	☐	1,2,3
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1,2,3

Existing Setting

The project site is currently developed with a pipe manufacturing facility. The site does not contain any existing residential uses.

Applicable Plans, Policies, and Regulations

Plans, policies, or regulations related to population and housing are not applicable to the proposed project, as the project site does not contain existing housing and has been designated for heavy industrial uses per the City's General Plan.

Impacts Discussion

a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

Less-Than-Significant Impact. The project site is currently developed with a pipe manufacturing facility. Thus, redevelopment of the site with an industrial warehouse as part of the proposed project would not result in a substantial net increase in growth. Furthermore, given that the project would be consistent with the site's existing land use designation, development of the site as proposed has been previously anticipated by the City, and the project would not directly or indirectly induce substantial population growth in the area beyond what has been previously analyzed in the General Plan EIR. Therefore, a less-than-significant impact would occur.

b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The project site does not contain existing housing. As such, the project would not displace substantial numbers of housing or people, and no impact would occur.

XV. PUBLIC SERVICES. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. 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 protection?	☐	☐	☒	☐	1,2,3
• Police protection?	☐	☐	☒	☐	1,2,3
• Schools?	☐	☐	☒	☐	1,2,3
• Parks?	☐	☐	☒	☐	1,2,3
• Other Public Facilities?	☐	☐	☒	☐	1,2,3

Existing Setting

The San José Fire Department (SJFD) provides fire protection services for the City of San José, including the project vicinity. The closest station to the project site is located at 1380 North 10th Street, approximately 200 feet west of the site. For fire protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

The San José Police Department (SJPD) provides police protection services for the City, including the project vicinity. The SJPD headquarters are located at 201 West Mission Street, approximately 1.9 miles south of the project site. For police protection services, the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (emergency) calls and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls.

Applicable Plans, Policies, and Regulations

The City's General Plan includes the following policies adopted for the purpose of avoiding or mitigating impacts related to public services associated with development in the City:

Policy CD-5.5: Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

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-11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

Impacts Discussion

a. 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 fire protection, police protection, schools, parks, or other public facilities?

Less-Than-Significant Impact. The project site and the surrounding area is currently provided fire and police protection services, and the project would not involve any operations that would be expected to increase demand for such services relative to demands associated with prior pipe manufacturing operations on the site. The proposed project would be subject to review by the SJFD prior to issuance of a building permit to ensure consistency with applicable codes and regulations related to fire safety. In addition, the project would be consistent with the site's current General Plan land use and zoning designations. As such, incremental increases in demand for fire and police protection services associated with buildout of the project site have been previously analyzed in the General Plan EIR, and the project would not increase demand in excess of what has been anticipated. Furthermore, given that the project would not include residential development and would not substantially increase the population in the area, increases in demand for schools, parks, or other public facilities would not occur.

Thus, the project would have a less-than-significant impact related to 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 fire protection, police protection, schools, parks, or other public facilities.

XVI.RECREATION. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
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?	☐	☐	☐	☒	1,2
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?	☐	☐	☐	☒	1,2

Existing Setting

The nearest public park relative to the project site is Raymond Bernal Jr. Memorial Park, located approximately one mile south of the site.

Applicable Plans, Policies, and Regulations

Given that the proposed project would consist of industrial development, plans, policies, or regulations related to recreational resources are not applicable to the project.

Impacts Discussion

a,b. 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? 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 proposed project consists of development of the project site with an industrial warehouse. The project does not include residential development and would not substantially increase the population in the area. As such, the project would not be expected to substantially increase the use of existing parks or recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated, and would not increase demand for such facilities such that new or expansion of existing of existing facilities would be required. Thus, no impact would occur.

XVII. TRANSPORTATION. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	☐	☐	☒	☐	1,2,3, 28,29, 30
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐	1,2,3, 28
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐	1,2,3,4
d. Result in inadequate emergency access?	☐	☐	☒	☐	1,2,3,4

Existing Setting

The sections below describe the vehicle trip generation associated with the existing on-site industrial uses, as well as the existing transit, bicycle, and pedestrian facilities/services in the project area.

Existing Vehicle Trip Generation

The following discussion is based on a Local Transportation Analysis (LTA) prepared for the proposed project by Fehr & Peers (see Appendix C to this IS/MND).[24]

Currently, the project site is developed with an approximately 21,000 sf concrete pipe manufacturing facility. Primary access to the site is provided off of Old Bayshore Highway. As part of the technical memorandum, Fehr & Peers prepared estimates of vehicle trip generation associated with the existing on-site development based on information from the previous owner about the average weekday operation activities. Based on owner-provided information the manufacturing facility had a total of 10 employees. Generally, all 10 employees arrived and six delivery trucks departed within the AM peak hour. Similarly, in the evening, the same six delivery trucks would return, and the 10 employees would depart the site.

Transit Services

The Santa Clara VTA provides light rail, bus, and paratransit service to Santa Clara County, including the City of San José. Light rail trains operate at 15-, 20-, and 60-minute frequencies depending on the time of day. VTA bus routes generally operate between 5:00 AM and 1:00 AM on weekdays and 6:00 AM and 12:30 AM on weekends. The nearest transit stop relative to the

[24] Fehr & Peers. *Old Bayshore Highway Warehouse, Local Transportation Analysis Report.* September 2019.

project site is the Oakland Road and Charles Street bus station, located approximately 0.8-mile east of the site. Existing nearby VTA routes include Route 66, Route 121, Route 122, and Route 181.

Santa Clara VTA's 2019 New Transit Plan aims to maximize ridership and provide geographical coverage within the project region. Proposed changes to existing transit service in the project area include the discontinuation of Route 181 and increases in frequency of service for Route 66 to 15 minutes on the weekdays and on average 25 minutes on the weekend.

Bicycle and Pedestrian Facilities

Currently, dedicated bicycle lanes are provided on both sides of Old Bayshore Highway within the project vicinity. A sidewalk is provided along the east side of Old Bayshore Highway to the south of the site; however, the sidewalk terminates approximately 100 feet south of the project frontage.

Applicable Plans, Policies, and Regulations

The plans and policies applicable to the proposed project are discussed below.

Santa Clara County Congestion Management Program

The Santa Clara VTA focuses on reducing congestion and responding to future transportation needs in the VTA's CMP.[25] The CMP sets performance standards for local roadways and other modes of travel, promotes alternatives to single-occupant vehicle trips, and manages a Capital Improvement Program (CIP) to support CMP goals.

Senate Bill 743

Senate Bill 743 (SB 743), which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by LOS or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. Beginning on July 1, 2020, the provisions of SB 743 will apply statewide.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant, or not. Notably, projects that locate within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

[25] Santa Clara Valley Transportation Authority. *2015 Congestion Management Plan.* October 2015.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development. According to the policy, an employment (e.g., office or research and development) or residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per capita VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT.

The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a LTA to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact. The types of projects that may meet the screening criteria include the following:

1. Small Infill Projects
2. Local-Serving Retail
3. Local-Serving Public Facilities
4. Projects located in planned growth areas with low VMT and high-quality transit
5. Deed-restricted affordable housing located in planned growth areas with high-quality transit

The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1. Policy 5-1 does, however, negate the City's Protected Intersection policy as defined in Policy 5-3.

Transportation Analysis Handbook

The City's Transportation Analysis Handbook is a comprehensive guide that provides transportation analysis significance criteria, screening criteria, and thresholds of significance for environmental clearance for development projects, City transportation projects, and General Plan amendments. The Transportation Analysis Handbook is consistent with City Council Policy 5-1, the City's General Plan, and the requirements of SB 743. Per the Transportation Analysis Handbook, most projects that require a detailed CEQA transportation analysis will use one of the two methods for assessing a project's VMT generation (Project VMT), if applicable: (1) the San José VMT Evaluation Tool and (2) the San José Travel Demand Model.

General Plan

The following General Plan policies are applicable to the proposed project:

Policy CD-3.2 Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.

Policy CD-3.3 Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy CD-3.4 Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.

Policy TR-8.4: Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

In addition, General Plan Policy TR-5.3 establishes a minimum overall roadway performance standard of LOS D for peak travel periods.

Impacts Discussion

a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?

Less-Than-Significant Impact. With regard to transit facilities, proposed project would not be expected to result in substantially increased transit ridership relative to what transit usage associated with the existing on-site manufacturing facilities. Project employees would continue to have access to the Oakland Road and Charles Street bus station, located approximately 0.8-mile east of the site. Therefore, the proposed project would not disrupt existing transit services or preclude planned transit facilities or services.

With regard to bicycle and pedestrian infrastructure, the proposed project would have convenient access to the existing bike lanes provided along Old Bayshore Highway, and a bike rack would be provided on-site. In addition, the project would include the construction of a new sidewalk along the project frontage at Old Bayshore Highway, extending off-site to connect to the existing sidewalk segment currently located approximately 100 feet south of the site. A paved pedestrian walkway would connect the new sidewalk to the proposed on-site parking areas. Thus, the proposed project would provide for improved pedestrian connectivity in the project area.

The combination of pedestrian/bicycle infrastructure and a centralized, logical access route between the proposed warehouse and the sidewalk network would provide high-quality pedestrian/bicycle access to the site. Therefore, the project would be consistent with Policy CD-3.2, CD-3.3, and CD-3.4 in the City's General Plan.

Based on the above, the project would provide for bicycle and pedestrian facility improvements consistent with applicable General Plan policies. Thus, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and a less-than-significant impact would occur.

b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less-Than-Significant Impact. The City of San José has developed the San José Transportation Analysis Handbook (2018), which provides guidance on project screening criteria, thresholds of significance for environmental clearance for development projects, a framework for transportation analyses based on the City's General Plan policies and methodologies for VMT analysis.

Per the LTA prepared for the proposed project by Fehr & Peers, the proposed project would generate an average of 14.30 VMT/employee. Per the City's VMT Evaluation Tool, the established industrial use VMT threshold for the project area is 14.37 VMT/employee. Therefore, the VMT associated with the proposed warehouse would not conflict with the City's applicable thresholds. In addition, as noted in the LTA, the project site is located within an area where average VMT per industrial use has been determined to be below the City's industrial threshold.

Based on the above, the proposed project would not conflict with the City's VMT analysis criteria. Therefore, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3(b), and a less-than-significant impact would occur.

c. 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 Impact. Primary access to the site would be provided by two new driveways off of Old Bayshore Highway, as well as a connection to an existing drive aisle to the north of the site, connecting to East Gish Road. Internal circulation would be provided by a drive aisle circling the perimeter of the warehouse structure, with parking provided along the north-south drive aisle to the west of the warehouse

The LTA prepared for the proposed project included an analysis of vehicle site access associated with the project. Per the LTA, the proposed project would not result in any substantial hazards related to turning movements at the project driveways or vehicle queuing. During the morning peak period, westbound queues on Old Bayshore Highway currently extend to the project's frontage, which would cause delays for vehicles entering and exiting the site using the project driveways. In addition, morning peak period

northbound queues on East Gish Road would cause minor delays for vehicles exiting the project site onto Old Bayshore Highway and traveling towards northbound East Gish Road. However, due to the small number of morning peak hour inbound and outbound project-generated trips anticipated for the project, the proposed project would not result in worsened queuing relative to existing conditions.

The proposed parking area would be at least 26 feet in width, consistent with the requirements for parking aisles presented in Section 20.90.100C of the City of San José Municipal Code.[26] The LTA did not identify any issues related to on-site circulation.

Overall, the proposed circulation improvements would not include any sharp curves or other features that would pose a hazard. Furthermore, the project site is in an industrial area, and the proposed project would be consistent with the existing industrial uses to the north and south of the project site. Based on the above, the project would not substantially increase hazards due to design features or incompatible uses, and a less-than-significant impact would occur.

d. Result in inadequate emergency access?

Less-Than-Significant Impact. As noted above, the proposed project would include a total of three access points, each of which would be of sufficient width to provide emergency vehicle access to the site. In addition, the project would not include substantial modifications to the existing roadway system in the area. Therefore, the project would not result in inadequate emergency access, and a less-than-significant impact would occur.

Project-Level Operational Transportation Issues Not Covered Under CEQA

Vehicle Trip Generation

As part of the LTA prepared for the proposed project by Fehr & Peers, vehicle trip generation estimates for the proposed warehouse were developed using trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition. Table 11 below provides a comparison of the calculated trip generation associated with the proposed project and the trip generation associated with the existing concrete pipe manufacturing facility.

Table 11
Existing and Proposed Vehicle Trip Generation

Land Use	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Existing Manufacturing Facility	10 Employees	-	10	6	16	6	10	16
Proposed Warehouse	69,192 sf	120	9	3	12	4	9	13
Net Change			**-1**	**-3**	**-4**	**-2**	**-1**	**-3**

Note: ITE Code 150 was used to calculate vehicle trip generation associated with the proposed warehouse.

Source: Fehr & Peers, 2019.

[26] City of San José. *Municipal Code.* Updated September 22, 2017.

As shown in the table, the proposed project would result in a net reduction in vehicle trip generation compared to the existing pipe manufacturing facility for both the AM and PM peak hours. Based on the LTA prepared for the project by Fehr & Peers, for both Existing Plus Project and Background Plus Project conditions, the proposed project would not substantially worsen operations at any of the study intersections evaluated. In addition, the proposed project would not add a substantial amount of vehicle trips to any nearby intersections included within the North San Jose Area Development Policy (NSJADP) area. Project trips that travel into the NSJADP area would result in a negligible effect on intersection operations. Therefore, the proposed project would not result in any substantial adverse effects related to conflicts with the NSJADP.

Parking

According to the San José Municipal Code Chapter 20.90.060, the vehicle parking requirement for warehouse land use is one space per 5,000 sf of floor area. Thus, the proposed project would require a minimum 14 parking spaces. The project would include 34 parking spaces, which exceeds the City's minimum requirement. In addition, the five proposed bicycle parking spaces to be provided on-site would exceed the minimum of four spaces required per the VTA's 2017 Bicycle Technical Guidelines.

XVIII. TRIBAL CULTURAL RESOURCES. *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:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
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).	☐	☒	☐	☐	1,2,3, 12,13
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.	☐	☒	☐	☐	1,2,3, 12,13

Existing Setting

As discussed in Section V, Cultural Resources, of this IS/MND, the NAHC conducted a search of the NAHC's Sacred Lands File for the project area of potential project effect with negative results. In addition, the project site has been subject to prior disturbance associated with development of the site with a pipe manufacturing facility. However, based on existing environmental conditions in the project area, a moderate potential exists for unrecorded Native American resources to occur on-site.

Applicable Plans, Policies, and Regulations

Under AB 52, lead agencies must provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if such tribes have requested notice of projects proposed within that area. If the tribe(s) requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe(s). Consultation may include discussing the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe(s).

Discussion

a,b. 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) 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?

Less-Than-Significant Impact with Mitigation. Per the results of the CHRIS and Sacred Lands File searches conducted for the proposed project, the site does not contain known tribal cultural resources.

As discussed, AB 52 requires lead agencies to complete formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. In 2017, the City had sent a letter to tribal representatives in the area to welcome participation in consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City.

The City of San José has not received requests to be notified of development projects (pursuant to AB 52) from any Native American tribes in the project region for this project or area. The City, as a lead agency, has not identified any tribal resources on the site. While ground-disturbing activities associated with the proposed project could uncover previously unknown tribal cultural resources, the project would be required to implement the City's standard permit conditions related to accidental discovery, outlined in Section V, Cultural Resources, of this IS/MND. In addition, potential impacts associated with archaeological resources would be reduced to less-than-significant levels with implementation of Mitigation Measure CUL-1. As such, the proposed project would not cause a substantial adverse change in the significance of any tribal cultural resources if such resources are encountered during project construction. Therefore, a less-than-significant impact would occur.

Mitigation Measure(s)
With implementation of the following mitigation measure, the above potential impact would be reduced to a *less-than-significant* level.

Implement Mitigation Measure CUL-1.

XIX. UTILITIES AND SERVICE SYSTEMS. *Would the project:*	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact	Checklist Source(s)
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐	1,2,3, 4,31
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	☐	☐	☒	☐	1,2,3, 4,31
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?	☐	☐	☒	☐	1,2,3, 4,31
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?	☐	☐	☒	☐	1,2,3, 4,32
e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐	1,2,3, 4,32

Existing Setting

Water supply service for the project area is provided by the SJWC, a privately-owned company regulated by the California Public Utilities Commission. The SJWC currently maintains water supply infrastructure located in Old Bayshore Highway along the project frontage. Per the General Plan EIR, roughly 50 percent of the water supply for Santa Clara County is imported water from the Sacramento-San Joaquin Delta, delivered by the California Department of Water Resources' State Water Project (SWP) and by the U.S. Bureau of Reclamation's Central Valley Project (CVP). Per the General Plan EIR, increased water demand associated with buildout of the City's General Plan could exceed water supplies during dry and multiple dry years after 2025. However, implementation of General Plan policies would reduce impacts to a less-than-significant level.

Wastewater within the City of San José is treated at the San José-Santa Clara Water Pollution Control Plant (WPCP). The WPCP has the capacity to treat 167 million gallons per day (mgd) of

wastewater.[27] Per the General Plan EIR, the average dry weather sewage flow treated by the WPCP from sources in the City of San José is approximately 69.8 mgd. The City's share of the WPCP's treatment capacity is approximately 108.6 mgd which, based on current sewage flows, leaves the City with approximately 38.8 mgd of excess treatment capacity. Based on the sanitary sewer hydraulic analysis, the increment of additional development allowed by the City's General Plan is estimated to generate average dry weather flow of approximately 30.8 mgd. The development allowed under the proposed General Plan, therefore, would not exceed the City's allotted capacity of the WPCP.

Wastewater collection infrastructure is owned and maintained by the City's Public Works Department. The City currently maintains a six-inch sanitary sewer pipe located west of the project site in Old Bayshore Highway. However, currently, the project site is not connected to the City sewer system. Rather, the site is served by an on-site septic tank located southwest of the existing office building.

Most commercial solid waste collection within the City is provided by Republic Services under contract with the City. Republic Services processes all material collected at San José businesses at the Newby Island Resource Recovery Park (NIRRP). In 2007, the City of San José landfilled approximately 700,000 tons per year at facilities throughout Northern California, including 578,000 tons per year at facilities in San José. The total permitted landfilling capacity of the five operating landfills in the City is approximately 5.3 million tons per year. Per Santa Clara County Integrated Waste Management Plan (IWMP), which includes the City of San José, adequate disposal capacity is available beyond 2022.

Applicable Plans, Policies, and Regulations

The City's General Plan includes the following policies adopted for the purpose of avoiding or mitigating impacts related to utilities and service systems associated with development in the City:

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

Policy MS 3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Policy MS-19.3: Expand the use of recycled water to benefit the community and the environment.

[27] City of San José. *San José-Santa Clara Regional Wastewater Facility*. Available at: http://www.sanjoseca.gov/?nid=1663. Accessed April 2019.

Policy MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Policy IN-3.10: Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES).

Impacts Discussion

a-c. Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? 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? 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 Impact. Water supply, wastewater treatment, electric power, natural gas, and telecommunications facilities necessary to serve the proposed project are described in the following sections. Issues related to stormwater drainage facilities are discussed in Section X, Hydrology and Water Quality, of this IS/MND.

Water Supply

Water service would be provided by the SJWC by a connection to an existing water main located in Old Bayshore Highway. The project would not require substantial new or upgraded off-site water supply infrastructure improvements.

Per the General Plan EIR, water demand associated with buildout of the General Plan planning area, including the project site, could exceed water supply during single and multiple dry years. However, the General Plan EIR concluded that with the implementation of General Plan policies related to water conservation, as well as applicable regulations within the City's Municipal Code, a less-than-significant impact would occur related to the City's water supply. Given that the proposed project would be consistent with project site's existing land use and zoning designations, water use associated with the site has been previously anticipated by the City and analyzed in the General Plan EIR, and the proposed project would not cause any increase in the severity of any previously identified impacts. The project would not be expected to substantially increase water demand beyond that which has previously occurred associated with the existing on-site pipe manufacturing facility. Furthermore, the project would include a fully-automatic irrigation system meeting current water efficient landscape requirements included in Chapter 5.10 of the City's Municipal Code.

Therefore, the proposed project would not require or result in the relocation or construction of new or expanded off-site water facilities, the construction or relocation of which could

cause significant environmental effects, and sufficient water supplies would be available to serve the proposed project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Wastewater Treatment

Sewer service for the proposed project would be provided by the City by a new connection to the project site from an existing six-inch City sewer line located in Old Bayshore Highway to the west of the site (see Figure 6). The existing on-site septic system would be abandoned. The project would not require substantial new or upgraded off-site wastewater infrastructure improvements.

As discussed above, buildout of the City's General Plan would not exceed the City's allotted capacity at the WPCP. Consequently, the General Plan EIR concluded that buildout of the City's General Plan, including the project site, would result in a less-than-significant impact or no impact with respect to wastewater services and infrastructure. Given that the proposed project would be consistent with project site's existing land use and zoning designations, increased wastewater generation associated with development of the site has been previously anticipated by the City and analyzed in the General Plan EIR. Implementation of the proposed project would not cause any impacts in excess of what has already been anticipated. Thus, a less-than-significant impact would occur.

Electric Power, Natural Gas, and Telecommunications

The project site is located within a developed area of the City of San José and is situated within close proximity to existing electric power, natural gas, and telecommunications facilities. Thus, substantial expansion of such off-site utilities would not be required to serve the proposed industrial development, and associated environmental effects would not occur.

Conclusion

Based on the above, the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. In addition, sufficient water supplies would be available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years, and adequate wastewater treatment capacity is available to serve the project's projected demand in addition to the provider's existing commitments. Thus, a less-than-significant impact would occur.

d,e. 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? Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less-Than-Significant Impact. The General Plan EIR concluded that buildout of the City's General Plan, including the project site, would not cause the landfills that serve the City to exceed capacity. Given that the proposed project would be consistent with project site's existing land use and zoning designations, solid waste generation associated with development of the site has been previously anticipated by the City and analyzed in the General Plan EIR. The proposed project would not cause any increase in any impacts previously identified. Furthermore, the project would be required to comply with the City's Construction and Demolition Debris Program, as enforced by Section 9.10.2410 of the City's Municipal Code, which ensures that at least 75 percent of construction waste is recovered and diverted from landfills.[28]

Based on the above, the proposed project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and would comply with federal, State, and local statutes and regulations related to solid waste. Therefore, a less-than-significant impact would occur.

[28] City of San José. *Construction & Demolition.* Available at: http://www.sanjoseca.gov/index.aspx?NID=1532. Accessed April 2019.

XX. 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	Checklist Source(s)
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1,2,3, 22
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?	☐	☐	☐	☒	1,2,3, 22
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?	☐	☐	☐	☒	1,2,3, 22
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?	☐	☐	☐	☒	1,2,3, 22

Existing Setting

As noted in Section IX, Hazards and Hazardous Materials, of this EIR, per the CAL FIRE Fire and Resources Assessment Program, the project site is not located in a VHFHSZ.[29] The project site is located within an urbanized area of the City, is surrounded by existing development, and is not located in or near a State Responsibility Area.

Applicable Plans, Policies, and Regulations

The City's General Plan includes the following policies adopted for the purpose of avoiding or mitigating impacts related to wildfire hazards associated with development in the City:

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.

[29] CAL FIRE. *Very High Fire Hazard Severity Zones in LRA, Santa Clara County.* October 8, 2008.

Policy EC-8.4 Require use of defensible space vegetation management best practices to protect structures at and near the urban/wildland interface.

Impacts Discussion

a-d. Substantially impair an adopted emergency response plan or emergency evacuation plan? 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? 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? 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 noted above, the project site is not located within in a VHFHSZ or an area that is subject to substantial risks related to wildfires. Thus, with development of the proposed project, no impact would occur related to adverse environmental effects associated with wildfire hazards.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does 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?	☐	☐	☒	☐
b. Does 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)?	☐	☐	☒	☐
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Impacts Discussion

a. Does 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 Impact. As described in Section IV, Biological Resources, of this IS/MND, the project would result in a less-than-significant related to special-status plant and wildlife species, riparian habitat, sensitive natural communities, and wildlife corridors. While unlikely, the project could result in the uncovering of previously undiscovered archeological or tribal cultural resources during project construction. However, the proposed project would implement and comply with the City's standard permit conditions related to unintentional discovery, as discussed in Section V, Cultural Resources, of this IS/MND. Therefore, the proposed project would not result in impacts associated with the following: 1) degrade the quality of the environment; 2) substantially reduce or impact the habitat of fish or wildlife species; 3) cause fish or wildlife populations to drop below self-sustaining levels; 4) threaten to eliminate a plant or animal community; 5) reduce the number or restrict the range of a rare or endangered plant or animal; or 6) eliminate

important examples of the major periods of California history or prehistory. A less-than-significant impact would occur.

b. Does 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 Impact. The proposed project in conjunction with other development within the City of San José could incrementally contribute to cumulative impacts in the area. However, as demonstrated in this IS/MND, all potential environmental impacts that could occur as a result of project implementation would be reduced to a less-than-significant level with compliance with applicable General Plan policies, Municipal Code standards, and standard permit conditions. In addition, the project would be consistent with the site's existing land use and zoning designations. The project site is surrounded by existing development and is located in a highly urbanized setting. As such, buildout of the site with industrial uses was considered in the cumulative analysis of buildout of the General Plan, and a less-than-significant impact would occur.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Less-Than-Significant Impact. As described in this IS/MND, the proposed project would comply with all applicable General Plan policies, Municipal Code standards, and standard permit conditions. In addition, as discussed in Section III, Air Quality, Section VIII, Hazards and Hazardous Materials, and Section XII, Noise, of this IS/MND, the project would not cause substantial effects on humans. As such, implementation of the project would not result in any potential direct or indirect effects to human beings, including effects related to hazardous materials and noise, and a less-than-significant impact would occur.

G. CHECKLIST SOURCES

It should be noted that all of the technical reports and modeling results used for the purposes of this analysis are available upon request at the City of San José Planning Division. The following documents, listed in order of appearance, are referenced information sources utilized for the analysis within this IS/MND:

1. Professional judgment and expertise of the environmental specialists preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.

2. City of San José. *Envision San José 2040 General Plan.* November 2011.

3. City of San José. *Envision San José 2040 General Plan Environmental Impact Report.* November 2011.

4. City of San José. *Municipal Code.* Updated April 5, 2019.

5. California Department of Conservation. *California Important Farmland Finder.* Available at: http://www.conservation.ca.gov/dlrp/fmmp. Accessed April 2019.

6. Bay Area Air Quality Management District. *California Environmental Quality Act, Air Quality Guidelines.* May 2017.

7. California Environmental Protection Agency, California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective.* April 2005.

8. Santa Clara Valley Transportation Authority. *2015 Congestion Management Plan.* October 2015.

9. Office of Environmental Health Hazard Assessment. *Air Toxics Hot Spots Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments*. February 2015.

10. U.S. Environmental Protection Agency. *User's Guide for the AMS/EPA Regulatory Model (AERMOD)*. December 2016.

11. County of Santa Clara, City of San José, City of Morgan Hill, City of Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority. *Final Santa Clara Valley Habitat Plan, Santa Clara County, California*. January 29, 2013.

12. North Central Information Center. *Record search results for the proposed Old Bayshore Highway Warehouse Project, APN 237-06-015, City of San Jose, CA.* April 2, 2019.

13. Native American Heritage Commission. *Old Bayshore Highway Warehouse Project, City of San Jose; San Jose West USGS Quadrangle, Santa Clara County, California.* March 18, 2019.

14. California Air Resources Board. *The 2017 Climate Change Scoping Plan Update.* January 20, 2017.

15. Sustainable Building Task Force. *The Costs and Financial Benefits of Green Buildings*. October 2003.

16. Avocet Environmental, Inc. *Phase I Environmental Site Assessment, 1420 Old Bayshore Highway, San Jose, California, 95112.* January 24, 2019.

17. ATC Group Services, LLC. *Pre-Demolition Hazardous Materials Survey, Old Bayshore North, LLC, 1420 Old Bayshore Highway, San Jose, California, ATC Project Number: NPPAN18041*. January 2, 2019.

18. City of San José, Fire Department. *Hazardous Materials Program.* Available at: http://www.sanjoseca.gov/index.aspx?NID=2524. Accessed May, 2019.

19. Santa Clara County Department of Environmental Health. *Septic Tank Abandonment Procedures*. September 19, 2018.

20. Santa Clara County. *Comprehensive Land Use Plan, Norman Y. Mineta San José International Airport.* Amended November 16, 2016.

21. CAL FIRE. *Very High Fire Hazard Severity Zones in LRA, Santa Clara County.* October 8, 2008.

22. City of San José. *2015 Urban Water Management Plan*. June 2016.

23. Santa Clara Valley Water District. *Groundwater Management Plan, Santa Clara and Llagas Subbasins.* November 2016.

24. Federal Emergency Management Agency. *National Flood Hazard Layer FIRMette*. Generated April 23, 2019.

25. Santa Clara Valley. *Urban Runoff Pollution Prevention Program Stormwater C.3 Guidebook.* June 2016.

26. Saxelby Acoustics. *Environmental Noise Assessment, 1420 Old Bayshore Highway Warehouse Project, City of San José, California, Project #190309.* April 16, 2019.

27. Fehr & Peers. *Old Bayshore Highway Warehouse, Local Transportation Analysis Report.* September 2019.

28. Santa Clara Valley Transportation Authority. *2015 Congestion Management Plan.* October 2015.

29. Santa Clara County Transportation Authority, Congestion Management Program. *Traffic Level of Service Analysis Guidelines.* Updated June 2003.

30. City of San José. *San José-Santa Clara Regional Wastewater Facility.* Available at: http://www.sanjoseca.gov/?nid=1663. Accessed April 2019.

31. City of San José. *Construction & Demolition.* Available at: http://www.sanjoseca.gov/index.aspx?NID=1532. Accessed April 2019.

Appendix A

Air Quality and Greenhouse Gas Modeling Outputs

Appendix B

Phase I Environmental Site Assessment and Hazards Survey

Appendix C

Local Transportation Analysis