FIRE TRAINING AND EMERGENCY OPERATIONS CENTER RELOCATION PROJECT

DRAFT INITIAL STUDY – MITIGATED NEGATIVE DECLARATION

File No. ER20-180

Prepared by:
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October 2020

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FIRE TRAINING AND EMERGENCY OPERATIONS CENTER RELOCATION PROJECT

CITY OF SAN JOSÉ, CALIFORNIA

FILE NUMBER: ER20-180

Submitted to:

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LIST OF ABBREVIATIONS AND ACRONYMS

2017 CAP	Bay Area 2017 Clean Air Plan
µg/m^3	micrograms per cubic meter
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADA	Americans with Disabilities Act (of 1990)
ADT	average daily traffic
ADWEF	Average Dry Weather Effluent flow
ADWIF	Average Dry Weather Influent flow
AF	acre-feet
AFY	acre-feet per year
AP	Alquist-Priolo Earthquake Fault Zoning Act
APN	Assessor's Parcel Number
ASR	Antenna Structure Registration
ASTM	American Society for Testing and Materials
ATI	Approved Trip Inventory
AUL	Accessory and Use Limitation
BAAQMD	Bay Area Air Quality Management District
Basin	San Francisco Bay Area Air Basin
bgs	below ground surface
BMPs	Best Management Practices
BTEX	benzene, toluene, ethylbenzene, and xylenes
CAAQS	California Ambient Air Quality Standards
CalARP	California Accidental Release Prevention
CalEEMod	California Emission Estimator Model
CalEMA	California Emergency Management Agency
CalEPA	California Environmental Protection Agency
CALFIRE	California Department of Forestry and Fire Protection
CALGreen Code	California Green Building Standards Code
California Register	California Register of Historical Resources

CalRecycle	California Department of Resources, Recycling, and Recovery
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CBSC	California Building Standards Commission
CCAA	California Clean Air Act
CCR	California Code of Regulations
CD	Community Design
CDFW	California Department of Fish and Wildlife
CDMG	California Department of Mines and Geology
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFC	California Fire Code
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	methane
City	City of San José
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Plan
CMU	concrete masonry unit
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	CO_2 equivalents
COPC	contaminants of potential concern
County	County of Santa Clara
CREC	Controlled Recognized Environmental Condition
CRHR	California Register of Historic Resources
CSSJ	Climate Smart San José

CSY	Central Services Yard
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
cy	cubic yards
dB	decibel(s)
dBA	A-weighted decibel(s)
DDE	dichlorodiphenyldichloroethylene
DNL	day-night average level
DOC	Department of Conservation
DPM	diesel particulate matter
DPW	Department of Public Works
DTSC	California Department of Toxic Substances and Control
DWR	(California) Department of Water Resources
EC	Environmental Considerations/Hazards
ECOS	Environmental Conservation Online System
EMS	Emergency Management Services
EOC	Emergency Operations Center
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency
ER	Environmental Resources
ES	Education and Services
ESA	Environmental Site Assessment
ESUSD	East Side Union High School District
FAA	Federal Aviation Administration
FCAA	Federal Clean Air Act
FCC	Federal Communications Commission
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Studies
FMSD	Franklin-McKinley Elementary School District

FTA	Federal Transit Administration
FY	Fiscal Year
GCC	Global Climate Change
GHG	greenhouse gases
GIS	geographic information system
GSAs	groundwater sustainability agencies
GWh	gigawatt-hours
GWP	Global Warming Potential
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HFCs	hydrofluorocarbons
HI	Heavy Industrial
HMCD	Hazardous Materials Compliance Division
HMP	Hydromodification Management Plan
HMSO	Hazardous Materials Storage Ordinance
HRA	health risk assessment
HRE	Historic Resource Evaluation
HSP	Health and Safety Plan
HVAC	heating, ventilation, and air conditioning
I-280	Interstate 280
IES	Illuminating Engineering Society
IN	Infrastructure
in/sec	inches per second
IS	Initial Study
IS/MND	Initial Study/Mitigated Negative Declaration
kWDC	kilowatt direct current
kWh	kilowatt hour
lbs/MWhr	pounds per megawatt hour
L_{10}	noise level exceeded 10 percent of the time during a stated period
L_{50}	noise level exceeded 50 percent of the time during a stated period
L_{90}	noise level exceeded 90 percent of the time during a stated period

L_{dn}	day-night average level
L_{eq}	equivalent continuous sound level
LED	light emitting diode
LEED	Leadership in Energy and Environmental Design
LID	Low Impact Development
L_{max}	highest sound level measured during the measurement time period
LOS	level(s) of service
LSA	LSA Associates, Inc.
LTA	Local Transportation Analysis
LU/TR	Land Use/Transportation
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
mgd	million gallons per day
MLD	Most Likely Descendant
MMRP	Mitigation Monitoring and Reporting Program
MMT of CO_2e	million metric tons of carbon dioxide equivalent
MND	Mitigated Negative Declaration
MO	Model Ordinance
mpg	miles per gallon
mph	miles per hour
MRP	Municipal Regional (Stormwater NPDES) Permit
MRZs	Mineral Resource Zones
MS	Measurable Environmental Sustainability
MS4s	municipal separate storm sewer systems
MT	metric tons
MTC	Metropolitan Transportation Commission
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
National Register	National Register of Historic Places
NCCP	Natural Community Conservation Plan

NFPA	National Fire Protection Code
NOD	Notice of Determination
NOI	Notice of Intent
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
O&M	Operations and Maintenance
OEM	Office of Emergency Management
OES	Office of Emergency Services
OPR	California Office of Planning and Research
OSHA	Occupational Safety and Health
OSPH	Open Space, Parkland and Habitat
PBCE	Planning, Building, and Code Enforcement
PCBs	polychlorinated biphenyls
PDO	Parkland Dedication Ordinance
PFCs	perfluorocarbons
PG&E	Pacific Gas & Electric
PM	particulate matter
PM_{10}	particulate matter less than 10 microns in size
$PM_{2.5}$	particulate matter less than 2.5 microns in size
ppm	parts per million
PPV	peak particle velocity
PR	Parks, Open Space, and Recreation
PRC	(California) Public Resource Code
PRDs	Permit Registration Document
proposed Project	Fire Training and Emergency Operations Center Relocation Project
PV	photovoltaic
RAL	Remedial Action Level
RAP	Removal Action Plan
RCRA	Resource Conservation and Recovery Act
RECs	Recognized Environmental Conditions
RMP	Risk Management Plan

RMS	root-mean-square
ROG	reactive organic gases
RPS	Renewables Portfolio Standard
RWF	Regional Wastewater Facility
RWQCB	(San Francisco Bay) Regional Water Quality Control Board
SB	Senate Bill
SCCDEH	Santa Clara County Department of Environmental Health
SCP	Stormwater Control Plan
SCS	Sustainable Communities Strategy
SCVHP	Santa Clara Valley Habitat Plan
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SCVWD	Santa Clara Valley Water District
sf	square foot/feet
SF_6	sulfur hexafluoride
SFHA	Special Flood Hazard Areas
SGMA	Sustainable Groundwater Management Act of 2014
SHMA	Seismic Hazards Mapping Act
SIP	State Implementation Plan
SJC	San José International Airport
SJFD	San José Fire Department
SJMC	San José Municipal Code
SJPD	San José Police Department
SJPL	San José Public Library
SJWC	San José Water Company
SMARA	Surface Mining and Reclamation Act
SMARTS	Storm Water Multiple Application and Report Tracking System
SMP	Soil Management Plan
SO_2	sulfur dioxide
SR-87	State Route 87
SSMP	Sewer System Management Plan
SSOs	sanitary sewer overflows

State OES	State Office of Emergency Services
STLC	soluble threshold limit concentration
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TACs	toxic air contaminants
TCMs	treatment control measures
TCR	Tribal Cultural Resource
TDM	Transportation Demand Management
THP	total petroleum hydrocarbons
THPd	diesel range organics
THPo	oil range organics
TMDL	Total Maximum Daily Load
tpd	tons per day
TR	Transportation
US 101	United States Highway 101
USACE	United States Army Corps of Engineers
USC	United States Code
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
UST	Underground Storage Tank
UWMP	Urban Water Management Plan
v/c	volume-to-capacity
VdB	vibration velocity decibel(s)
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	vehicle miles travelled
VOCs	volatile organic compounds
VTA	Santa Clara Valley Transportation Authority
WDID	Waste Discharge Identification Number
WDR	Waste Discharge Requirements
WPCP	Water Pollution Control Plant
ZNC	Zero Net Carbon

1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of San José (City) as the Lead Agency, has prepared this Initial Study for the proposed Fire Training and Emergency Operations Center Relocation Project (Project) in compliance with the California Environmental Quality Act (CEQA), the *State CEQA Guidelines* (California Code of Regulations Section 15000-et. seq.) and the regulations and policies of the City of San José, California. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed Project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, State, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

Bethelhem Telahun, Environmental Planner
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, California 95113
Telephone: (408) 535-5624
Email: Bethelhem.Telahun@sanjoseca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of San José will consider adoption of the Initial Study/Mitigated Negative Declaration (MND) for the proposed Project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the proposed Project is approved, the City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (*State CEQA Guidelines* Section 15075(g)).

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2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Fire Training and Emergency Operations Center Relocation Project

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building, and Code Enforcement
Bethelhem Telahun, Environmental Planner
(408) 535-5624
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2.3 PROJECT APPLICANT

City of San José
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2.4 PROJECT LOCATION

The City of San José plans to relocate the existing Fire Department Training Center, the Office of Emergency Services (OES), and the Emergency Operations Center (EOC), all of which are operated by various City departments and currently located at 255 South Montgomery Street, to the City's existing Central Services Yard (CSY) located at 1661 Senter Road (Parcel 1) and an adjacent parcel located at 1591 Senter Road (Parcel 2) in San José, California.

At Project completion, the new Fire Training and Emergency Operations Center campus address would be changed to 1591 Senter Road.

2.5 ASSESSOR'S PARCEL NUMBERS

Parcel 1 – APN 477-38-007, located at 1661 Senter Road

Parcel 2 – APN 477-38-016, located at 1591 Senter Road

2.6 GENERAL PLAN AND ZONING DISTRICT

General Plan Designation: Open Space, Parkland and Habitat (OSPH) and Heavy Industrial (HI)
Zoning: Heavy Industrial (HI)

2.7 HABITAT PLAN DESIGNATION

Land Cover Designation: Urban - Suburban
Development Zone: Urban Development Covered Equal or Greater than Two Acres
Fee Zone: Urban Areas (No Land Cover Fees)

2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

Site Development Permit and applicable Public Works Clearances

3.0 PROJECT DESCRIPTION

3.1 PROJECT SITE AND SITE DESCRIPTION

3.1.1 Regional Setting

The Project site is located at 1661 and 1591 Senter Road in the central portion of the City of San José (City), which itself is located in northern Santa Clara County (County). The City encompasses approximately 180 square miles of land within the County, and is bounded by the cities of Sunnyvale, Mountain View, Santa Clara, Fremont, and Milpitas to the north; unincorporated areas of the County to the east and south; and the cities of Campbell, Cupertino, Los Gatos, and Saratoga to the west.

As shown on Figure 3-1, Regional Location, regional access to the Project site is provided by Interstate 280 (I-280), U.S. Highway 101 (US 101), and State Route 87 (SR-87). I-280 travels north-south from San José to San Francisco and is approximately 1.0 mile north of the Project site. US 101 travels north-south and is approximately 1.25 miles east of the Project site. SR-87 travels north-south and is approximately 1.5 mile west of the Project site.

3.1.2 Project Vicinity and Surrounding Land Uses

The approximately 26-acre Project site consists of two City-owned parcels, APN 477-38-007 located at 1661 Senter Road (Parcel 1), and APN 477-38-016 located at 1591 Senter Road (Parcel 2).

The Project site is partially located on Parcel 1, within the northeastern area of the parcel, which is currently occupied by the City's CSY campus. Parcel 1 is bounded by Parcel 2 to the north, Senter Road to the east, South 10th Street to the west, and Phelan Avenue to the south.

Parcel 2 is bounded by the San José Municipal Stadium (also known as Excite Ballpark) and an indoor skating rink (Solar4America Ice at San José) to the north, Senter Road to the east, South 10th Street to the west, and the City's CSY campus (Parcel 1) to the south.

The Project site is located within a developed area situated between public/quasi-public uses to the north, consisting of the San José Solar4America Ice facility and San José Municipal Stadium, and heavy industrial uses to the south and west. Kelley Park, a 172-acre City park, is located east of Senter Road. Residential neighborhoods are located further to the north and to the southeast. The existing Santa Clara Valley Rifle Club to the north will be demolished to accommodate the approved Solar4America Ice Expansion Project[1], which is anticipated to be completed and operational in 2022.

[1] In January 2020, the City of San José City Council approved a 200,000-square foot expansion of the Solar4America Ice at San José, which will add two additional recreational ice sheets to the facility, increasing the total ice sheets at the facility to six. The expansion will double the facility's footprint to just under 400,000 square feet. Construction for the facility was anticipated to begin in late April 2020, with a targeted completion date of April 2022. However, construction has been delayed due to the COVID-19 Shelter in Place Order.

3.1.3 History of the Project Site and Existing Site Conditions

In its existing setting, the generally level Project site is roughly rectangular in shape, with a narrow strip of land extending north along Senter Road. The Project site consists of two parcels that share a common property line. Refer to Figure 3-2, Aerial View of Project site and Surrounding Land Uses, for an aerial photograph of the existing Project site and vicinity.

The southern portion of the Project site (Parcel 1) is currently developed with the City's CSY campus the City's large materials, vehicle and equipment maintenance and storage facility. As shown in Table 3-A, Existing Buildings on the Project Site, the CSY currently supports eight one to three-story buildings (Buildings A through G and Building D4), as well as associated surface parking and perimeter landscaping, including street trees along Senter Road, Phelan Avenue and South 10th Street . Solar canopies are provided over the visitor and main parking lots. An existing emergency generator is located just east of Building D4.

The northern portion of the Project site (Parcel 2) is currently undeveloped.

Table 3-A: Existing Buildings on the Project Site

Building	Building Area (square feet)	Building Height	Existing Use
A	48,500	3-story	Offices, conference rooms, Material Testing laboratory, Central Doc/Records, Storage, and misc.
B	21,000	1-story	Shops (Carpenter, HVAC, Elec, Paint)
C	26,350	1-story	Warehouse/Storage
D1, D2 and D3 (one building)	38,300	1-story	Storage (Fire Dept. and Christmas in the Park)
D4	16,000	1-story	History San José Storage Area and central documents/records storage[2]
E	9,000	1-story	Central Documents /Records and misc. equip. and maintenance supply Storage
F	21,000	1-story	Fleet maintenance (vehicle repairs and upfit)
G	25,340	1-story	Office, shops, fitness room, and storage

Source: City of San José, 2020

The CSY facility is occupied Monday through Friday from 7:00 a.m. to 6:00 p.m. by various City Departments and City personnel. One to two Saturdays per month, the facility serves as a gathering spot for volunteers in the morning hours. The volunteers are taken to various City parks and trails to perform volunteer activities.

[2] With the renovation of Building D4, History San José would move its storage facilities into a portion of Building C within the CSY. At 8,000 square feet, Building C would provide for more organized, high capacity storage (e.g., shelving). Conditions in Building C would the same as Building D4 (e.g., which will help keep all of the materials acclimated to the same temperatures and humidity. No historic materials would be stored at the new Fire Training Center and EOC site.

3.1.3.1 Fencing and Landscaping

On Parcel 1, existing chain-link perimeter fencing secures the entire CSY campus and buildings. Gates secure the existing entrances on South 10th Street, Phelan Avenue, and Senter Road.

On Parcel 2, existing chain-link fencing exists along the southern property line, common with Parcel 1. This portion of the Project site is currently undeveloped, and is secured by chain-link fencing along the curved northern, eastern, and western property lines.

Landscaping, including grass and shrubs, is provided along the Senter Road frontage. In addition, street trees are located along Senter Road, Phelan Avenue, and South 10th Street.

3.1.3.2 Access

Vehicular access to Parcel 1 is provided via four driveways – two driveways on Senter Road and two driveways on Phelan Avenue. As described above, both of the driveways on Phelan Avenue are access controlled.

No access is currently provided to Parcel 2, the northern portion of the Project site. Pedestrian access to the Project site is provided via sidewalks along Senter Road, Phelan Avenue, and South 10th Street. Pedestrians may enter via the visitor entrance on Senter Road.

3.2 PROJECT BACKGROUND

The City's current Fire Training Center is located at 255 South Montgomery Street in central San José, just west of downtown. The existing Fire Training Center site is currently developed with eight, one-story buildings of different sizes and forms. A portion of the buildings are modular structures, which are currently being used for classrooms, restrooms, and offices. One 6-story concrete Fire Training Tower is located on the existing training grounds. One building, which features five to six apparatus bays, is used for equipment and supplies storage.

The surrounding site area and training grounds house numerous fire training props, such as the roof/solar prop, the auto extraction zone, survival prop, the fire blast mobile trailer, containers prop, the axe and chain prop, an outdoor fitness area, and the driving training areas. Placed around the perimeter of the site are metal storage containers and various trailers parked and staged for emergency use and deployment. The City is vacating the existing site in order to consolidate City facilities at the CSY.

3.3 PROPOSED PROJECT

The proposed Project would result in the relocation of the City's existing fire training and emergency operations facilities to the Project site, which would result in the renovation of approximately 16,000 square feet of existing building space and construction of an approximate total of 56,393 square feet of new building area on the Project site. The proposed Project would be implemented in two phases, beginning with the renovation of Building D4 and construction of Buildings 1 and 2 on Parcel 1 and followed by construction of the fire training facilities (e.g., fire training tower and fire training buildings) on Parcel 2. At Project completion, the address of the redeveloped portion of Parcel 1 would be changed to 1591 Senter Road. The City is both the Lead Agency for environmental

review and the Project proponent. The following describes the various components of the proposed Project, including building and site improvements, and construction.

3.3.1 Development Program Summary

As illustrated on Figure 3-3, Phase 1 and 2 Overall Site Plan, and shown on Table 3-B, Proposed Building Program, the proposed Project would include the retention of existing Buildings A, B, C, D1, D2, D3, E, F, and G; renovation of the existing 16,000-square-foot Building D4; and construction of two new buildings (Buildings 1 and 2) on Parcel 1. Building D4 would be renovated to include new sectional overhead doors and openings to accommodate parking/storage of fire apparatus and equipment. Building 1 would consist of a new, two-story, approximately 32,112-square foot building which would be used for the Recruit Academy, fire training classrooms, and emergency management services (EMS) and Office of Emergency Management (OEM) offices. Building 2 would consist of a new one-story, approximately 11,079-square foot stand-alone EOC building, Buildings 1 and 2 would be located on the northeastern portion of the existing CSY site.

On the currently undeveloped Parcel 2, a new six-story, approximately 11,994-square foot Fire Training Tower and two new one-story Fire Training Buildings would be constructed.

Overall, the proposed Project includes renovation of 16,000 square feet of existing space with 3,496 square feet of new storage mezzanine space and the construction of 56,393 square feet of new floor area across the Project site.

Table 3-B: Proposed Building Program

Building	Building Area (square feet)	Building Height	Existing/Proposed Use	Proposed Project
1661 Senter Road				
A	48,500	3-story	● Offices ● Conference rooms ● Material Testing laboratory ● Central Documents/Records Storage ● Other storage	Existing to Remain
B	21,000	1-story	● Shops (Carpenter, HVAC, Elec, Paint)	Existing to Remain
C	26,350	1-story	● Warehouse/Storage ● History San José relocated storage	Existing to Remain
D1, D2 and D3	38,300	1-story	● Storage (Fire Dept. History Museum) ● Storage (Christmas in the Park)	Existing to Remain
E	9,000	1-story	● Central Documents/Records Storage ● Misc. equipment and maintenance supply Storage	Existing to Remain
F	21,000	1-story	● Fleet maintenance (vehicle repairs and upfit)	Existing to Remain
G	25,340	1-story	● Office ● shops,	Existing to Remain

Table 3-B: Proposed Building Program

Building	Building Area (square feet)	Building Height	Existing/Proposed Use	Proposed Project
			• Fitness room • Storage	
1591 Senter Road[1]				
Building 1	32,112	2-story	• Recruit Academy • Fire Training Classrooms • Fire Department Recruits, EMS Training, Data, and Systems offices • OEM administrative offices	To be Constructed
Building 2 (EOC)	11,079	1-story	• EOC	To be Constructed
D4	16,000 with new 3,496 storage mezzanine	1-story	• Equipment storage • Two Offices • Wellness Center	To be Renovated
Fire Training Tower	11,994	6-story	• Fire Training	To be Constructed
Fire Training Building 1	534	1-story	• Fire Training	To be Constructed
Fire Training Building 2	674	1-story	• Fire Training	To be Constructed

Source: City of San José 2020
[1] As described previously, at Project completion, the address of the redeveloped portion of Parcel 1 would be changed to 1591 Senter Road.

Related site improvements would include: new masonry walls along Senter Road and around the site equipment, perimeter chain link fencing and gates, asphalt paving for driveways, and pervious parking areas, heavy duty concrete for the fire training grounds, concrete sidewalks, underground drafting pit; concrete pads for fire training props, propane tanks, trash enclosures; site lighting, underground utilities, emergency generator, carport mounted photovoltaic panels, battery storage, a 135-foot tall freestanding communication tower, landscaping, irrigation, and bio-retention areas. All of these project elements are conceptual at this time.

3.3.2.2 Parcel 1 Development Program

As previously stated, development of Parcel 1 would include renovation of existing Building D4 and construction of two new buildings. Building 1 would consist of a new two-story, approximately 32,112-square foot facility, to be used for fire academy and training classrooms. The building would house fire training, EMS, the recruit academy, data systems, and OEM administrative offices.

Building 2 would consist of a separate one-story, approximately 11,079-square foot EOC, building, connecting to Building 1 through a common Main Lobby. Adjacent to the existing emergency generator would be a new emergency generator and a new 135-foot-tall radio communication monopole or tower to support the necessary communications antennas and dishes.

The existing storage warehouse, Building D4, would be seismically upgraded and renovated to accommodate fire department storage, including apparatus, trailer, and equipment storage, with a

new approximately 3,496-square foot storage mezzanine, offices for fire department personnel who oversee the equipment and supplies, and the wellness center.

The existing building is a simple wood-framed structure with metal siding and shaped roof framing. New coiling overhead doors and openings would be provided to allow fire apparatus and equipment to drive through and park within the building.

Site improvements would include new utility infrastructure, a freestanding covered canopy for parking trailers and equipment immediately adjacent to Building D4 along the east, parking, fencing, gates, and limited landscaping around Buildings 1 and 2.

Proposed Buildings 1 and 2 would displace approximately 112 existing parking spaces located on the existing CSY site. The proposed overall site plan is shown on Figure 3-4, Phase 1 Site Plan. The site design would accommodate 288 new surface parking spaces, consistent with the 281 parking spaces required under the City's Municipal Code.

3.3.1.1 Parcel 2 Development Program

A new 11,994-square foot, 6-story fire training tower building would be constructed, along with two smaller, single-story training buildings (each approximately 534 square feet and 674 square feet). This portion of the Project site would also include training props, mobile training units, and metal storage containers that would be relocated from the existing fire training center site to the Project site. The training grounds would also include installation of the following site training elements:

- Solar Prop
- Auto Extraction Zone
- Survival Prop
- FireBlast Mobile Training Unit
- Fourteen small metal storage containers
- Axe and Chain Saw Area
- Driver Training Course

Site improvements required for development of Parcel 2 would include utility infrastructure, stormwater treatment, a new underground drafting pit with shade canopy above, two 2,000-gallon propane tanks, covered trash enclosures, electrical equipment, secured parking and landscaping. As part of the proposed project, the City would dedicate 14 feet along the curvature of the northern property line for a Class II landscaped bikeway. Gravel paved parking spaces would be provided along the future trail.

The training grounds would be secured with an 8-foot high masonry wall to provide a visual barrier from Senter Road and adjacent property to the northwest. Chain link fencing with slats would be used to secure the parking lot portion. Various gates would be installed to secure the site.

The Office of Emergency Management would have three small metal storage containers and one large metal storage container on site along with seven trailers and two vans.

The Project site and buildings would be used for roof-mounted photovoltaic (PV) panels and carport-mounted photovoltaic panels to produce an estimated annual 830,657 kilowatt-hours (kWh) of clean energy. The City would use the PV system to provide 100 percent of the annual energy consumption for Buildings 1 and 2, which would require an estimated 754,683 kWh. A battery back-up system would be designed to store the energy captured to complete a project-based microgrid power system

This microgrid system would include:

- Roof mounted PV arrays on Building 1 with 150 modules, (54 kilowatt direct current [kWDC])
- Roof mounted PV array on Building 2 with 90 modules (32.5 kWDC)
- Solar carports on parking lot with 1173 module (422.28 kWDC)
- Inverters capable of islanded operation
- Dedicated distribution board(s)
- Automatic Transfer Switch(es)
- Micro-Grid Controller

3.3.2 Project Operation

Anticipated operations of the proposed new Fire Training Center and Emergency Operations Center would include the following services, classes and operations:

Building 1 would operate from 7:00 a.m. to 5:00 p.m., Monday through Friday, with some occasional uses of the building training rooms on Saturday. The number of trainees would range from eight to 20 per training session, with 20 to 30 recruits per academy. Academy is held twice per year for a 5-month period, in spring and fall. Buildings would also be used for training at various times during the year for the Emergency Operations Center response activation, with groups ranging from 20 to 70 people, ranging from daily courses up to a full week course.

Buildings 1 and 2 would also staff approximately 70 personnel daily from the Fire Department and the OEM. When an emergency activation occurs in the City, Buildings 1 and 2 would most likely be in operation 24 hours per day, 7 days a week, depending on the level of emergency activation in the City. OEM would also conduct courses through the day, ranging from 15 to 70 people. Courses would vary from full day to half-day courses, lasting from 3 to 5 days to up to 2 weeks.

Outdoor activities on the training grounds would occur primarily between 7:00 a.m. and 5:00 p.m., Monday through Friday. As described above, approximately 8 to 20 trainees per training session with 20 to 30 recruits per academy would use these facilities, including the use of vehicles and the various equipment as identified above. The Fire Training Tower would be used for various firefighting exercises such as repelling and rescuing activities, hose length maneuvering, tight space crawling, the use of Class B fires, and feed by propane fuel and props. The outdoor grounds may occasionally have training activities during nighttime hours.

3.3.3 Parking

In compliance with the City of San José's Municipal Code (Section 20.90.100, Off-street vehicle parking space design standards), parking spaces would be provided by the proposed Project (one

parking stall per 1.5 employees, plus 1 per company vehicle). The proposed parking area would incorporate the 112 parking spaces displaced from Parcel 1 and provide an additional 176 parking spaces for the CSY, fire training, and OEM needs, for a net total of 288 parking spaces on the site.

Section 20.90.100 of the City's Municipal Code also requires one bicycle-parking stall for every 10 employees. Consistent with the City's bicycle parking requirements, the Project would provide seven bicycle-parking stalls to serve the 70 on-site employees per the California Green Building Standards Code (CALGreen Code).

3.3.4 Access

Primary vehicle access to the Project site will be provided via a new full-access driveway along South 10th Street. This is the primary entrance for passenger vehicles for all staff, academy recruits, and visitors for training classes. No fire trucks would enter the Project site via this driveway. The Project would also provide a new, gated, right-in/right-out driveway along Senter Road on Parcel 2 to provide occasional access for visiting fire trucks and apparatus. All trucks for the training facility would be on site, and only one truck per day would enter the project site via the new driveway along Senter Road from a fire station facility to perform annual training. The gate would remain closed during typical operations to secure the training grounds and buildings, and would only be used under supervision of City of San José Fire Department (SJFD) staff. SJFD trainees/recruits and staff would not use this driveway. The gate would have a no-left-turn sign to prevent trucks from making a left-turn onto Senter Road The Project would maintain the two existing driveways on Senter Road and the two existing gated driveways on Phelan Avenue. Visitors and trucks, including trash and recycling trucks (once per week), propane trucks (once every 6 months), and daily delivery trucks (i.e., DHL and UPS) would use the existing driveway along Senter Road south of the new Senter Road driveway.

3.3.5 Building Design

The new Building 2 (Emergency Operations Center) and two-story Fire Training and OEM Administrative and Classroom Building 1 would achieve Leadership in Energy and Environmental Design (LEED) certified at the Silver Level and use Climate Smart San José (CSSJ) strategies. The design of these buildings would maximize sustainable approaches, such as the implementation of Zero Net Carbon (ZNC), the use of solar energy and/or the use of battery storage to meet peak demands. All project elements would be designed to meet City of San José program requirements and would be constructed in compliance with the 2019 California Building Code (CBC).

Existing Building D4 would be renovated to include new sectional overhead doors and openings to accommodate parking/storage of fire apparatus and equipment.

Building 1 would be a two-story metal building with curtain wall and storefront glazing and door systems. The roof framing would be low slope with skylights to bring natural daylight into the interior building circulation. This building would also include access control at both the interior and exterior entrances.

The proposed Emergency Operations Center, Building 2 would be a one-story, steel building with high windows, storefront glazing at the lobby entry. The roof framing would be low sloped with skylights to bring natural daylight into the interior portions of the building.

Fire training structures are classified as non-occupied structures used for the sole purpose of training and instruction of able-bodied firefighters. These structures are not designed in accordance with standard Life Safety and Public Accessibility codes and regulations, but rather utilize the specific guidelines set in the National Fire Protection Code (NFPA) for fire training and the Occupational Safety and Health (OSHA) regulations.

The exterior composition of the fire training building would consist of reinforced, solid-grouted concrete masonry units (CMU). The walls would be load-bearing supporting the interior floor structures, as well as the roof structure. The exposed CMU walls would be of various block styles for aesthetic purposes, such as colored block and split face. All CMS would be sealed with an approved masonry sealer. Due to the functions of training, the windows would use ¼-inch thick solid aluminum plate as the glazing. Window frame systems would be of heavy gauge hollow metal type with painted finish.

Exterior doors would consist of standard hollow metal type with full height hinges for durability. Doors and frames would have paint finish. Selected doors would be equipped with a forcible entry prop latch, which is used by the trainees. These units would be constructed of heavy gauge, galvanized metal, with heavy-duty springs.

Roof systems for the training buildings would be of two general types. For flat roof areas, the surface would be exposed concrete, with a two-part sealer applied. These areas would be used by the trainee personnel for various activities. Where pitched roofs are used, the structure would be constructed with heavy-duty metal framing and covered asphalt roof shingles. As with the flat roof areas, these roofs would be used in various exercises.

The interior environment of the training buildings would be to serve functionality for the trainers. To that extent, finishes such as ceilings, floorings, wall surfaces, casework would not be used. During a training evolution, the rooms are dark, without light fixtures. Firefighters advance with charged fire hose lines throughout the buildings. The only lighting to be provided within the structures would be vandal and water resistant light fixtures for maintenance. These lights would be controlled from a single location within the first floor equipment room.

The interiors of the fire training buildings would be as durable as the exterior. Walls would be constructed of full height, exposed concrete masonry. Some walls would be load-bearing, as determined by the structural engineer for support of the upper floor systems. Interior walls would be standard precision face CMU units. Walls with outside corners would utilize bull nose corners.

Floor and roof structures would be constructed of exposed concrete. All floors would be sealed with an approved concrete sealer system. The structural support of the floors would be determined by the structural engineer. All interior floors would be sloped for drainage due to the amount of water to be used. Upper floors would drain to multiple exterior scupper and downspouts.

Vertical circulation stairs would be constructed of heavy-duty steel frame structures with concrete-filled metal pans. Metal elements would have paint finishes while the concrete treads would be sealed. Handrails/guardrails would be installed on each side of all stairs per Life Safety and OSHA guidelines.

3.3.6 Landscaping and Stormwater Treatment

New landscaping proposed as part of the project would consist of planting street trees along Senter Road and 10th Street. Street trees would be chosen in reference to the City of San José Tree Policy Manual & Recommended Best Practices. Four existing pear trees along Senter Road would be removed and replaced with six new pear trees.

Native drought tolerant grasses, perennials, and specimen shrubs are also proposed along Senter Road and 10th Street. Landscape screen walls are proposed along Senter Road at varying heights from 3 to 8 feet tall. Vines and low water use plantings are proposed to be planted in front of these walls to soften their appearance.

The Project would include the installation of a bio-retention basin in the northeast corner of the Project site along Alma and Senter Road to capture, retain, and filter stormwater runoff prior to discharge into the City's storm drain system. Bioretention appropriate plant selections would be chosen from the Santa Clara Valley Urban Runoff Pollution Prevention Program, Appendix D. Existing landscaping along Phelan Avenue and Senter Road (south of the existing driveways) outside of the project site would remain in place.

The required treatment volume of runoff from the new parking areas and lot is to be retained under permeable pavement. It is anticipated that some small new or replaced impervious areas will not be treated and that those will be offset by treating existing impervious areas on Parcel 1. Anticipated offset treatment is less than 5 percent of the total new or replaced impervious surface. Parcel 1 treatment will occur on Parcel 2.

3.3.7 Lighting

Exterior lighting would be provided throughout the site. Surface mounted fixtures would be provided under the PV canopies in the parking lot. Additional pole fixtures would be added for areas not covered by the under-canopy lighting. Building mounted exterior lighting would be provided for egress and security illumination at all exterior exit doors and sidewalks.

Interior lighting would consist of light emitting diode (LED) sources and would illuminate each space at a brightness consistent with recommendations from the Illuminating Engineering Society (IES). Fixtures would be selected to be compatible with ceiling types and room function. In addition, a complete lighting control system would be provided to meet California Title 24 requirements, including on/off, dimming, occupancy sensing, daylighting, time clock, and demand response controls.

3.3.8 Infrastructure Improvements

The project site would likely be served with existing domestic and firewater, and reclaimed water utilities located on Senter Road. Storm drainage would be directed to existing storm mains in South 10th Street, Senter Road, and East Alma Avenue.

Existing Building D4 has an existing fire sprinkler system, which would be evaluated by the Fire Department to determine if it meets current standards.

Proposed Buildings 1 and 2 would have new fire protection and fire alarm systems. The new Fire Training Tower and associated buildings would not need a fire protection system or fire alarm system. The Training Tower would have an active fire riser for fire training purposes.

The project would be served by an existing sanitary sewer line on Parcel 2 that runs along the site in the east/west direction and outfalls to South 10th Street.

A new electrical transformer would be installed to serve all new and existing buildings and site improvements with one new electrical service with a separate panel for each building and the site. This approach would need to be verified with Pacific Gas & Electric (PG&E). The design team is currently investigating how the proposed microgrid system would interact with the new power service and back-up emergency generator system. A 10,000-gallon above ground water tank would be installed to serve Building 2 along with a 135-foot tall freestanding communication tower.

Existing driveway aprons would need to be closed and new ones installed. Portions of the existing frontage improvements may need to be repaired as well to accommodate the project design.

3.3.9 Project Construction

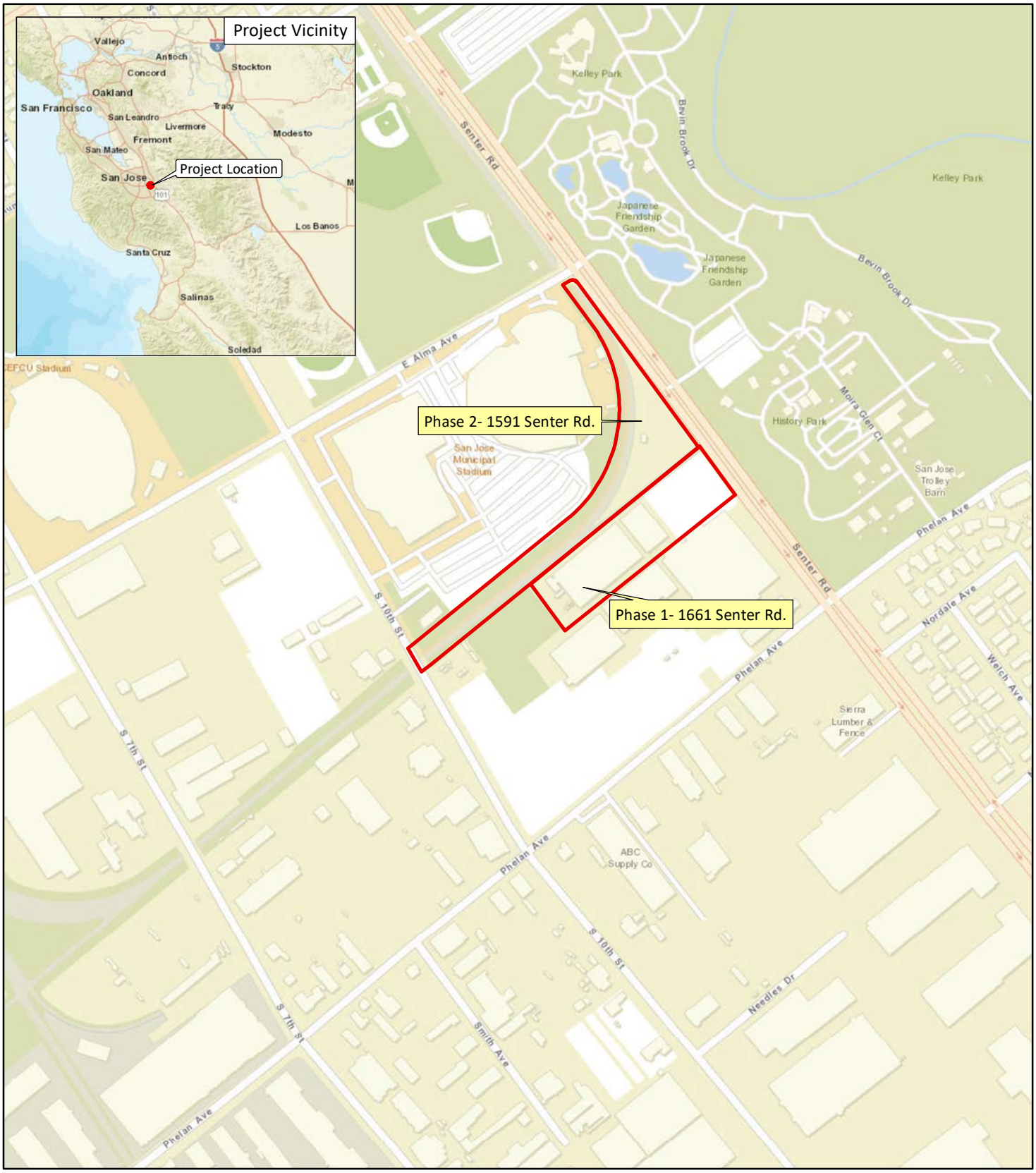
Construction of the proposed Project is anticipated to occur over the course of 16 months. Project construction is estimated to begin in January 2021 and be completed by June 2022.

Approximately 30 workers would be on the Project site on a typical day during project construction. Construction would take place between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Contractors would utilize carpooling to the maximum extent possible during the construction phase of the Project. Hauling/deliveries to and from the construction site would amount to approximately 5 to 10 trips per day, between the hours of 7:00 a.m. and 5:00 p.m.

To accommodate development of Buildings 1 and 2 on Parcel 1, the City would remove the existing solar panels, freestanding metal canopy structure, electrical panels, infrastructure, and equipment associated with the existing solar array adjacent to Building D4.

Redevelopment of Parcel 1 would also require removal of the existing pavement and underground infrastructure, such as storm drain systems. In addition, a buried, closed, 15,000-gallon diesel storage tank would be removed to accommodate Building 2. Regrading would be required to promote surface drainage around the new Buildings 1 and 2 and removal of existing driveway aprons, resulting in approximately 7,400 cubic yards of exported soil.

Parcel 2 would require clearing and grubbing, some remedial grading, filling of existing excavations, and the use of the existing sanitary sewer line. On-site grading would require the movement of approximately 10,000 cubic yards of soil. The design is intended to minimize import or export, to the extent feasible, but approximately 23,400 cubic yards export is anticipated. Duration of grading operations would occur over a two to six month period.



LSA

LEGEND

Project Site

FIGURE 3-1

N

0 250 500

FEET

SOURCE: ESRI World Street Map (04/2020).

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City of San Jose Fire Training Center
San Jose, Santa Clara County, California

Regional Location

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LSA

FIGURE 3-2

N

0 250 500
FEET

Project Boundaries

Fire Training and Emergency Operations Center Relocation Project

Aerial View of the Project Site and Surrounding Land Uses

SOURCES: GOOGLE EARTH, 8/2018; LSA, 2020.

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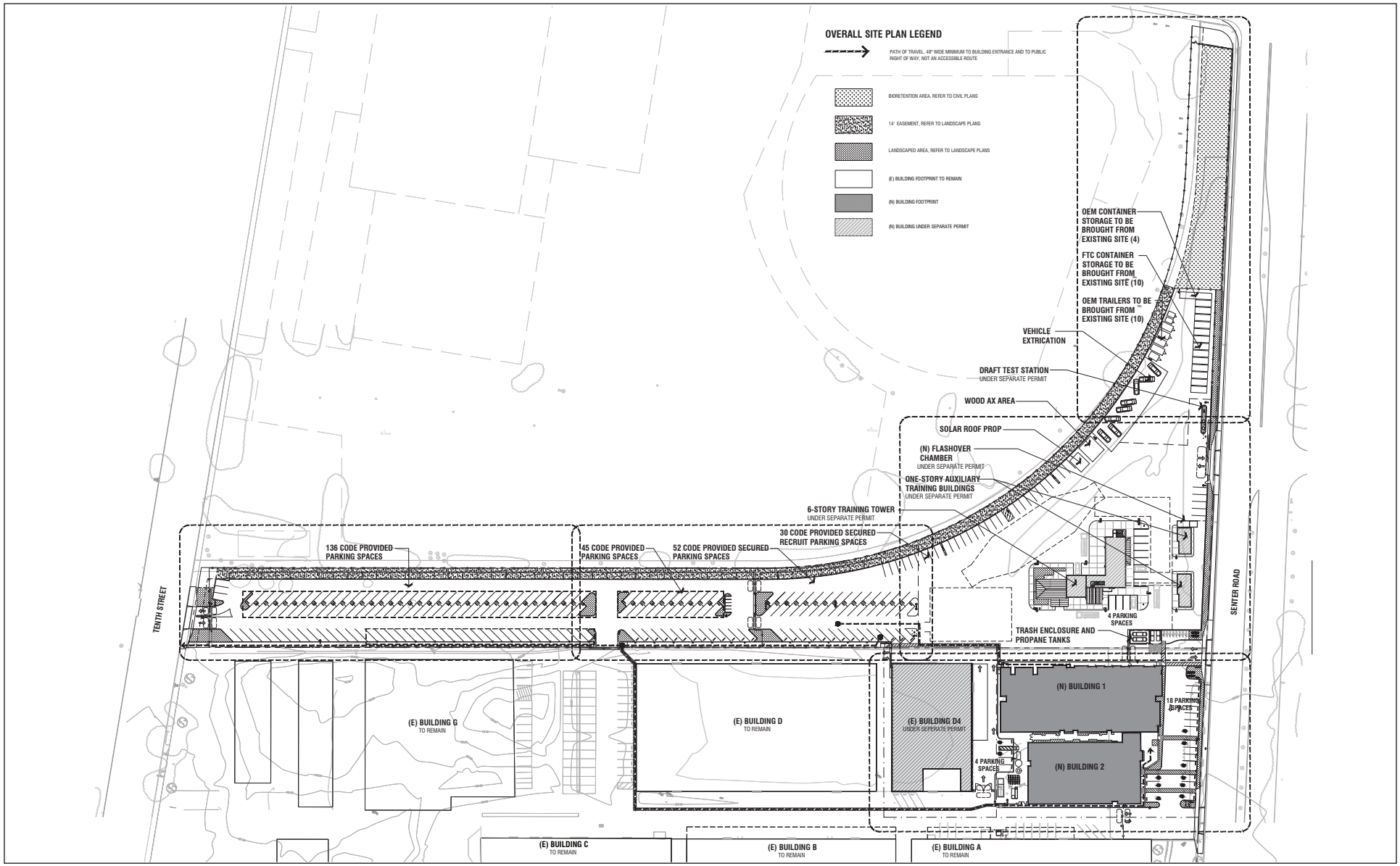

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FIGURE 3-3

0 50 100
FEET

N

Fire Training and Emergency Operations Center Relocation Project

Phase 1 and 2 Overall Site Plan

SOURCE: TENOVER, SEPTEMBER 1, 2020.

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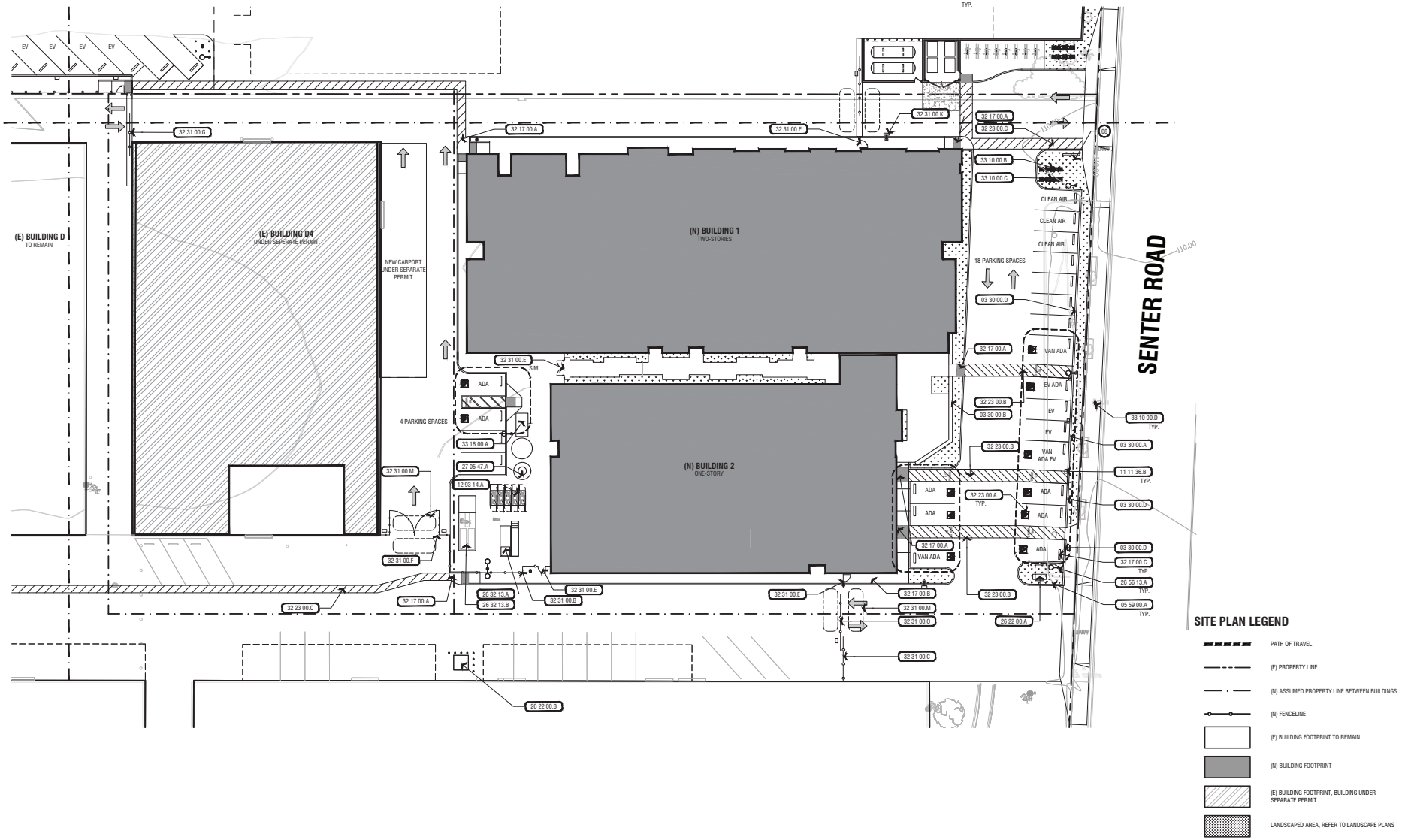

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FIGURE 3-4

0 20 40
FEET

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Fire Training and Emergency Operations Center Relocation Project

Phase 1 Site Plan

SOURCE: TENOVER, SEPTMBER 1, 2020.

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4.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Less Than Significant Impact with Mitigation Incorporated" as indicated by the checklist on the following pages.

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

The discussion for each environmental subject includes the following subsections:

- Environmental Setting – This subsection (1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project, and (2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.

- Checklist and Discussion of Impacts – This subsection includes a checklist for determining potential impacts and discusses the project's environmental impact as it relates to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (*State CEQA Guidelines* Section 15370).

- Conclusion – This subsection provides a summary of the project's impacts on the resource.

Important Note

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

The City of San José has policies that address existing conditions affecting a proposed project, which are also discussed in this Initial Study. This is consistent with one of the primary objectives of CEQA, which is to provide objective information to decision-makers and the public. The *State CEQA Guidelines* and the courts are clear that a CEQA document can include information of interest even if such information is not an environmental impact as defined by CEQA.

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4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 Regulatory Framework

State Regulations

State Scenic Highways Program

The California Department of Transportation's (Caltrans) Landscape Architecture Program administers the Scenic Highway Program contained in the Streets and Highways Code, Sections 260–263. The purpose of the program is to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special classifications. State Highways are classified as either Officially Listed or Eligible. A highway may be designated scenic based on the visibility of the natural landscape to travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view.

According to Caltrans' California Scenic Highway Mapping System, there are no Officially Listed scenic highways in the City.[3]

Local Regulations

City of San José Industrial Design Guidelines

The City's *Industrial Design Guidelines* (August 1992) are intended to assist those involved in the design, construction, review, and approval of industrial development in the City. The guidelines promote design quality and function among industrial projects and provide cohesive information to project developers regarding the City's envisioned site design and architecture. Specifically, Section 8, Industrial Complexes and Campus Industrial, includes the following industrial design guidelines that are applicable to the proposed Project:

A. Setbacks: Setbacks should conform to the specific zoning requirements for the site and be compatible with adjacent properties and the general area.

B. Site Organization:

1. Industrial complexes and campus industrial project should be designed to create a park like environment. However, project proposals must conform to city policies such as the North San José Area Development Policy and the Zoning Ordinance.

2. A comprehensive landscape scheme should be provided for project sites. Landscape plans should include entry-drive treatments, outdoor seating, pedestrian walkways, and other site amenities.

[3] California Department of Transportation. California Scenic Highway Mapping System: Santa Clara County. Website: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways (accessed August 10, 2020).

3. Project entrances should receive special landscape and architectural treatment to be pleasant and inviting as well as to enhance the streetscape.

4. Pedestrian walkways to connect public streets with on-site buildings and parking areas should be included in all projects. Walkways would also comply with the requirements of the Americans with Disabilities Act.

5. If located near a transit station, pedestrian walkways should connect the site to the station.

6. Driveway entrances to the site should be limited to reduce on-site traffic congestion and confusion.

7. Internal one-way driveways should be limited to reduce on-site traffic congestion and confusions.

8. Loading areas should be combined with service yards and located between buildings, in the center or at the rear of sites. Alternate locations may be appropriate if tenant convenience is improved.

9. New projects should account for existing setbacks in the area and may establish new setback patterns in transitional neighborhoods.

C. Building Design:

1. A comprehensive, high quality architectural scheme should be used for individual projects. No structure within a site should be exempt from conforming to the scheme. The overall design scheme for a large site may differ substantially from other adjacent sites. However, the overall quality of design and execution should be comparable.

2. Landscaping around the perimeter of buildings should enhance building design. Architectural attributes of buildings should not be obscured by landscaping.

3. Buildings on the same site intended for a single user should have either an internal or an external orientation. The front of one building should not face the rear of another.

4. Multi-building complexes that are built on a speculative basis should be designed to function for both single users, as well as multiple tenants.

D. Signs: Attached and detached signs should conform to the requirements of the zoning for the property and be compatible with neighboring properties and the general area.

1. Detached monument signs should be incorporated into site entrance landscape areas and should use the same materials as the buildings.

2. Attached signs should be integrated into the building design.

3. A master sign program should govern all signs on a site.

4. Provisions for "Business Park" monument signs will be considered based on current zoning code requirements and adopted City policy.

Draft City of San José Citywide Design Guidelines and Standards

The City is currently updating and consolidating its residential, commercial, and industrial design guidelines as one document, entitled "San José Citywide Design Standards and Guidelines" (Citywide DSG). The Citywide DSG are currently in draft form. Once adopted, compliance with the Citywide DSG will be mandatory in the design review process for all applicable developments. The purpose of the Citywide DSG is to elevate the quality of site design and architecture and support walkable, functional, and safe communities throughout San José. The Draft Citywide DSG provides guidelines and standards related to the project site (e.g., context, internal circulation, existing patterns of development), proposed building (e.g., massing, facades), and pedestrian-level design (e.g., building frontages, furnishing zones). Specifically, Section 5.3.2, Industrial - General, includes the following design guidelines that would be applicable to the proposed Project:

Vehicular Parking Placement and Surface Parking Design (2.4.6, S3): Parking screened from adjacent developments.

Services and Utilities Access and Location (2.3.3, S1): Utilities placed to minimize the visual and physical impact on the public realm.

Façade Design and Articulation (3.3.1, S1, G1): Building façade articulated using architectural elements such as windows, columns, and sunshades.

Pedestrian and Bicycle Access Location (2.3.1, S3): Pedestrian connections from the street and parking to primary building entrances.

Driveways and Vehicle Drop-offs (2.3.2, S8): Driveways located to the side and rear of development sites.

Envision San José 2040 General Plan

The City's General Plan includes the following goals and policies related to aesthetics that are applicable to the proposed Project:

Goal CD-1 **Attractive City.** Create a well-designed, unique and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.

Policy CD-1.1 Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development

of community character and for the proper transition between areas with different types of land uses.

Policy CD-1.8 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-1.17 Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Policy CD-1.23 Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Goal CD-4 **Compatibility.** Provide aesthetically pleasing streetscapes and new development that preserves and builds on the unique characteristics of the local area and contributes to a distinctive neighborhood or community identify.

Policy CD-4.9 For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Policy CD-4.10 When development is proposed adjacent to existing or planned parks or along park chains, include frontage roads along the public park in that development in order to maximize access to park lands, to provide separation between urban land uses and park lands without the use of “back-up” design, and to maximize public exposure and view of par lands for scenic and security purposes.

4.1.1.2 Existing Conditions

The southern portion of the Project site is currently developed with the CSY campus, the City's large materials, vehicle and equipment maintenance and storage facility. As shown in Table 3-A, in Section 3.1, the CSY currently supports eight buildings (Buildings A through G and Building D4) as well as associated surface parking and perimeter landscaping. The eight existing buildings total 205,490 square feet and are characterized by varying building façades. Buildings along Phelan Avenue are largely light gray, one-story, metal, industrial warehouse buildings. Building A, which fronts on Senter Road, is a three-story building with a variegated façade with white stucco, beige accents, and gray trim and red brick. Solar canopies are provided over the visitor and main parking lots.

On Parcel 1, existing chain-link perimeter fencing secures the entire CSY campus and buildings. Gates secure the existing entrances on South 10th Street, Phelan Avenue, and Senter Road. On Parcel 2, existing chain-link fencing is located along the southern property line, common with Parcel 1. This portion of the project site is currently undeveloped, and is secured by chain-link fencing along the curved northern, eastern and western property lines.

Landscaping, including grass and shrubs, is provided along the Senter Road frontage. In addition, street trees are located along Senter Road, Phelan Avenue, and South 10th Street

Existing light sources in the project area include security lighting associated with the existing buildings and parking areas currently present on the site, and lighting associated with surrounding industrial, public/quasi-public, and residential uses. Other sources of light on and adjacent to the project site include exterior lighting from adjacent properties, streetlights, and vehicle headlights.

Surrounding Area. The Project site is located within a developed area situated between public/quasi-public uses to the north, consisting of the San José Solar4America Ice facility and San José Municipal Stadium, and heavy industrial uses to the south and west. Kelley Park, a 172-acre City park, is located east of Senter Road. Residential neighborhoods are located further to the north and to the southeast. The existing Santa Clara Valley Rifle Club to the north will be demolished to accommodate the approved Solar4America Ice Expansion Project[4], which is anticipated to be completed and operational in 2022.

The Solar4America Ice Center is approximately 40 feet in height and constructed with corrugated metal and concrete. The San José Municipal Stadium consists of a minor league baseball field with concession stands and multi-tiered seating areas. Kelley Park, located to the east of the site, has an abundant amount of vegetation, including trees, shrubs, and bushes. Heavy industrial land uses to the south and west consist primarily of one- to two-story metal and concrete buildings and paved storage yards.

[4] In January 2020, the City of San José City Council approved a 200,000-square foot expansion of the Solar4America Ice at San José, which will add two additional recreational ice sheets to the facility, increasing the total ice sheets at the facility to six. The expansion will double the facility's footprint to just under 400,000 square feet. Construction for the facility was anticipated to begin in late April 2020, with a targeted completion date of April 2022. However, construction has been delayed due to the COVID-19 Shelter in Place Order.

The surrounding buildings within the vicinity of the project site do not represent a particular architectural style or color scheme; buildings surrounding the project site are primarily public/quasi-public and industrial.

Scenic Vistas and Resources. According to the City of San José General Plan, scenic resources in the City include views of hills and mountains, bay lands, and the urban skyline within the Santa Clara Valley.[5] Distant views of mountains are visible from the project site and from Phelan Avenue near the site.

Scenic Corridors. The General Plan designates Scenic Corridors, which are defined as public thoroughfares that provide visual access to these scenic resources in order to preserve views throughout the City. There are three types of Scenic Corridors established in the City's General Plan: (1) Gateways, that are designated locations at which visitors enter the City or a unique neighborhood within the City; (2) Urban Corridors, which include all State and Interstate Highways within the City; and (3) Rural Scenic Corridors, which are routes that primarily travel through surrounding hillsides east and south of the City's center and are generally located outside of the Urban Growth Boundary. There are no Scenic Corridors in the immediate vicinity of the project site. The nearest Scenic Corridor is designated as a Gateway, located 1.3 miles southeast of the project site along Tully Road.

4.1.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	☐	☒
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?	☐	☐	☒	☐
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

4.1.3 Impact Analysis

a. Would the project have a substantial effect on a scenic vista?

No Impact. California State Government Code Section 65560(b)(3) stipulates that city and county General Plans address "…Open space for outdoor recreation, including but not limited to, areas of

[5] City of San José. 2011. Final Program Environmental Impact Report: Envision San José 2040. November.

outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakes shores, beaches, and rivers, and streams; and areas that serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors…"

A scenic vista is the view of an area that is visually or aesthetically pleasing from a certain vantage point. It is usually viewed from some distance away. Aesthetic components of a scenic vista include (1) scenic quality, (2) sensitivity level, and (3) view access.[6]

A scenic vista can be impacted in two ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista or by blocking the "vista" of the scenic resource. Important factors in determining whether a proposed Project would block scenic vistas include the Project's proposed height, mass, and location.

As stated previously, the mountains are visible from various vantage points throughout the City, including from areas within the vicinity of the project site. Within the vicinity of the project site, far distant views of the mountains are visible to the east and west from Phelan Avenue. Views of the mountains from within the project site are limited due to intervening development and landscaping; however, the mountains can be seen in the background from some views.

As noted previously, the nearest Scenic Corridor as designated by the General Plan is defined as a Gateway, located 1.3 miles southeast of the project site along Tully Road. Refer to Response 4.1.3(b), below for additional discussion of scenic corridors.

The proposed project would be located in a fully urbanized area of the City. The proposed project includes the removal of the existing solar panels, freestanding metal canopy structure, electrical panels, infrastructure, and equipment associated with the existing solar array adjacent to Building D4. In addition, the proposed project would include renovation of the existing 16,000-square foot Building D4 and construction of two new buildings, including a two-story 32,112-square foot building for fire training classrooms and EMS and OEM office (Building 1) and a one-story 11,079-square foot stand-alone EOC (Building 2) on the northeastern portion of the existing CSY site on Parcel 1. A new six-story, approximately 11,994-square foot Fire Training Tower and two new one-story Fire Training Buildings would be constructed on the currently vacant Parcel 2, north of Parcel 1. Although the Fire Training Tower would be substantially taller than the existing and proposed buildings on the project site, the overall views of the mountains would not be substantially affected due to the relatively small footprint of this structure within the view shed, the distance of views, and existing intervening development. The majority of structures proposed to be constructed would be consistent with and similar in height (one- to two-stories) to the existing buildings at the project site. Therefore, the proposed project does not have the potential to damage scenic vistas.

6 Bureau of Land Management (BLM). 2012. *Visual Resources Management Guide*.

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

No Impact. The nearest State-designated scenic highway to the Project site is I-280, which is approximately 2.5 miles north of the project site.[7] Therefore, the proposed Project does not have the potential to damage resources within a State-designated scenic highway.

As discussed in Response 4.1.3(a), the General Plan identifies Scenic Corridors that provide views of scenic resources within and surrounding the City. There are no Scenic Corridors in the immediate vicinity of the Project site. The nearest Scenic Corridor is located 1.3 miles southeast of the project site along Tully Road. Refer to Response 4.1.3(b) for additional discussion of scenic corridors. No existing scenic rock outcroppings are located within the project limits. As described in Section 4.5, none of the existing structures on the Project site are eligible for listing as historic resources. Therefore, the proposed project would not result in a significant impact to scenic resources.

c. In non-urbanized areas, would the project 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 publically accessible vantage points). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. The project site is currently developed and is located within a fully urbanized area that is characterized by a variety of industrial, public/quasi-public and residential uses.

The proposed project involves the renovation of the existing Building D4 and construction of a new two-story Building 1 and one-story Building 2 on Parcel 1; and construction of a new six-story building and two new one-story buildings on Parcel 2. Overall, the proposed project includes renovation of 16,000 square feet of existing space with 3,496 square feet of new storage mezzanine space and the construction of 56,393 square feet of new floor area across the project site.

As outlined in Section 3.0, Project Description, Building 1 would be a two-story metal building with curtainwall and storefront glazing and door systems. The roof framing would be low slope with skylights to bring natural daylight into the interior building circulation. This building would also include access control at both the interior and exterior entrances. Building 2 would be a one-story, metal building with high windows and storefront glazing at the lobby entry. The roof framing would be low sloped with skylights to bring natural daylight into the interior portions of the building.

The fire training building would be constructed of reinforced, solid-grouted CMU. The exposed CMU walls would be of various block styles for aesthetic purposes, such as colored block and split face. Roof systems for the training buildings would be of two general types. For flat roof areas, the surface would be exposed concrete, with a two-part sealer applied. These areas would be used by the trainee personnel for various activities. Where pitched roofs are used, the structure would be constructed with heavy-duty metal framing and covered asphalt roof shingles. As with the flat roof areas, these roofs would be used in various exercises.

[7] California Department of Transportation (Caltrans). op. cit.

The training grounds on Parcel 2 would be secured with an 8-foot high masonry wall to provide a visual barrier from Senter Road and adjacent property to the northwest. Chain link fencing with slats would be used to secure the parking lot portion. Various gates would be installed to secure the site.

Due to its height, the proposed fire training center would be visible from public vantage points on adjacent roadways, including Senter Road, as well as the adjacent development to the north of the Project site and other surrounding land uses. As previously stated, the Solar4America Ice Center is approximately 40 feet in height and existing buildings at the CSY campus range from one- to three-stories. Although the proposed Fire Center would be taller than the majority of the surrounding buildings on the site and vicinity, it would be visually consistent with the existing built-out urban environment in the area. Other proposed buildings would be consistent in mass and materials with the existing buildings at the CSY. The proposed buildings would also be centrally located on the site and would be setback from Senter Road. As such, the proposed height of the buildings and massing associated with the proposed Project would not degrade the existing visual quality and character of the surrounding area.

New landscaping would be installed, including new street trees along Senter Road and 10th Street; and native drought tolerant grasses, perennials, and specimen shrubs along Senter Road and 10th Street. Landscape screen walls are proposed along Senter Road at varying heights from 3 to 8 feet tall. Vines and low water use plantings are proposed to be planted in front of these walls to soften their appearance. Existing landscaping along Phelan Avenue and Senter Road (south of the existing project site driveways and outside of the project site itself) would remain in place. The combination of existing and proposed landscaping would partially shield the existing and proposed on-site structures from passing vehicles and pedestrians along the adjacent roadways.

Zoning. The proposed Project would be consistent with the City's *Industrial Design Guidelines* (1992) and the City's Draft Citywide DSG. Setbacks would conform to requirements as specified in the Heavy Industrial (HI) zone, including a minimum 15-foot setback for the new buildings and a minimum 15-foot setback for new parking and circulation. As stated above, limited landscaping would be provided around Buildings 1 and 2 and new landscaping would be installed along street frontages on Senter Road and 10th Street. Existing landscaping along Senter Road and Phelan Avenue would remain in place. Additionally, all vehicle circulation and maneuvering would occur on-site and public streets would not be used. The proposed site plan focuses the tall training tower within the interior of the site, with the smaller buildings along the street frontage, which would help to minimize the building's mass from the street perspective. Landscaping and parking areas interspersed among the proposed buildings would help to visually break up the buildings' mass. Further, the proposed buildings would incorporate Contemporary and Modern architectural design styles and would result in a cohesive design throughout the Project site. Moreover, signage would comply with requirements specified in the City's Sign Ordinance (Title 23 of the Municipal Code).

General Plan. According to the City's General Plan, the Project site currently has a General Plan Designation of Open Space, Parkland and Habitat (Parcel 2) and Heavy Industrial (Parcel 1). The proposed Project would be consistent with permitted uses in the Heavy Industrial designation, which allows for the development of heavy and light manufacturing and warehousing, with very limited scale retail and service establishments. Within the Open Space, Parkland, and Habitat designation, new development should be limited to minimize potential environmental and visual

impacts. The proposed fire training center facility on Parcel 2 has been designed to concentrate facilities near Senter Road and the existing CSY, retaining the northern boundary of the site for a landscaped bikeway and bioretention facility. As described in Section 4.4, Biological Resources, the project site has previously been developed and does not contain habitat that would support sensitive species or sensitive natural communities.

The proposed Project would also be consistent with the following goals and policies regulating visual character and urban design 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-1.17 Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Policy CD-1.23 Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-4.9 For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

The design of the proposed Project would be compatible with the aforementioned zoning regulations and General Plan goals and policies, and would be consistent with the existing style of the surrounding development. As part of the Project, landscaping would improve the Project site conditions and enhance views of the site from adjacent properties. The addition of landscaping improvements (including new trees) and the proposed building orientation set back from the street frontages would serve to create an attractive street presence with pedestrian-scaled buildings, and would minimize the visibility of on-site parking areas. The proposed contemporary and modern design of the Project would also be compatible with the urban character of the neighborhood.

Overall, development associated with the proposed Project is anticipated to improve the existing visual character of the Project site and would serve to provide increased visual cohesion between the Project site and the surrounding area.

Summary. In summary, the proposed Project would involve the renovation and construction of new buildings within and adjacent to the City's existing CSY campus. Industrial uses already exist in the vicinity of the Project site. Consequently, the proposed Project would not fundamentally alter the surrounding land use character. The existing buildings in the vicinity of the Project site do not represent a particular architectural style; many of the buildings surrounding the Project site are industrial. The proposed contemporary and modern architecture would be compatible with the industrial, urban character of the neighborhood. The northern parcel, Parcel 2, is currently vacant and is characterized by ruderal vegetation. Implementation of the Project would improve the visual quality of the Project site and surrounding area, by providing a coherent building scheme, with associated landscaping. Although the proposed buildings would be larger in size and mass than the majority of structures in the Project vicinity, the Project would be visually consistent with the existing built-out urban environment in the area. Furthermore, the proposed landscaping would enhance the existing landscaping on the Project site and the surrounding area. Existing and proposed landscaping, as well as the proposed masonry wall, would partially screen the Project site from surrounding land uses. Therefore, because the proposed Project would modify an existing development in an already built-out neighborhood and would be compatible with surrounding development, the proposed Project does not have the potential to conflict with applicable zoning and General Plan regulations governing scenic quality and this impact would be less than significant.

d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. The impact of nighttime lighting depends upon the type of use affected, the proximity to the affected use, the intensity of specific lighting, and the background or ambient level of the combined nighttime lighting. Nighttime ambient light levels may vary considerably depending on the age, condition, and abundance of point-of-light sources present in a particular view. The use of exterior lighting for security and aesthetic illumination of architectural features may contribute to ambient nighttime lighting conditions.

The spillover of light onto adjacent properties has the potential to interfere with certain activities, including vision, sleep, privacy, and general enjoyment of the natural nighttime condition. Light-sensitive uses include residential, some commercial and institutional uses, and, in some situations, natural areas. Changes in nighttime lighting may become significant if a proposed project substantially increases ambient lighting conditions beyond its property lines, or if the lighting routinely spills over into adjacent light-sensitive land use areas.

Reflective light (glare) is caused by sunlight or artificial light reflecting from finished surfaces (e.g., window glass) or other reflective materials. Glass and other materials can have many different reflectivity characteristics. Buildings constructed of highly reflective materials from which the sun reflects at a low angle commonly cause adverse glare. Reflective light is common in urban areas. Glare generally does not result in the illumination of off-site locations but results in a visible source of light viewable from a distance.

Nighttime illumination impacts are evaluated in terms of the Project's net change in ambient lighting conditions and proximity to light-sensitive land uses (e.g., sensitive receptors). Sensitive receptors subject to potential light and glare impacts in the vicinity of the site include residential uses located further to the north and to the southeast. No sensitive uses are located immediately adjacent to the project site.

Construction. Although construction activities would occur primarily during daylight hours, construction activities could extend into the evening hours, as permitted by the City's Municipal Code.[8] Lighting required during the construction period could generate light spillover in the vicinity of the Project site. Any construction-related illumination would be shielded (shielded lighting contains a hood over the light source to direct it and prevent light trespass) to the extent feasible and would consist of the minimum lighting required for safety and security purposes only and would occur only for the duration required for the temporary construction process. By shielding lighting and using the minimum lighting necessary for safety and security purposes, light resulting from construction activities would not spillover onto adjacent properties and would not substantially impact sensitive uses, substantially alter the character of off-site areas surrounding the construction area, or interfere with the performance of an off-site activity. Therefore, construction of the proposed Project would not create a new source of substantial light that would adversely affect day or nighttime views in the area, and light impacts associated with construction would be less than significant.

Operation. The proposed Project would be located within a developed area of the City, which currently emits lighting that is typical for an urban area (i.e., industrial uses). In addition, the San José Municipal Stadium, located immediately to the north, includes sports field lighting to accommodate night games.

As described in Section 3.0, Project Description, exterior lighting would be provided throughout the site. Surface-mounted fixtures would be provided under the PV canopies in the parking lot. Additional pole fixtures would be added for areas not covered by the under-canopy lighting. Building-mounted exterior lighting would be provided for egress and security illumination at all exterior exit doors and sidewalks. All outdoor lighting would be directed downward and shielded to minimize off-site spill, and the location of all exterior lighting would comply with lighting standards for industrial zoning districts established in Section 20.50.250 of the City's Municipal Code.

Daytime glare can result from natural sunlight reflecting from a shiny surface that would interfere with the performance of an off-site activity, such as the operation of a motor vehicle. Reflective surfaces can be associated with window glass and polished surfaces. The finished facades of the proposed Project's buildings would primarily consist of CMU and/or coated metal with low reflectivity. Therefore, impacts related to daytime glare would not occur.

Nighttime glare sources from the proposed Project could include parking lot lighting and vehicle headlights. The nighttime glare produced by the exterior lighting and vehicular headlights would be

[8] City of San José Municipal Code, Section 20.200.450, Hours of construction within 500 feet of a residential unit, allows for construction between the hours of 7:00 a.m. and 7:00 p.m. on a site located within 500 feet of a residential unit.

similar to the existing nighttime glare produced by the surrounding industrial and public/quasi-public uses and would not be considered substantial or capable of affecting nighttime views. Nighttime glare would also be shielded by the presence of existing mature trees and landscaping along the site boundaries and within the interior portions of the Project site. Nearby residential uses would continue to be separated from the Project site by intervening development and existing roadways.

4.1.4 Conclusion

Less Than Significant Impact. Conformance with existing General Plan policies, City design guidelines, and City Council policies would ensure that the proposed Project would not result in significant adverse visual or aesthetic impacts. No mitigation would be required.

4.2 AGRICULTURAL RESOURCES

4.2.1 Environmental Setting

4.2.1.1 Regulatory Framework

State Regulations

California Department of Conservation Farmland Mapping and Monitoring Program

The California Department of Conservation (DOC) manages the Farmland Mapping and Monitoring Program to assess the location, quality, and quantity of agricultural lands and conversion of these lands over time. In each county, the land is analyzed for soil and irrigation quality, and the highest quality land is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Based on the results of these analyses, the DOC issues maps every two years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance.

Williamson Act

The Williamson Act, also known as the California Land Conservation Act of 1965, enables local governments and private landowners to enter into contracts that restrict specific parcels of land to agricultural or related open space use. As a result, landowners receive reduced property tax assessments because they are based upon farming and open space uses rather than market value.

Local Regulations

Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José, including policies specific to agricultural resources. However, due to the nature of the existing site as a developed heavy industrial use, existing policies aimed at preserving agricultural uses in the City are not applicable to the proposed Project.

4.2.1.2 Existing Conditions

The Project site, which is located in an urbanized portion of the City, is currently developed with the City's CSY and is not used for agricultural or forestry purposes. The northern portion of the Project site is currently undeveloped. The Project site is classified as Heavy Industrial on the City's Zoning Map and designated as Open Space, Parkland and Habitat (OSPH) and Heavy Industrial (HI) on the City's General Plan Land Use Map, neither of which allow for agricultural uses. No forest land or timberland, as defined in Public Resources Code (PRC) Section 12220(g), is located on or near the Project site. Land uses surrounding the Project site include public/quasi-public and industrial uses, with residential uses located further to the north and to the southeast.

4.2.2 Checklist and Discussion of Impacts

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California DOC as an optional model to use in assessing impacts on agriculture and

farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the State's inventory of forest land, including the Forest and Range Assessment Project and the carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board (CARB).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code [PRC] Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

4.2.3 Impact Analysis

a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The Project site is not used for agricultural production and is not designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency.[9] The surrounding area is characterized by industrial, public/quasi-public and residential uses. Furthermore, the Project site is categorized as Urban and Built-Up Land by the Farmland Mapping and Monitoring Program, which is defined as land that is occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. Examples of Urban and Built-Up Land include residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures.[10] Therefore, the proposed Project would not convert Prime Farmland, Unique Farmland,

9 California Department of Conservation (DOC). California Farmland Conservancy. California Important Farmland Finder. Website: https://maps.conservation.ca.gov/dlrp/ciff/ (accessed August 10, 2020).

10 Ibid.

Farmland of Statewide Importance, or any other type of farmland to non-agricultural uses. No impacts to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would occur.

b. Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project site is classified as HI on the City's Zoning Map, which does not allow for agricultural uses. The Project site is not currently used for agricultural purposes, not zoned for agricultural uses, and is not protected by, or eligible for, a Williamson Act contract. Therefore, the proposed Project would not conflict with existing zoning or Williamson Act contracts and no impact would occur.

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code [PRC] Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. The Project site is zoned HI. The southern portion of the Project site is currently developed with the City's CSY campus. The northern portion of the Project site is currently undeveloped. Neither the Project site nor the surrounding area is zoned as forest land, timberland, or timberland production. Therefore, the proposed Project would not conflict with the existing zoning for, or cause rezoning of, forest land, timberland, or land zoned for timberland production and no impact would occur.

d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project site is located in an area of the City that is characterized by an urban setting. No forest or timberland exists on the Project site or in the surrounding area. Therefore, the proposed Project would not result in the loss of forest land or the conversion of forest land to non-forest use and no impact would occur.

e. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

No Impact. The southern portion of the Project site is currently developed with the City's CSY campus, which is permitted under the HI zoning classification on the site. The northern portion of the Project site is currently undeveloped. The proposed Project would not result in the conversion of farmland on or off the Project site to non-agricultural uses because there are no agricultural uses on or in the immediate vicinity of the Project site. Likewise, the proposed Project would not result in impacts related to changes in the existing environment that could result in the conversion of agricultural land to non-agricultural uses. Therefore, no impact would occur.

4.2.4 Conclusion

No Impact. The proposed Project would have no impact on agricultural land, agricultural activities, or forestry resources. No mitigation would be required.

4.3 AIR QUALITY

The discussion and analysis provided in this section is based primarily on California Emissions Estimator Model (CalEEMod) data (provided in Appendix A of this IS/MND).

4.3.1 Environmental Setting

4.3.1.1 Regulatory Framework

Federal and State Regulations

United States Environmental Protection Agency and the Federal Clean Air Act

The United States Environmental Protection Agency (USEPA) implements national air quality programs at the federal level. USEPA air quality mandates are drawn primarily from the Federal Clean Air Act (FCAA), which was enacted in 1963. The FCAA was amended in 1970, 1977, and 1990.

California Air Resources Board and the California Clean Air Act

The California Air Resources Board (CARB) is the agency responsible for the coordination and oversight of State and local air pollution control programs in California and for implementing the California Clean Air Act (CCAA), adopted in 1988. The CCAA requires that all air districts in the State achieve and maintain the California Ambient Air Quality Standards (CAAQS) by the earliest practical date. The CCAA specifies that districts should focus on reducing the emissions from transportation and air-wide emission sources, and provides districts with the authority to regulate indirect sources.

Other CARB duties include monitoring air quality, establishing CAAQS, determining and updating area designations and maps, and setting emissions standards for mobile sources, consumer products, small utility engines, and off-road vehicles. CARB's Diesel Risk Reduction Plan[11] is intended to substantially reduce diesel particulate matter emissions and associated health risks through introduction of ultra-low-sulfur diesel fuel – a step already implemented – and cleaner-burning diesel engines.

Because of the robust evidence relating proximity to roadways and a range of non-cancer and cancer health effects, CARB also created guidance for avoiding air quality conflicts in land use planning in its *Air Quality and Land Use Handbook: A Community Health Perspective* (2005).[12] In its guidance, CARB advises that new sensitive uses (e.g., residences, schools, day care centers, playgrounds, and hospitals) not be located within 500 feet of a freeway or urban roads carrying 100,000 vehicles per day, or within 1,000 feet of a distribution center (warehouse) that accommodates more than 100 trucks or more than 90 refrigerator trucks per day. The Air Quality

[11] California Air Resources Board (CARB). 2000. *Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles.* Prepared by the Stationary Source Division and Mobile Source Control Division. October. Available online at: www.arb.ca.gov/diesel/documents/rrpFinal.pdf (accessed August 2020).

[12] California Environmental Protection Agency and California Air Resources Board. 2005. *Air Quality and Land Use Handbook: A Community Health Perspective*. April. Available online at: www.arb.ca.gov/ch/handbook.pdf (accessed August 2020).

and Land Use Handbook specifically states that these recommendations are advisory and acknowledges that land use agencies must balance other considerations, including housing and transportation needs, economic development priorities, and other quality of life issues.

Regional and Local Regulations

Bay Area Air Quality Management District Regulations

The Bay Area Air Quality Management District (BAAQMD) seeks to attain and maintain air quality conditions in the San Francisco Bay Area Air Basin through a comprehensive program of planning, regulation, enforcement, technical innovation, and education. The clean air strategy includes the preparation of plans for the attainment of ambient air quality standards, adoption and enforcement of rules and regulations, and issuance of permits for stationary sources. The BAAQMD also inspects stationary sources and responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements programs and regulations required by law.

For commercial and industrial sources, the BAAQMD regulates TACs using a risk-based approach. This approach uses a health risk assessment (HRA) to determine what sources and pollutants to control as well as the degree of control. An HRA is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances, in order to provide a quantitative estimate of health risks.[13] As part of ongoing efforts to identify and assess potential health risks to the public, the BAAQMD has collected and compiled air toxics emissions data from industrial and commercial sources of air pollution throughout the Bay Area. The BAAQMD has identified seven impacted communities; portions of Santa Clara County have been identified as an affected community. The Project site is also within an area of the County that has been identified as an affected community.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process, consistent with CEQA requirements, and include recommended thresholds of significance, mitigation measures, and background air quality information. They also include recommended assessment methodologies for air toxics, odors, and greenhouse gas (GHG) emissions.

In June 2010, BAAQMD adopted updated draft *CEQA Air Quality Guidelines* and finalized them in May 2011. In May 2017, the BAAQMD published an updated version of the *CEQA Air Quality Guidelines*. The 2017 *CEQA Air Quality Guidelines* include thresholds to evaluate project impacts in order to protectively evaluate the potential effects of the Project on air quality. These protective thresholds are appropriate in the context of the size, scale, and location of the proposed Project.

[13] In general, a health risk assessment is required if the BAAQMD concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggests a potential public health risk. Such an assessment generally evaluates chronic, long-term effects, including the increased risk of cancer as a result of exposure to one or more TACs.

Clean Air Plan

Regional air quality management districts such as the BAAQMD must prepare air quality plans specifying how State air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP defines an integrated, multi-pollutant control strategy to reduce emissions of particulate matter, TACs, ozone (O_3) precursors, and greenhouse gases (GHGs). The proposed control strategy is designed to complement State, regional, and local efforts to improve air quality and protect the climate. The control strategy encompasses 85 individual control measures that describe specific actions to reduce emissions of air and climate pollutants from the full range of emission sources and is based on the following four key priorities:

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

Envision San José 2040 General Plan

The Measurable Environmental Sustainability (MS) section of City's General Plan includes the following goals and policies related to air quality that are applicable to the proposed Project:

Policy MS-10.1 Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to State and federal standards. Identify and implement feasible air emission reduction measures.

Policy MS-10.2 Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-10.4 Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support federal and State regulations to improve automobile emission controls.

Policy MS-10.7 Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

Policy MS-11.5 Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.

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.

City of San José Grading Ordinance

Chapter 17.04.280 of the Municipal Code requires that all earth-moving activities control fugitive dust through steps such as regular watering of the ground surface, cleaning of nearby streets, and planting any areas left vacant for extensive periods of time.

4.3.1.2 Existing Conditions

Regional and Local Criteria Pollutants. Major criteria pollutants, listed in "criteria" documents by the USEPA and CARB include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms. The Project is located in the northern portion of Santa Clara County, which is in the San Francisco Bay Area Air Basin. Based on the California standards, the Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM_{10}), and fine particulate matter ($PM_{2.5}$) which are described further below.

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

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

Regional and Local Air Quality. The City of San José is located in the southern part of the San Francisco Bay Area Air Basin, a large shallow air basin ringed by hills that taper into a number of sheltered valleys around the perimeter. Two primary atmospheric outlets exist. One is through the strait known as the Golden Gate, a direct outlet to the Pacific Ocean. The second extends to the northeast, along the west delta region of the Sacramento and San Joaquin Rivers.

The City of San José is within the jurisdiction of the BAAQMD, which regulates air quality in the San Francisco Bay Area. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants and the number of days during which the region exceeds air quality standards have fallen dramatically. The San Francisco Bay Area attainment status is shown in Table 4.3-A, below. Neither State nor national ambient air quality standards of these chemicals have been violated in recent decades: nitrogen dioxide, sulfur dioxide, sulfates, lead, hydrogen sulfide, and vinyl chloride. Those exceedances of air

quality standards that do occur primarily happen during meteorological conditions conducive to high pollution levels, such as cold, windless nights or hot, sunny summer afternoons.

Table 4.3-A: San Francisco Bay Area Basin Attainment Status

	Averaging Time	California Standards [a]		National Standards [b]	
		Concentration	Attainment Status	Concentration [c]	Attainment Status
Ozone (O_3)	8-Hour	0.070 ppm (137 µg/m^3)	Nonattainment [l]	0.070 ppm	Nonattainment [d]
	1-Hour	0.09 ppm (180 µg/m^3)	Nonattainment	Not Applicable	[e]
Carbon Monoxide (CO)	8-Hour	9.0 ppm (10 mg/m^3)	Attainment	9 ppm (10 mg/m^3)	Attainment [f]
	1-Hour	20 ppm (23 mg/m^3)	Attainment	35 ppm (40 mg/m^3)	Attainment
Nitrogen Dioxide (NO_2)	1-Hour	0.18 ppm (339 µg/m^3)	Attainment	0.100 ppm [k]	[k]
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	Not Applicable	0.053 ppm (100 µg/m^3)	Attainment
Sulfur Dioxide (SO_2) [l]	24-Hour	0.04 ppm (105 µg/m^3)	Attainment	0.14 ppm (365 µg/m^3)	Unclassified/ Attainment l
	1-Hour	0.25 ppm (655 µg/m^3)	Attainment	0.075 ppm (196 µg/m^3)	Unclassified/ Attainment [l]
	Annual Arithmetic Mean	Not Applicable	Not Applicable	0.030 ppm (80 µg/m^3)	Unclassified/ Attainment [l]
Particulate Matter (PM_{10})	Annual Arithmetic Mean	20 µg/m^3	Nonattainment [g]	Not Applicable	Not Applicable
	24-Hour	50 µg/m^3	Nonattainment	150 µg/m^3	Unclassified
Fine Particulate Matter ($PM_{2.5}$)	Annual Arithmetic Mean	12 µg/m^3	Nonattainment [g]	15 µg/m^3 [o]	Unclassified/ Attainment
	24-Hour	Not Applicable	Not Applicable	35 µg/m^3 [j]	Nonattainment
Sulfates	24-Hour	25 µg/m^3	Attainment	Not Applicable	Not Applicable
Lead (Pb) [m]	30-Day Average	1.5 µg/m^3	Not Applicable	Not Applicable	Attainment
	Calendar Quarter	Not Applicable	Not Applicable	1.5 µg/m^3	Attainment
	Rolling 3-Month Average [n]	Not Applicable	Not Applicable	0.15 µg/m^3	[n]
Hydrogen Sulfide	1-Hour	0.010 ppm (26 µg/m^3)	Unclassified	Not Applicable	Not Applicable
Vinyl Chloride (chloroethene)	24-Hour	0.010 ppm (26 µg/m^3)	No Information Available	Not Applicable	Not Applicable
Visibility Reducing Particles	8-Hour (10:00 to 18:00 PST)	[h]	Unclassified	Not Applicable	Not Applicable

Source: Bay Area Air Quality Management District (BAAQMD), Bay Area Attainment Status (2017).
Table notes are provided on the following page.

[a] California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM_{10}, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the State standard.

[b] National standards shown are the "primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent 3-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than 1. The 8-hour ozone standard is attained when the 3-year average of the 4th-highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 $\mu g/m^3$. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 $\mu g/m^3$.

Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially averaged across officially designed clusters of sites falls below the standard.

[c] National air quality standards are set by the USEPA at levels determined to be protective of public health with an adequate margin of safety.

[d] On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the 4th-highest maximum daily 8-hour ozone concentration per year, averaged over 3 years, is equal to or less than 0.070 ppm. The USEPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.

[e] The national 1-hour ozone standard was revoked by USEPA on June 15, 2005.

[f] In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.

[g] In June 2002, CARB established new annual standards for $PM_{2.5}$ and PM_{10}.

[h] Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.

[i] The State 8-hour ozone standard was approved by CARB on April 28, 2005, and became effective on May 17, 2006.

[j] On January 9, 2013, USEPA issued a final rule to determine that the Bay Area attains the 24-hour PM2.5 national standard. This USEPA rule suspends key SIP requirements as long as monitoring data continue to show that the Bay Area attains the standard. Despite this USEPA action, the Bay Area will continue to be designated as “non-attainment” for the national 24-hour $PM_{2.5}$ standard until such time as the Air District submits a “redesignation request” and a “maintenance plan” to the USEPA, and the USEPA approves the proposed redesignation.

[k] To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100 ppm (effective January 22, 2010). The USEPA was expected to make a designation for the Bay Area by the end of 2017, but has yet to issue a designation.

[l] On June 2, 2010, the USEPA established a new 1-hour SO2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The USEPA has initially designated the entire State as Unclassified/ Attainment for the new 1-hour SO_2 NAAQS.

[m] CARB has identified lead and vinyl chloride as ‘toxic air contaminants’ with no threshold level of exposure below which there are no adverse health effects determined.

[n] National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations became effective on December 31, 2011.

[o] In December 2012, USEPA strengthened the annual $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) from 15.0 to 12.0 micrograms per cubic meter ($\mu g/m^3$). In December 2014, USEPA issued final area designations for the 2012 primary annual $PM_{2.5}$ NAAQS. Areas designated “unclassifiable/attainment” must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.

$\mu g/m^3$ = micrograms per cubic meter
CARB = California Air Resources Board
ppm = parts per million
mg/m^3 = milligrams per cubic meter
SIP = State Implementation Plan
USEPA = United States Environmental Protection Agency

Ozone levels, measured by peak concentrations and the number of days over the State 1-hour standard, have declined substantially as a result of aggressive programs by the BAAQMD and other regional, State, and federal agencies. The reduction of peak concentrations represents progress in improving public health; however, the Bay Area still exceeds the State standard for 1-hour ozone as well as the State and federal 8-hour standards. Levels of particulate matter less than 10 microns in size (PM_{10}) have exceeded State standards two of the last three years, and the area is considered a nonattainment area for this pollutant relative to the State standards. The San Francisco Bay Area is an unclassified area for the federal PM_{10} standard.

No exceedances of the State or federal CO standards have been recorded at any of the region's monitoring stations since 1991. The San Francisco Bay Area is currently considered a maintenance area for State and federal CO standards.

As shown in Table 4.3-A, the San Francisco Bay Area meets all State and federal attainment standards with the exception of ozone, PM_{10} and $PM_{2.5}$.

Local Climate and Air Quality. The City of San José is located within Santa Clara County. In Santa Clara County, during the summer, mostly clear skies result in warm daytime temperatures and cool nights. Winter temperatures are mild, except for very cool but generally frost-less mornings. Further inland where the moderating effect of the bay is not as strong, temperature extremes are greater. Wind patterns are influenced by local terrain, with a northwesterly sea breeze typically developing during the daytime. Winds are usually stronger in the spring and summer. Rainfall amounts are modest, ranging from 13 inches in the lowlands to 20 inches in the hills.

Most of Santa Clara County is well south of the cooler waters of the San Francisco Bay and far from the cooler marine air, which usually reaches across the County in summer. Ozone frequently forms on hot summer days when the prevailing seasonal northerly winds carry ozone precursors southward across the County, causing health standards to be exceeded. Santa Clara County experiences many exceedances of the particulate matter less than 2.5 microns in size ($PM_{2.5}$) standard each winter. This is due to its high population density, wood smoke, industrial and freeway traffic, and poor wintertime air circulation caused by extensive hills to the east and west that block wind flow into the region.[14]

Sensitive Receptors. Occupants of facilities such as schools, daycare centers, parks and playgrounds, hospitals, and nursing and convalescent homes are considered to be more sensitive than the general public to air pollutants because these population groups have increased susceptibility to respiratory disease. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks. Persons engaged in strenuous work or exercise also have increased sensitivity to poor air quality. Residential areas are considered more sensitive to air quality conditions, compared to commercial and industrial areas, because people generally spend longer periods of time at their residences, with greater associated exposure to ambient air quality conditions. Recreational uses are also considered sensitive compared to commercial and industrial uses due to greater exposure to ambient air quality conditions associated with exercise.

[14] Bay Area Air Quality Management District. 2019. *Climate and Air Quality in Santa Clara County*. February.

The closest sensitive receptors to the Project site include the residences located along Phelan Avenue, approximately 330 feet northeast of the Project site boundary.

Toxic Air Contaminants. In addition to the criteria pollutants discussed above, TACs are another group of pollutants of concern. Some examples of TACs include: benzene, butadiene, formaldehyde, and hydrogen sulfide. Potential human health effects of TACs include birth defects, neurological damage, cancer, and death.

TACs do not have ambient air quality standards, but are regulated by the USEPA and CARB. In 1998, CARB identified particulate matter from diesel-fueled engines as a toxic air contaminant. CARB has completed a risk management process that identified potential cancer risks for a range of activities and land uses that are characterized by use of diesel-fueled engines.[15] High volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic (distribution centers, truck stops, etc.) were identified as posing the highest risk to adjacent receptors. Other facilities associated with increased risk include warehouse distribution centers, large retail or industrial facilities, high volume transit centers, and schools with a high volume of bus traffic. Health risks from TACs are a function of both concentration and duration of exposure.

The BAAQMD regulates TACs using a risk-based approach. This approach uses a health risk assessment to determine what sources and pollutants to control as well as the degree of control. A health risk assessment is an analysis in which human health exposure to toxic substances is estimated, and considered together with information regarding the toxic potency of the substances, in order to provide a quantitative estimate of health risks.[16] As part of ongoing efforts to identify and assess potential health risks to the public, the BAAQMD has collected and compiled air toxics emissions data from industrial and commercial sources of air pollution throughout the Bay Area. Monitoring data and emissions inventories of TACs help the BAAQMD determine health risk to Bay Area residents.

Odors. Odors are also an important element of local air quality conditions. Specific activities can raise concerns related to odors on the part of nearby neighbors. Major sources of odors include restaurants and manufacturing plants. Other odor producers include the industrial facilities within the region. While sources that generate objectionable odors must comply with air quality regulations, the public's sensitivity to locally produced odors often exceeds regulatory thresholds.

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15 California Air Resources Board. 2000. *Fact Sheet – California's Plan to Reduce Diesel Particulate Matter Emissions*. October.

16 In general, a health risk assessment is required if the BAAQMD concludes that projected emissions of a specific air toxic compound from a proposed new or modified source suggests a potential public health risk. Such an assessment generally evaluates chronic, long-term effects, including the increased risk of cancer as a result of exposure to one or more TACs.

4.3.2 Checklist and Discussion of Impacts

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

4.3.3 Impact Analysis

a. Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. The Project site is located within the City of San José, which is part of the San Francisco Bay Area Air Basin (Basin). The Air Basin includes cities and communities within Sonoma, Marin, San Francisco, San Mateo, Santa Clara, Napa, Solano, Contra Costa, and Alameda counties. Air quality within the Basin is under the jurisdiction of the BAAQMD.

The BAAQMD adopted the BAAQMD 2017 Clean Air Plan (2017 CAP) on April 19, 2017. The primary purpose of the Clean Air Plan is to improve Bay Area air quality and protect public health. The Clean Air Plan defines control strategies to reduce emissions and ambient concentrations of air pollutants; and safeguards public health by reducing exposure to air pollutants that pose the greatest health risk, with an emphasis on protecting the communities most heavily affected by air pollution.

Consistency with the Clean Air Plan can be determined if a project: (1) supports the goals of the Clean Air Plan; (2) includes applicable control measures from the Clean Air Plan; and (3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

Clean Air Plan Goals. The primary goals of the Bay Area Clean Air Plan are to: attain air quality standards, reduce population exposure and protect public health in the Bay Area, and reduce GHG emissions and protect climate.

The BAAQMD has established significance thresholds for project construction and operational impacts at a level at which the cumulative impact of exceeding these thresholds would have an adverse impact on the region's attainment of air quality standards.

Clean Air Plan Control Measures. The control strategies of the Clean Air Plan include measures in the following categories: Stationary Source Measures, Transportation Measures, Energy Measures, Building Measures, Agriculture Measures, Natural and Working Lands Measures, Waste Management Measures, Water Measures, and Super-GHG Pollutants Measures. The following

discussion includes an analysis evaluating the Project's consistency with applicable control strategies of the Clean Air Plan. Measures with respect to Stationary Sources, Energy Building, Agriculture, Natural and Working Lands, Water Measures, and Super-GHG Pollutants are not applicable to the Project and therefore, are not discussed in detail below.

Transportation Control Measures. The BAAQMD identifies Transportation Control Measures as part of the Clean Air Plan to decrease emissions of criteria pollutants, TACs, and GHGs. The proposed Project would generate minimal traffic in the area except for shift changes when trainees and recruits arrive and depart for the day. Therefore, the proposed Project would generate minimal new vehicle trips, which would be consistent with the BAAQMD's initiatives to reduce vehicle trips and vehicle miles traveled (VMT). Therefore, the Project would not hinder the BAAQMD's initiatives to reduce vehicle trips and VMT.

Building Control Measures. The BAAQMD has authority to regulate emissions from certain sources in buildings such as boilers and water heaters, but has limited authority to regulate buildings themselves. Therefore, the strategies in the control measures for this sector focus on working with local governments that do have authority over local building codes, to facilitate adoption of best GHG control practices and policies. The proposed Project would be required to comply with the 2019 California Green Building Standards Code (CALGreen Code). Therefore, the proposed Project would not conflict with these measures.

Waste Management Control Measures. The waste management measures focus on reducing or capturing methane emissions from landfills and composting facilities, diverting organic materials away from landfills, and increasing waste diversion rates through efforts to reduce, reuse, and recycle. The Project would comply with local requirements for waste management (e.g., recycling and composting services). Therefore, the Project would be consistent with the Waste Management Control Measures of the Clean Air Plan.

Clean Air Plan Implementation. As discussed above, implementation of the proposed Project would generally implement the applicable measures outlined in the Clean Air Plan, including the Transportation Control Measures. Therefore, the Project would not disrupt or hinder implementation of a control measure from the Clean Air Plan.

The Clean Air Plan builds on many other plans, policies, and programs, including plans developed and implemented by other agencies, such as local general plans. Since the Clean Air Plan is based on local general plans, projects that are deemed consistent with the applicable general plan are usually found to be consistent with the air quality plans.

The Project site is currently designated as HI and OSPH on the City's General Plan Land Use Map. The OPSH lands include publicly- or privately-owned areas that are intended for low intensity uses. The HI use allows for industrial uses with nuisance or hazardous characteristics, which for reasons of health, safety and environmental effects, are best segregated from other uses, such as extractive and primary processing industries. In addition, the Project site is zoned HI. Allowable uses in the Heavy Industrial zoning classification include construction/corporation yard, manufacturing and assembly, industrial services, warehouse and distribution, and industrial equipment or product repair. Very limited scale retail sales and service establishments and warehouse retail uses may be

allowed where they are compatible with adjacent uses and will not constrain the use of the site for heavy industrial purposes. The proposed Project would be allowed under the City's prevailing zoning district. Therefore, the proposed Project would be consistent with the City's General Plan and assumptions included in the Clean Air Plan.

Summary. The BAAQMD has established significance thresholds for Project construction and operational impacts at a level at which the cumulative impact of exceeding these thresholds would have an adverse impact on the region's attainment of air quality standards. As discussed below, with implementation of Standard Permit Conditions, the proposed Project would result in less than significant construction- and operation-phase emissions. Therefore, the Project would not conflict with the Clean Air Plan goals.

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?

Less Than Significant Impact. The State CEQA Guidelines indicate that a significant air quality impact would occur if a project would violate any air quality standard or contribute substantially to an existing or projected air quality violation. Specific criteria for determining whether the potential air quality impacts of a project are significant have been established by the BAAQMD as shown in Table 4.3-B and are discussed below.

As shown in Table 4.3-B, potential air quality impacts of an individual project would be considered significant, if the project would:

- Violate the Bay Area Air Quality Management District's air quality standards or contribute substantially to an existing or projected air quality violation by:
    - Generating average daily criteria air pollutant emissions of ROG, NO_X or $PM_{2.5}$ exhaust emissions in excess of 54 pounds per day or PM_{10} exhaust emissions of 82 pounds per day during project construction;
    - For project operations, generating average daily criteria air pollutant emissions of ROG, NO_X, or $PM_{2.5}$ in excess of 54 pounds per day, or maximum annual emissions of 10 tons per year. For emissions of PM_{10}, generating average daily emissions of 82 pounds per day or 15 tons per year; or
    - Contributing to CO concentrations exceeding the State ambient air quality standards of 9 ppm averaged over 8 hours and 20 ppm for 1-hour for project operations.

Table 4.3-B: BAAQMD Air Quality Thresholds of Significance

Pollutant	Construction-Related	Operational-Related	
Criteria Air Pollutants and Precursors (Regional)			
Pollutant	**Average Daily Emissions (lbs/day)**	**Average Daily Emissions (lbs/day)**	**Maximum Annual Emissions (tpy)**
ROG	54.0	54.0	10.0
NO_x	54.0	54.0	10.0
PM_{10}	82.0 (exhaust only)	82.0	15.0
$PM_{2.5}$	54.0 (exhaust only)	54.0	10.0
PM_{10} (fugitive dust)	Best Management Practices	None	
$PM_{2.5}$ (fugitive dust)	Best Management Practices	None	
Local CO	None	9.0 ppm (8-hour average), 20.0 ppm (1-hour average)	
Risks and Hazards – New Source (All Areas)			
Risks and Hazards – New Source (All Areas) (Individual Project)	Same as Operational Thresholds	Compliance with Qualified Community Risk Reduction Plan OR Increased cancer risk of >10.0 in a million Increased non-cancer risk of > 1.0 Hazard Index (Chronic or Acute) Ambient $PM_{2.5}$ increase: > 0.3 µg/m^3 annual average Zone of Influence: 1,000-foot radius from fence line of source or receptor	

Source: Bay Area Air Quality Management District (BAAQMD) (2017).
CO = carbon monoxide
lbs/day = pounds per day
NO_x = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in size
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
ppm = parts per million
ROG = reactive organic gases
tpy = tons per year
µg/m^3 = micrograms per cubic meter

- Expose sensitive receptors or the general public to toxic air contaminants in excess of the following thresholds:
    - An excess cancer risk level of more than 10 in one million, or non-cancer risk greater than 1.0 hazard index from a single source;
    - An incremental increase of greater than 0.3 µg/m^3 annual average $PM_{2.5}$ from a single source;
    - An excess cancer risk level of more than 100 in one million, or non-cancer risk greater than 100 in one million from all sources; or
    - An incremental increase of greater than 0.8 µg/m^3 annual average $PM_{2.5}$ from all sources.

In addition, the BAAQMD has established a screening methodology that provides a conservative indication of whether the implementation of a project would result in significant CO emissions.

According to the BAAQMD CEQA Air Quality Guidelines, a project would result in a less than significant impact to localized CO concentrations if the following screening criteria are met:

- The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, and the regional transportation plan and local congestion management agency plans;

- Project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour; and

- The project 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, bridge underpass, natural or urban street canyon, or below-grade roadway).

Construction Emissions. During construction, short-term air quality impacts could occur due to the release of particulate emissions generated by grading, paving, building, and other activities. Major sources of emissions during grading, building construction and site work, paving, and architectural coatings include the following: (1) exhaust emissions from construction vehicles, (2) equipment and fugitive dust generated by vehicles and equipment traveling over exposed surfaces, and (3) sand disturbances from compacting and cement paving.

Construction of the proposed Project would include the following tasks: grading, building construction and site work, paving, and architectural coatings. The Project phasing would generally start with site preparation and grading, and would continue with construction of the Project. Construction of the proposed Project is anticipated to occur over the course of 16 months, beginning in January 2021 with completion anticipated by June 2022. Approximately 30 workers would be on the Project site on a typical day during project construction. Construction would take place between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Contractors would utilize carpooling to the maximum extent possible during the construction phase of the Project. Hauling/deliveries to and from the construction site would amount to approximately 5 to 10 trips per day, between the hours of 7:00 a.m. and 5:00 p.m.

Construction emissions were estimated for the Project using CalEEMod,[17] consistent with BAAQMD recommendations. Project-specific information provided by the City was used where available, including building details, construction schedule, materials, and earthwork requirements. Default construction equipment assumptions from CalEEMod were also used in the analysis.

[17] CalEEMod provides a platform to calculate both construction emissions and operational emissions from a land use project. It can calculate both the daily maximum and annual average for criteria pollutants as well as annual GHG emissions. The output from these calculations can be used in the preparation of quality and GHG analyses in CEQA documents. In order to produce these data, CalEEMod utilizes widely accepted methodologies for estimating emissions combined with default data that can be used when site-specific information is not available. Example sources of these methodologies and default data include the USEPA AP-42 emission factors, CARB vehicle emission models, and studies commissioned by State agencies. Some local air districts also provide customized values for their default data and existing regulation methodologies for use for projects located in their jurisdictions. A majority of CalEEMod's default data associated with locations and land use is derived from surveys of existing land uses.

Construction-related effects on air quality would be greatest during the site preparation phase due to the disturbance of soils. Sources of fugitive dust would include disturbed soils at the construction site. Unless properly controlled, vehicles leaving the site would deposit dirt and mud on local streets, which could be an additional source of airborne dust after it dries. PM_{10} emissions would vary from day to day, depending on the nature and magnitude of construction activity and local weather conditions. PM_{10} emissions would depend on soil moisture, silt content of the soil, wind speed, and the amount of operating equipment. Fugitive dust emissions during Project construction would be substantially reduced by compliance with Standard Permit Conditions, which require compliance with BAAQMD standard measures for reducing fugitive dust emissions (PM_{10}). Compliance with Standard Permit Conditions (including compliance with BAAQMD measures) has been accounted for in the Project emissions estimates.

In addition to dust-related PM_{10} emissions, heavy trucks and construction equipment powered by gasoline and diesel engines would generate CO, SO_2, NO_X, volatile organic compounds (VOCs) and some soot particulate ($PM_{2.5}$ and PM_{10}) in exhaust emissions. These emissions would be temporary in nature and limited to the immediate area surrounding the construction site.

Table 4.3-C presents the average construction emissions based on the CalEEMod emissions estimates. As shown in Table 4.3-C, construction emissions associated with the Project would not exceed the BAAQMD's emissions thresholds. Additionally, the Project would be required to implement BAAQMD dust control measures as a condition of Project approval, as outlined below. Therefore, construction of the proposed Project would result in less than significant air quality impacts, and no mitigation would be required.

Table 4.3-C: Project Construction Emissions (in pounds per day)

Project Construction	ROG	NO_X	Exhaust PM_{10}	Fugitive Dust PM_{10}	Exhaust $PM_{2.5}$	Fugitive Dust $PM_{2.5}$
Average Daily Emissions	2.5	17.7	0.6	0.6	0.6	0.3
BAAQMD Thresholds	**54.0**	**54.0**	**82.0**	**BMP**	**54.0**	**BMP**
Exceed Threshold?	**No**	**No**	**No**	**No**	**No**	**No**

Source: LSA (August 2020).
BAAQMD = Bay Area Air Quality Management District
BMP = best management practices
NO_X = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in size
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
ROG = reactive organic gases

Standard Permit Conditions:

- The following best management practices shall be implemented during all phases of construction to control dust and exhaust at the Project site:
    - Water active construction areas at least twice daily or as often as needed to control dust emissions.
    - 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.

- 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.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- 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 the California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and properly tune construction equipment in accordance with manufacturers' specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of San José regarding dust complaints.

Operational Emissions. Long-term air emission impacts are those impacts associated with any change in permanent use of the Project site by on-site stationary and off-site mobile sources that increase emissions. Stationary-source emissions include emissions associated with electricity consumption and natural gas usage. Mobile-source emissions are associated with vehicular trips associated with a project. In addition, Project-related long-term air emissions would occur from operation of the emergency generator and from the periodic burning of fuel and wood for training (i.e., stationary sources).

Long-term operational emissions associated with the proposed Project were estimated using CalEEMod and are shown in Table 4.3-D, below. For purposes of evaluating the proposed Project, the air quality district specified in CalEEMod was the BAAQMD, and climate zone 4 was selected with the urban land use setting. Based on this climate zone, CalEEMod assumed a wind speed of 2.2 meters per second and precipitation frequency of 64 days per year. The operational year was assumed to be 2022. The utility company for the region was selected as the Pacific Gas & Electric Company (PG&E) and the CO_2 intensity was determined to be 328.8 pounds per megawatt hour (lbs/MWhr) based on a 5-year average estimated by PG&E.

Table 4.3-D: Project Operational Emissions

	ROG	NO_X	PM_{10}	$PM_{2.5}$
Pounds Per Day				
Area Source Emissions	1.8	<0.1	<0.1	<0.1
Energy Source Emissions	<0.1	0.3	<0.1	<0.1
Mobile Source Emissions	0.4	1.8	1.3	0.3
Stationary Source Emissions	<0.1	<0.1	<0.1	<0.1
Total Project Emissions	**2.3**	**2.1**	**1.3**	**0.4**
BAAQMD Thresholds	54.0	54.0	82.0	54.0
Exceed Threshold?	**No**	**No**	**No**	**No**
Tons Per Year				
Area Source Emissions	0.3	<0.1	<0.1	<0.1
Energy Source Emissions	<0.1	0.1	<0.1	<0.1
Mobile Source Emissions	0.1	0.3	0.2	0.1
Stationary Source Emissions	<0.1	<0.1	<0.1	<0.1
Total Project Emissions	**0.4**	**0.4**	**0.2**	**0.1**
BAAQMD Thresholds	10.0	10.0	15.0	10.0
Exceed Threshold?	**No**	**No**	**No**	**No**

Source: LSA (August 2020).
BAAQMD = Bay Area Air Quality Management District
NO_X = nitrogen oxides
PM_{10} = particulate matter less than 10 microns in size
$PM_{2.5}$ = particulate matter less than 2.5 microns in size
ROG = reactive organic gases

The CalEEMod analysis assumed 72,393 square feet of Government Office Building uses and 288 parking lot spaces. The Government Office Building land use code included all of the proposed new buildings and the renovated Building D4. Trip generation rates for the Project were based on the Project's trip generation estimates, which determined that the proposed Project would generate approximately 280 average daily trips.[18] In addition, the emergency generator and roof-mounted PV panels and carport-mounted PV panels were included in the analysis. The analysis also assumes that the proposed Project would be consistent with 2019 CALGreen Code. Where Project-specific data were not available, default assumptions from CalEEMod were used to estimate Project emissions.

Operational air emissions from the Project would be generated primarily from vehicles driven by fire trainees and recruits. There would also be operational emissions associated with energy and water usage, and solid waste disposal.

As shown in Table 4.3-D, the Project-related increase in criteria pollutants would not exceed the corresponding BAAQMD emissions thresholds. In addition, this analysis assumes that the proposed Project would include on-site live-fire exercises, which would use propane (or natural gas, if available) as fuel. The live-fire exercises would comply with BAAQMD rules and regulations for open burning, including Regulation 5, Open Burning. Compliance with BAAQMD rules and regulations would ensure that the on-site live-fire exercise would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project is nonattainment under an applicable federal

[18] LSA, 2020. Local Transportation Analysis. September.

or state ambient air quality standard. Therefore, the proposed Project would not have a cumulatively significant effect on regional air quality and this impact would be less than significant.

Localized CO Impact. As previously stated, the BAAQMD considers a project to have less than significant CO impacts if it is consistent with an applicable congestion management program, would not increase traffic volumes at affected intersections by more than 44,000 vehicles per hour, and 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.

The proposed Project would not conflict with standards established by the Santa Clara Valley Transportation Authority for designated roads and highways, a regional transportation plan, or other agency plans. In addition, the Project site is not located in an area where vertical or horizontal mixing of air is substantially limited. As identified above, the proposed Project would generate approximately 280 daily trips, including 140 inbound trips in the AM peak hour and 140 outbound trips in the PM peak hour. As such, the Project's contribution to peak hour traffic volumes at intersections in the vicinity of the Project site would be well below 44,000 vehicles per hour. Therefore, the proposed Project would not result in localized CO concentrations that exceed State or federal standards and this impact would be less than significant.

Summary. CEQA defines a cumulative impact as two or more individual effects, which when considered together, are considerable or which compound or increase other environmental impacts. Therefore, if annual emissions of construction- or operational-related criteria air pollutants exceed any applicable threshold established by the BAAQMD, the proposed Project would result in a cumulatively significant impact. As discussed above, no exceedance of BAAQMD emission thresholds would occur as a result of construction or operation of the proposed Project. The proposed Project's construction and operational emissions of criteria pollutants are estimated to be well below the emissions threshold established for the region. Further, implementation of the Standard Permit Conditions would further reduce impacts related to construction emissions. Therefore, the Project would not result in a cumulatively considerable contribution to regional air quality impacts and this impact would be less than significant.

c. Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Individuals particularly vulnerable to diesel particulate matter are children, whose lung tissue is still developing, and the elderly, who may have serious health problems that can be aggravated by exposure to diesel particulate matter. Exposure from diesel exhaust associated with construction activity contributes to both cancer and chronic non-cancer health risks.

The closest sensitive receptors to the Project site include the residences located along Phelan Avenue, approximately 330 feet northeast of the Project site boundary. Construction of the proposed Project may expose surrounding sensitive receptors to airborne particulates, as well as a small quantity of construction equipment pollutants (i.e., usually diesel-fueled vehicles and equipment). However, the Project would be required to implement BAAQMD dust control measures as a condition of Project approval, as outlined above. Additionally, due to the location of the closest

sensitive receptors and because construction activities would only occur for a limited duration. Project construction emissions would not expose sensitive receptors to substantial pollutant concentrations and further analysis would not be required.

As described above, Project operation would include on-site live-fire exercises. The live-fire exercises would comply with BAAQMD rules and regulations for open burning, including Regulation 5, Open Burning. In addition, the proposed Project would include a diesel emergency backup generator, which would have the potential to result in elevated levels of diesel particulate matter (DPM) and other TACs. However, as identified above, the closest sensitive receptors to the Project site include the residences located along Phelan Avenue, approximately 330 feet northeast of the Project site boundary. At this distance, the closest sensitive receptors would not be exposed to substantial concentrations of DPM or other TACs and further analysis would not be required. As such, sensitive receptors are not expected to be exposed to substantial pollutant concentrations during construction or operation, and potential impacts would be considered less than significant.

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

Less Than Significant Impact. Substantial odor-generating sources include land uses such as agricultural activities, feedlots, wastewater treatment facilities, landfills, or heavy manufacturing uses.

During Project construction, some odors may be present due to diesel exhaust. However, these odors would be temporary and limited to the construction period. The proposed Project would not include any activities or operations that would generate objectionable odors and once operational, the Project would not be a source of odors. Therefore, the proposed Project would result in less than significant impacts related to other emissions (such as those leading to odors) that would adversely affect a substantial number of people. No mitigation would be required.

4.3.4 Conclusion

Less Than Significant. Implementation of Standard Permit Conditions would ensure that air quality impacts associated with Project construction would be reduced to a less than significant level. In addition, impacts associated with operational air emissions, pollutant concentrations, and odors would be less than significant and no mitigation would be required.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 Regulatory Framework

Federal and State Regulations

Federal and State Special Status Species

Special status species are individual plant and animal species that are protected under federal and state Endangered Species Acts. These species are classified as rare, threatened, or endangered. The USFWS and the CDFW have adopted a system to conserve and protect plant and animal species that are limited in distribution as well as species that have a low or declining population. If a proposed project or activities associated with a proposed project result in the "take" of a threatened or endangered species, the necessary permits must be obtained from the USFWS and CDFW. The State of California defines take as any action or attempt to "hunt, pursue, catch, capture, or kill" a listed species. Additionally, the Federal Endangered Species Act includes the "harm" of a listed species in the definition of take.

Section 15380(b) of the *State CEQA Guidelines* also considers all potential rare or sensitive species and habitats that are capable of supporting such species in addition to those species listed under the federal and state Endangered Species Acts. These additional species considered under CEQA may include California plant species of concern as listed by the California Native Plant Society as well as "Species of Special Concern" listed by CDFW.

Sensitive Habitats

Wetland and riparian habitats are considered to be sensitive habitats, and are protected under various Federal, State, and local regulations. These habitats are generally subject to regulation, protection, or consideration by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS as per Sections 303, 304, and 404 of the Federal Clean Water Act and the State of California Porter-Cologne Water Quality Control Act. Wetland and riparian habitats are also subject to the National Pollutant Discharge Elimination System (NPDES) permit program under Section 402 of the Clean Water Act, which regulates discharge into waters of the United States.

Federal Migratory Bird Treaty Act

Under the federal Migratory Bird Treaty Act (MBTA), the killing, possessing, or trading of migratory birds is prohibited unless exempt by regulations prescribed by the Secretary of the Interior. The MBTA prohibits the possession of protected bird species and their nests, regardless of whether nests are active.[19]

Birds of prey, such as owls and hawks, are protected in California under provisions of the State Fish and Game Code. The code states that it is "unlawful to take, possess, or destroy any birds in the

[19] An active nest is defined as having eggs or young.

order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." 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.

California Department of Fish and Game Code 3503

California Department of Fish and Game Code 3503 stipulates that is unlawful to take, posses, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto.

Regional and Local Regulations

Santa Clara Valley Habitat Plan/Natural Communities Conservation Plan

The Project site is located within the boundaries of the Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP). The HCP/NCCP helps public and private agencies preserve natural resources and minimize impacts on threatened and endangered species when planning, permitting, and developing projects and activities within the boundaries of the plan. The HCP/NCCP covers approximately 520,000 acres and was adopted by Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, the Santa Clara Valley Water District, the Santa Clara Valley Transportation Authority, USFWS, and the CDFW.

The Project site is located within the boundaries of the Santa Clara Valley HCP/NCCP and is designated as "Urban-Suburban." "Urban-Suburban" land is comprised of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, and is defined as having one or more structures per 2.5 acres.

Envision San José 2040 General Plan

The Environmental Resources (ER), Measurable Environmental Sustainability (MS), and Community Design (CD) sections of the City's General Plan include the following goals and policies related to biological resources that are applicable to the proposed Project.

Goal ER-4 **Special-Status Plants and Animals:** Preserve, manage, and restore habitat suitable for special-status species, including threatened and endangered species.

Policy ER-4.4 Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.

Goal ER-5 **Migratory Birds:** Protect migratory birds from injury or mortality.

Policy ER-5.1 Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities

that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2 Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Goal MS-21 **Community Forest:** Preserve and protect existing trees and increase planting of new trees within San José to create and maintain a thriving Community Forest that contributes to the City's quality of life, its sense of community, and its economic and environmental well-being.

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 effects 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.

Policy CD-1.23 Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-1.24 Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Any adverse effect on the health and longevity of such trees should be avoided through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.

City of San José Tree Ordinance

Ordinance-sized trees, heritage trees, and street trees make up the urban forest and are protected under the City of San José Tree Ordinance. The City of San José Tree Removal Controls (San José City Code, Sections 13.31.010 to 13.32.100) protect all trees having a trunk that measures 38 inches or more in circumference (12.1 inches in diameter) at the height of 54 inches above the natural grade. The ordinance protects both native and non-native species. A tree removal permit is required from the City for the removal of ordinance-size trees. In addition, any tree found by the City Council to have special significance due to history, girth, height, species, or unique quality can be designated as a Heritage Tree, regardless of tree size or species. It is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

City of San José Riparian Corridor Policy Study

The City of San José's Riparian Corridor defines a riparian corridor as any stream channel, including the area up to the bank full-flow line, as well as all riparian (streamside vegetation) in contiguous adjacent uplands. The policy states that riparian setbacks should be measured 100 feet from the outside edges of riparian habitat or the top of bank, whichever is greater.

4.4.1.2 Existing Conditions

The Project site is located in a built-out urban area and does not contain habitat that would support sensitive species. Parcel 1 is already developed with the City's CSY and includes limited landscaping. A landscaped setback along the eastern boundary of Parcel 1 along Senter Road consists of grassy lawn, several mature trees, and ornamental vegetation. Parcel 2 is currently undeveloped. According to a tree survey conducted at Parcel 2 for a previous development proposal, five trees are located completely within Parcel 2, and 30 trees either straddle the property line with adjacent properties, or are located on adjacent property but have a canopy that extends into the project site. Native tree species on Parcel 2 include Coast live oak, Redwoods, and the California pepper; there are 14 native trees on-site. There are eight ordinance sized trees, (defined by the City as trees 38 inches or more in circumference measured at a height of 54 inches above natural grade) and no Heritage trees on-site.

Special Species/Habitats. There are no known endangered, threatened, or otherwise protected species on the site. The site also does not contain any wetlands or other protected waterways under the Clean Water Act (CWA). The nearest waterways are Coyote Creek, located approximately 0.2 mile east of the Project site, and Guadalupe River, and located approximately 1.5 miles west of the Project site.

4.4.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☐	☒
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 CDFW or USFWS?	☐	☐	☐	☒
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☒	☐	☐
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
f. Conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State habitat conservation plan?	☐	☐	☒	☐

4.4.3 Impact Analysis

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

No Impact. The Project site is located in a built-out urban area and does not contain habitat that would support sensitive species; there are no known candidate, sensitive, or special-status animal species on the site. Additionally, the USFWS *Threatened & Endangered Species Active Critical Habitat Report* (Environmental Conservation Online System [ECOS])[20] does not identify any locations of critical habitat within approximately 2 miles of the Project site. The closest known critical habitat (Bay checkerspot butterfly [*Euphydryas editha bayensis*]) is located approximately 3.3 miles to the

[20] U.S. Fish and Wildlife Service (USFWS). 2020. ECOS Environmental Conservation Online System. Website https://ecos.fws.gov/ecp/report/table/critical-habitat.html (accessed August 17, 2020)

southeast of the Project site.[21] Therefore, no impacts to sensitive or special-status species would result from Project implementation.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the CDFW or USFWS?

No Impact. The Project site is currently developed and is located in an urban area. As noted in Response 4.4.3(a), the USFWS ECOS does not identify any locations of critical habitat within approximately 2 miles of the Project site. The closest known critical habitat is approximately 3.3 miles away to the southeast of the Project site. Therefore, no impacts related to riparian habitat or other sensitive natural communities identified in local or regional plans would result from Project implementation, and no mitigation would be required.

c. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. The Project site is currently developed and is located in an urban area. Based on a review of site photographs and current and historical aerial images, the site has been previously graded and does not contain any natural hydrologic features or State and/or federally protected wetlands. Therefore, implementation of the proposed Project would not have a substantial adverse effect on State or federally protected wetlands (including but not limited to marsh, vernal pools, and coastal) through direct removal, filling hydrological interruption, or other means.

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

Less Than Significant Impact with Mitigation Incorporated. The Project site is located in an urban area and is partially developed with the City's CSY. No portion of the Project site or immediately surrounding areas contains an open body of water that serves as natural habitat in which fish could exist. Likewise, there is no established native resident or migratory wildlife corridor existing within or adjacent to the Project site. Species that are found on the site either fly onto the site or are able to navigate through long stretches of urban development. Therefore, the Project site does not contain any native resident or migratory fish, wildlife species, or wildlife corridors and no impact to these resources would occur.

Existing landscaping, including several trees, may provide suitable habitat for nesting birds protected by the MBTA and California Fish and Game Code Section 3503. As described in Section 3.0, Project Description, four existing pear trees along Senter Road would be removed as part of the proposed Project. Therefore, the Project has the potential to impact active bird nests if vegetation and trees are removed during the nesting season. Nesting birds are protected under the federal MBTA (Title 33, United States Code [USC], Section 703 et seq., see also Title 50, Code of Federal Regulations [CFR], Part 10) and Section 3503 of the California Fish and Game Code. Implementation

[21] The closest known critical habitat is east of Coyote Creek and contains Bay checkerspot butterfly.

of the proposed Project would be subject to the provisions of the MBTA and California Fish and Game Code Section 3503, which prohibit the unlawful take, possession, or destruction of eggs and/or active nests. Project implementation must be accomplished in a manner that avoids impacts to active nests during the breeding season. Therefore, if Project construction occurs between February 1 and August 31, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to ground- and/or vegetation-disturbing activities to confirm the absence of nesting birds. As documented in Mitigation Measure BIO-1 below, avoiding impacts can be accomplished through a variety of means, including restricting brush and tree removal to periods outside the avian nesting season (February 1 to August 31) or through establishing buffers around any active nests. With implementation of Mitigation Measures BIO-1 and BIO-2, potentially significant impacts to nesting birds would be reduced to a less than significant level.

Impacts BIO-1 and BIO-2: Demolition, grading, and construction activities and tree removal during the nesting season could impact migratory birds.

Mitigation Measures BIO-1 and BIO-2:

MM BIO-1 **Avoidance and Inhibit Nesting.** To avoid disturbance of nesting and special-status birds, the Project Proponent shall schedule activities related to the Project, including, but not limited to, vegetation removal, ground disturbance, construction, and demolition to occur outside of the bird-nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1 through August 31 (inclusive).

MM BIO-2 **Preconstruction Surveys.** If demolition and construction activities cannot be scheduled to occur between September 1 and January 31 (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified biologist or ornithologist to ensure that no nests shall be disturbed during project implementation. The nesting bird pre-construction survey shall be conducted within the Project boundary, including within 250 feet of the project area. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in the area. The pre-construction survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1 through April 30, inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1 through August 31, inclusive).

If active nests are found, the qualified biologist or ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet for raptors and 100 feet for other birds, to ensure that raptor or migratory bird nests will not be disturbed during project construction (which depends upon the species, the proposed work activity, and existing disturbances associated with land uses outside the site). The buffer zone shall be demarcated by the qualified biologist or ornithologist with bright orange construction fencing, flagging, construction lathe, or other means to mark the boundary. All construction personnel shall be

notified as to the existence of the buffer zone and shall be instructed to avoid entering the buffer zone during the nesting season. No ground- disturbing activities shall occur within this buffer until the qualified biologist or ornithologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.

The Project Proponent shall submit a report to the City's Director of Planning, Building and Code Enforcement and Director of Public Works or Directors' designee indicating the results of the survey and any designated buffer zones, and is to be completed to the satisfaction of the Director of Planning, Building and Code Enforcement and the Director of Public Works or Directors' designee prior to the issuance of any demolition or grading permits.

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

Less Than Significant Impact. As previously noted, Chapter 13.32 of the City's Municipal Code regulates the care and removal of trees on public property. In addition, the City has adopted the *Guidelines for Inventorying, Evaluating, and Mitigating Impacts to Landscaping Trees in the City of San José* (May 2006), which outlines tree survey requirements and applicable mitigation for projects that could impact trees within the City.

As described in Section 3.0, Project Description, the four existing pear trees along Senter Road would be removed and replaced. No other tree removal would be required for implementation of the proposed Project.

The Project proposes to install 12 new 24-inch box Chinese pistache trees and eight new 24-inch box ornamental pear trees. In addition, native drought tolerant grasses, perennials, and specimen shrubs are proposed along Senter Road and 10th Street. Landscape screen walls are proposed along Senter Road at varying heights from 3 to 8 feet tall. Vines and low water use plantings are proposed to be planted in front of these walls to soften their appearance.

The number of trees to be removed would be determined as part of final Project design, but would occur in compliance with the City's Municipal Code and *Guidelines for Inventorying, Evaluating, and Mitigating Impacts to Landscaping Trees in the City of San José*. A tree report would be required to be prepared for the trees that would be impacted as part of proposed Project, at which time the Project would have to conform to the City's Tree Replacement ratio and standards permit conditions, as discussed below.

With implementation of the following Standard Permit Conditions, potentially significant impacts related to tree removal would be less than significant.

Standard Permit Conditions:

- Trees to be removed, as part of the Project would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4-A below, as amended.

Table 4.4-A: Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	none	15-gallon
Less than 19 inches	1:1	1:1	none	15-gallon

Source: City of San José
x:x = tree replacement to tree loss ratio
Note: Trees having a greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multi-Family residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.
A 38-inch tree equals 12.1 inches in diameter.
A 24-inch box tree = two 15-gallon trees
Single-family and two-dwelling properties may be mitigated at a 1:1 ratio.

  - Since four non-native trees would be removed, all would be replaced at a 4:1 ratio. As mentioned previously, there are no native trees on-site. The total number of replacement trees required to be planted would be 16 trees. The species of trees to be planted would be determined in consultation with the City Arborist, the Department of Planning, Building and Code Enforcement, and the Department of Public Works.

  - In the event the Project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement and approval from the Director of Public Works or Directors' designee.

  - The size of a 15-gallon replacement tree may be increased to a 24-inch box and may count as two replacement trees to be planted on the Project site, at the development permit stage.

  - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council-approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State habitat conservation plan?

Less Than Significant Impact. As previously stated, the Project is located within the boundaries of the SCVHP. The SCVHP classifies the Project site as Area 4 (Private Development Area) consisting of urban development equal to or greater than 2 acres. According to Chapter 6, Section 2 of the

SCVHP, activities occurring in Urban-Suburban land cover types are assumed to have negligible environmental impacts, as long as they would not affect a mapped or unmapped stream, riparian, serpentine, pond, wetland land cover type, or be located within a stream setback.[22] The Project site does not contain and is not adjacent to any streams, wetlands, or riparian habitat. Therefore, the Project would not conflict with the provisions of an adopted HCP, NCCP, or other approved local, regional, or State habitat conservation plans and this impact would be less than significant.

Standard Permit Conditions:

The Project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The City would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) and the Director of Public Works or Directors' 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.

4.4.4 Conclusion

Less Than Significant with Mitigation Incorporated. Conformance with Standard Permit Conditions, General Plan policies, SCVHP requirements, and State and federal laws discussed above, as well as implementation of Mitigation Measures BIO-1 and BIO-2, would ensure that biological impacts from the development of this urban property would be reduced to a less than significant level.

[22] Santa Clara Valley Habitat Agency. 2012. *Final Santa Clara Valley Habitat Plan*. Chapter 6. Conditions on Covered Activities and Application Process. August. Available online at: https://scv-habitatagency.org/DocumentCenter/View/128/Chapter-6-Conditions-on-Covered-Activities-and-Application-Process (accessed August 15, 2020).

4.5 CULTURAL RESOURCES

The discussion and analysis provided in this section is based on the National Register of Historic Places (National Register); the California Register of Historical Resources (California Register); and the Cultural Resources Study prepared by LSA (July 20, 2020) (report provided in Appendix B of this IS/MND), which included a Historical Resource Evaluation (HRE) of Building D4. The Cultural Resources Study included background research, a field survey, and a building evaluation, as well as a Sacred Lands File search at the Native American Heritage Commission. In summary, the study did not identify cultural resources that may meet the definition of historical resources under CEQA (Public Resources Code Section 21084.1) in the Project site.

4.5.1 Environmental Setting

4.5.1.1 Regulatory Framework

Federal and State Regulations

National Register of Historic Places

The National Register lists the historic significance and the eligibility for qualifying for such significance for a building, structure, or other site. Significance eligibility is determined based on the quality and integrity of the resource and its association to American history, architecture, and culture. The resources must also possess one or more of the following characteristics:

1. It is associated with events that have made a significant contribution to the broad pattern of our history; or

2. It is associated with the lives of persons significant to our past; or

3. It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

4. It yields, or may be likely to yield, information important in prehistory or history.

California Register of Historical Resources California Register

The California Register operates similarly to the National Register with almost the same structure for determining significance eligibility for potential historical resources. Generally, a resource is eligible for historical status under California Register if it is greater than 50 years old as well as meets one or more of the following criteria:

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 United States.

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 important creative individual, or possesses high artistic values.

California Historical LandmarksCalifornia Historical Landmarks are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. To be eligible for designation as a California Historic Landmark, a resource must meet at least one of the following criteria:

- The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- Associated with an individual or group having a profound influence on the history of California.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

California Environmental Quality ActHistorical resources are recognized as part of the environment under CEQA. The California Register is the authoritative guide to the state's historical resources and to which properties are considered significant for the purposes of CEQA, including resources listed in or formally determined eligible for listing in the National Register of Historic Places, as well as some, California State Landmarks and Points of Historical Interest. Properties of local significance that have been designed under a local preservation ordinance (local landmarks or landmark district) or that have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be significant resources for the purposes of CEQA unless a preponderance of evidence indicates otherwise. However, a resources does not need to have been identified previously either through listing or survey to be considered significant under CEQA. In addition, to assessing whether historical resources potentially impacted by a project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the California Register criteria prior to making a finding as to a proposed project's impacts to historical resources.

Public Resources Code Section 5097.5California PRC Section 5097.5(a) mandates that one cannot, "knowingly and willfully" excavate, remove, or destroy any "historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site," or "any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands." PRC Section 5097.5(b) defines public lands as those that are owned by or under the jurisdiction of any state or public authority or agency.

Local Regulations

Envision San José 2040 General Plan

The Environmental Resources (ER) and Land Use/Transportation (LU/TR) sections of the City's General Plan include the following goals and policies related to cultural resources that are applicable to the proposed Project:

Goal ER-10 **Archaeology and Paleontology:** Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.

Policy ER-10.1 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.

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 their 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.

City of San José Municipal Code

The Historic Preservation Ordinance in Chapter 13.48 of the City's Municipal Code outlines the process and requirements of obtaining a Historic Preservation Permit and describes associated benefits of a potential property tax reduction through the Mills Act Historical Property Contract. As per the City's Municipal Code, a landmark has a significant historical, architectural, cultural, aesthetic, or engineering interest or value pertaining to its historical nature. A landmark can include any combination of the following: an individual structure, an integrated group of structures on a single lot, or a site or portion of a site.

Consistent with the City's Municipal Code, prior to nominating a potentially historic property for designation as a city landmark and/or recommending approval or modified approval of a proposed designation as a city landmark, the Historic Landmarks Commission must determine that the

proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that its designation as a landmark conforms with the goals and policies of the City's General Plan. In making such findings, the Commission may consider the following factors:

- Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
- Its location as a site of a significant historic event;
- Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
- Its exemplification of the cultural, economic, social or historic heritage of the City of San José;
- Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
- Its embodiment of distinguishing characteristics of an architectural type or specimen;
- Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José; and
- Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.

Historic Resources Inventory

The City manages a geographic information system (GIS) database that includes information on historic properties and resources that have been documented and assessed based on their significance. The Historic Resources Inventory exists within the database as a source for finding the location and significance category of these historic properties and resources. A resource is classified as a City Landmark if it has some historical, architectural, cultural, aesthetic, or engineering value.

4.5.1.2 Existing Conditions

Historic Resources. The southern portion of the Project site (Parcel 1) is currently developed with the City CSY, the City's large materials, vehicle and equipment maintenance, and storage facility. The CSY currently supports eight buildings (Buildings A through G and Building D4), as well as associated surface parking and perimeter landscaping. Solar canopies ae provided over visitor and main parking lots. The northern portion of the Project site (Parcel 2) is currently undeveloped. Background research and a field survey identified one resource 50 years old or older within the Project site: Building D4. Although Building D4 is over 50 years old, the HRE concludes that it does not appear eligible, either individually or collectively, for inclusion in the California Register.

According to a City of San José Historic Evaluation Tally Sheet prepared for this resource (see Appendix B), Building D4 amassed a total of 25.45 points that indicates Building D4 does not meet

the threshold of 33 points for consideration as a City Landmark under the City's preservation ordinance criteria. Therefore, Building D4 does not appear eligible for listing in San José Historic Resources Inventory as a City Landmark, Structure of Merit, or as a Contributing Structure due to a lack of significance. Therefore, Building D4 does not qualify as a "historical resources" for the purposes of CEQA.

According to the City's Historic Resources Inventory, the City contains nearly 4,000 properties that are considered to be historic (locally and/or at the State and federal levels).[23] The Project site is not classified as a historical resource nor are there any documented historic resources on the site as per both the California Register and the National Register. The Project site is not included in the City's History Resources Inventory or the City's Map of Designated Historic Sites and Districts/Areas.

Archaeological Resources. Archaeological resources are resources associated with human activity in the past and encompass both prehistoric and historic resources.

The existing Project site is currently developed and has been previously disturbed and significantly altered as a result of past construction activities on the site. One precontact archaeological site is documented from various sources beginning with a newspaper in 1933 (and recorded in 1949), and was reported as groundstone artifacts, a single (or possibly multiple) human burials, and ash lenses. The site is located northwest of the Project site. Field surveys conducted for a previous study at the site[24] and conducted by LSA for the proposed Project examined all visible portions of Parcel 2 (northern parcel); the area was found to be disturbed by prior rail line development and utilities installation, and no cultural resources or precontact archaeological indicators were identified.

4.5.2 Checklist and Discussion of Impacts

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

[23] City of San José. 2020. Historic Resources Inventory. Website: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory (accessed August 17, 2020).

[24] Mooney & Associates. 2000. *Cultural Resources Reconnaissance Survey and Inventory Report for the Metromedia Fiberoptic Cable Project, San Francisco Bay Area and Los Angeles Basin Networks.*

4.5.3 Impact Analysis

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

No Impact. CEQA defines a "historical resource" as a resource that meets one or more of the following criteria: (1) listed in, or determined eligible for listing in, the California Register; (2) listed in a local register of historical resources as defined in PRC Section 5020.1(k); (3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) determined to be a historical resource by a project's Lead Agency (PRC Section 21084.1 and *State CEQA Guidelines* Section 15064.5[a]).

The California Register defines a "historical resource" as a resource that meets one or more of the following criteria: (1) associated with events that have made a significant contribution to the broad patterns or local or regional history of the cultural heritage of California or the United States; (2) associated with the lives of persons important to local, California, or national history; (3) 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) has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

As previously discussed, the Project site is not included on the City's History Resources Inventory.[25] Further, according to the National Register[26] and the California Register,[27] there are no documented historic resources on or within the vicinity of the Project site.

As described above, Building D4, which would be renovated as part of the proposed Project, is 50 years old or older. Although Building D4 is over 50 years old, the HRE concludes that it does not appear eligible, either individually or collectively, for inclusion in the California Register or in the San José HRI as a City Landmark, Structure of Merit, or as a Contributing Structure due to a lack of significant association. Therefore, Building D4 does not qualify as a "historical resource" for the purposes of CEQA.

For the reasons stated above, the Project would not result in impacts to historic resources because there are no local, State, or federal historic resources on or adjacent to the Project site.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

Less Than Significant Impact. Construction and operation period impacts to archaeological resources are discussed below.

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25 City of San José. 2020. Historic Resources Inventory. Website: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory (accessed August 17, 2020).

26 United States Department of the Interior, National Park Service. National Register of Historic Places. Website: https://www.nps.gov/maps/full.html?mapId=7ad17cc9-b808-4ff8-a2f9-a99909164466 (accessed August 17, 2020).

27 State of California, Office of Historic Preservation. 2020. Listed California Historical Resources. Website: http://ohp.parks.ca.gov/ListedResources/?view=county&criteria=43 (accessed August 17, 2020).

Construction. The Project site is partially developed with the City CSY. The northern portion of the project site is currently undeveloped. The Project site has been previously disturbed and significantly altered as a result of past construction activities on the site. One precontact archaeological site is documented from various sources at various distances from the project site. For the purposes of considering an inclusive boundary, the boundary of the site is considered for this analysis to be northwest of Parcel 2. No documentation indicates that the boundary of the archaeological site extends within the project site. Field surveys by Mooney & Associates (2000) and LSA (2020) examined all visible portions of Parcel 2 (northern parcel); the area was found to be disturbed by prior rail line development and utilities installation, and no cultural resources or precontact archaeological indicators were identified.

Despite evidence, considering the more expansive boundary of the archaeological site, that the boundary of the site does not extend to encompass the project site, project construction would require grading and excavation activities that may extend into native soils. Therefore, the following Standard Permit Condition is required in the event that unknown archaeological resources are discovered at any time during grading and construction activities. No mitigation would be required.
Standard Permit Conditions:

- Consistent with General Plan Policies ER-10.2 and ER-10.3, the following Standard Permit Conditions shall be implemented by the Project to reduce or avoid impacts to subsurface cultural resources to a less than significant level:

  — 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), the Director of Public Works, or Directors' 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 the Director of PBCE, the Director of Public Works, or Directors' 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.

Operation. At the completion of Project construction, the proposed Project would not result in further disturbance of native soils on the Project site. Therefore, operation of the proposed Project would not result in a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the *State CEQA Guidelines*.

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant Impact. Due to the past disturbance and development of the site, no known human remains are present on the Project site, and there are no facts or evidence to suggest that Native Americans or people of European descent are buried on the Project site. However, as

described previously, buried and undiscovered archaeological remains, including human remains, may be present below the ground surface in portions of the Project site. Disturbing human remains could violate the State's Health and Safety Code, as well as destroy potential resources. The following Standard Permit Condition applies in the unlikely event that human remains are encountered during project excavation or grading.

Standard Permit Conditions:

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 (PRC) Sections 5097.9 through 5097.99, as amended per Assembly Bill (AB) 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), the Director of Public Works, or Directors' 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 re-inter 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 an MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
- The identified MLD 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.

4.5.4 Conclusion

Less Than Significant Impact. Implementation of the proposed Project would ensure that the Project would result in a less than significant impact to cultural resources through compliance with State and local regulations, as stated in the Standard Permit Conditions. No mitigation would be required.

4.6 ENERGY

The discussion and analysis provided in this section is based primarily on California Emissions Estimator Model (CalEEMod) data (provided in Appendix A of this IS/MND).

4.6.1 Environmental Setting

4.6.1.1 Regulatory Framework

Federal and State Regulations

The United States Environmental Protection Agency (USEPA) establishes energy standards at the federal level. The USEPA also establishes fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

Established in 2002 under Senate Bill 1078, California established its Renewables Portfolio Standard (RPS) Program, which was accelerated in 2006 under Senate Bill 107. The RPS required 20 percent of electricity sales to be served by renewable energy sources by 2010. In 2008, Executive Order S-14-08 was signed into law requiring retail sellers of electricity to serve 33 percent of their load with renewable energy by 2020. In October 2015, SB 350 was enacted to codify California's climate and clean energy goals. SB 350 requires retail sellers of electricity and publicly-owned utilities to procure 50 percent of their electricity from renewable sources by 2030.[28]

California Building Code

The State of California provides a minimum standard for building design and construction standards through Title 24 of the California Code of Regulations (CCR), known as the California Building Code (CBC). The CBC is updated every three years, and the current 2019 CBC went into effect in January 2020 Compliance with Title 24 is mandatory at the time new building permits are issued by local governments. Generally, the CBC is adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions.

The California Building Standards Commission (CBSC) adopted Part 11 of the Title 24 Building Energy Efficiency Standards (also referred to as the California Green Building Standards Code, or CALGreen) in 2010 as part of the State's efforts to reduce GHG emissions and reducing energy consumption from residential and nonresidential buildings. The current 2019 CALGreen code covers the following five categories: (1) planning and design, (2) energy efficiency, (3) water efficiency and conservation, (4) material conservation and resource efficiency, and (5) indoor environmental quality.

[28] California Energy Commission. Renewable Portfolio Standard. Website: https://www.energy.ca.gov/portfolio/ (accessed August 2020).

Local Regulations

Envision San José 2040 General Plan

The Environmental Leadership Measurable Standards (MS) and Community Design (CD) sections of the City's General Plan include the following goals and policies related to energy that are applicable to the proposed Project.

Goal MS-1 **Green Building Policy Leadership:** Demonstrate San José's commitment to local and global Environmental Leadership through progressive use of green building policies, practices, and technologies to achieve 100 million square feet of new or retrofitted green buildings by 2040.

Policy MS-1.6 Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.

Goal MS-2 Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.

Policy MS-2.1 Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources.

Policy MS-2.2 Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.

Policy MS-2.3 Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS-2.4 Promote energy efficient construction industry practices.

Policy MS-2.5 Encourage responsible forest management in wood material selections and encourage the use of rapidly renewable materials.

Policy MS-10.7 Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

Policy CD-5.6 Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.

Municipal Code

Section 24 of the San José Municipal Code adopts Title 24 of the CCR under the California Building Standards Code. The California Energy Commission sets standards for energy efficiency and green building standards as part of Title 24 in order to reduce California's energy consumption. Sections 24.10.100 and 24.12.100 of the San José Municipal Code adopt these technical provisions of the California Green Building Standard Code and the California Building Energy Efficiency Standards, respectively.

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

The City encourages new development to "build green" by incorporating green building practices that are targeted at energy efficiency, water conservation, and improved air and water quality. In accordance with the City's Private Sector Green Building Policy, new projects must achieve minimum green building performance levels using City Council adopted reference standards as specified below in Table 4.6-A.

Table 4.6-A: Private Sector Green Building Policy

Applicable Project	Minimum Green Building Rating
Commercial/Industrial Tier 1	< 25,000 square feet = LEED Applicable NC Checklist
Commercial/Industrial Tier 2	≥ 25,000 square feet = LEED Silver
Residential < 10 units Tier 1	GreenPoint or LEED Checklist
Residential ≥ 10 units Tier 2	GreenPoint Rated 50 points or LEED Certified
High Rise Residential (75 feet or higher)	LEED Certified

Source: City of San José. Private Sector Green Building Policy. Website: http://www.sanjoseca.gov/index.aspx?NID=3284 (accessed August 2020).
LEED = Leadership in Energy and Environmental Design

4.6.1.2 Existing Conditions

Electricity. Electricity is a man-made resource. The production of electricity requires the consumption or conversion of energy resources (including water, wind, oil, gas, coal, solar, geothermal, or nuclear resources) into energy. Electricity is used for a variety of purposes (e.g., lighting, heating, cooling, and refrigeration, and for operating appliances, computers, electronics, machinery, and public transportation systems).[29]

According to the most recent data available, in 2017, California's electricity was generated primarily by natural gas (33.67 percent), coal (4.13 percent), large hydroelectric (14.72 percent), nuclear (9.08 percent), and renewable sources (29 percent). Total electric generation in California in 2017 was 292,039 gigawatt-hours (GWh), up 0.5 percent from the 2016 total generation of 290,567 GWh. In

[29] United States Energy Information Administration. 2019a. Electricity Explained. Website: eia.gov/energyexplained/electricity (accessed August 2020).

2017, California produced approximately 70.7 percent and imported 29.3 percent of the electricity it used.[30]

The City receives its electricity from PG&E. According to the California Energy Commission (CEC), total electricity consumption in the PG&E service area in 2018 was 80,368.7 gigawatt hours (GWh) (27,700.2 GWh for the residential sector and 52,668.4 GWh for the nonresidential sector).[31] Total electricity consumption in Santa Clara County in 2018 was 16,708 GWh or 16,708,080,341 kWh.[32]

Natural Gas. Natural gas is a non-renewable fossil fuel. Fossil fuels are formed when layers of decomposing plant and animal matter are exposed to intense heat and pressure under the surface of the Earth over many years. Natural gas is a combustible mixture of hydrocarbon compounds (primarily methane) that is found in naturally occurring reservoirs in deep underground rock formations. Natural gas is used as a fuel source for a variety of uses (e.g., heating buildings, generating electricity, and powering appliances such as stoves, washing machines and dryers, gas fireplaces, and gas grills).[33]

Natural gas consumed in California is used for electricity generation (35 percent), residential uses (17 percent), industrial uses (33 percent), commercial uses (12 percent), and transportation uses (3 percent). California continues to depend on out-of-state imports for nearly 90 percent of its natural gas supply.[34]

PG&E is the natural gas service provider for the City. According to the CEC, total natural gas consumption in the PG&E service area in 2018 was 4,794.4 million therms (1,832.8 million therms for the residential sector and 2,961.6 million therms for the nonresidential sector).[35] Total natural gas consumption in Santa Clara County in 2018 was 440 million therms or approximately 440,030,822 therms.[36]

Gasoline. California crude oil production levels have been declining over the last 30 years; however, the State still accounts for 5 percent of the United States' crude oil production and petroleum refining capacity.[37] In 2017, approximately 143 billion gallons of gasoline were consumed in the

30 California Energy Commission. 2019a. *Notice of Request for Public Comments on the Draft Scoping Order for the 2019 Integrated Energy Policy Report*. Docket No. 19-IEPR-01.

31 California Energy Commission. 2019b. Electricity Consumption by Entity. Website: ecdms.energy.ca.gov/elecbyutil.aspx (accessed August 2020).

32 California Energy Commission. 2019c. Electricity Consumption by County. Website: ecdms.energy.ca.gov/elecbycounty.aspx (accessed August 2020).

33 U.S. Energy Information Administration. 2019b. Natural Gas Explained-Use of Natural Gas. Website: eia.gov/energyexplained/index.php?page=natural_gas_use (accessed August 2020).

34 California Energy Commission. 2019d. Supply and Demand of Natural Gas in California. Website: energy.ca.gov/almanac/naturalgas_data/overview.html (accessed August 2020).

35 California Energy Commission. 2019e. Gas Consumption by Entity. Website: ecdms.energy.ca.gov/gasbyutil.aspx (accessed August 2020).

36 California Energy Commission. 2019f. Gas Consumption by County. Website: ecdms.energy.ca.gov/gasbycounty.aspx (accessed August 2020).

37 U.S. Energy Information Administration. "California State Profile and Energy Estimates Profile Analysis." Website: https://www.eia.gov/state/analysis.php?sid=CA#40 (accessed August 2020).

United States[38] (setting an annual gasoline consumption record) and 15.5 billion gallons were consumed in California.[39] The United States has seen lower gasoline prices and a high demand in the last few years, though forecasted growth in demand is expected to slow as retail prices begin to increase.[40]

The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 miles per gallon (mpg) in 1980 to 22.0 mpg in 2015.[41] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. The Act, which originally mandated a national fuel economy standard of 35 mpg by the year 2020, applies to cars and light trucks of Model Years 2011 through 2020.[42] In 2012, the federal government raised the fuel economy standard to 54.5 mpg for cars and light-duty trucks by Model Year 2025.[43]

4.6.2 Checklist and Discussion of Impacts

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

4.6.3 Impact Analysis

a. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?

Less Than Significant Impact. As further detailed below, impacts associated with consumption of energy resources would be less than significant.

38 U.S. Energy Information Administration. "Frequently Asked Questions." Website: https://www.eia.gov/tools/faqs/faq.cfm?id=23&t=10 (accessed August 2020).

39 California State Board of Equalization. "Net Taxable Gasoline Gallons." Website: https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf (accessed August 2020).

40 U.S. Energy Information Administration. "Short-Term Energy Outlook, U.S. Liquid Fuels." Website: https://www.eia.gov/outlooks/steo/report/us_oil.php (accessed August 2020).

41 U.S. Department of Transportation. "Table 4-23: Average Fuel Efficiency of U.S. Light Duty Vehicles." Website: https://www.bts.gov/archive/publications/national_transportation_statistics/table_04_23/ (accessed August 2020).

42 U.S. Department of Energy. "Energy Independence & Security Act of 2007." Website: https://www.afdc.energy.gov/laws/eisa (accessed August 2020).

43 The White House. Office of the Press Secretary. "Obama Administration Finalizes Historic 54.5 MPG Fuel Efficiency Standards. Website: https://obamawhitehouse.archives.gov/the-press-office/2012/08/28/obama-administration-finalizes-historic-545-mpg-fuel-efficiency-standard (accessed August 2020).

Construction. The anticipated construction schedule assumes that the proposed Project would be built over 16 months. Construction would require energy for the manufacture and transportation of building materials, preparation of the site for grading activities, and building construction. Petroleum fuels (e.g., diesel and gasoline) would be the primary sources of energy for these activities. In order to increase energy efficiency on the site during Project construction, equipment idling times would be restricted to 5 minutes or less and construction workers would be required to shut off idle equipment (refer to the Standard Permit Conditions in Section 4.3, Air Quality). Energy usage on the Project site during construction would be temporary in nature and would be relatively small in comparison to the State's available energy sources. Therefore, construction energy impacts would be less than significant.

Operation. Energy use consumed by the proposed Project would be associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with the Project. Energy and natural gas consumption was estimated for the Project using default energy intensities by building type in CalEEMod. In addition, the proposed buildings would be constructed to 2019 CALGreen standards, which was included in CalEEMod inputs. The proposed Project would also include roof-mounted PV panels and carport-mounted PV panels, which would produce an estimated 830,657 kWh of energy, which was included in CalEEMod. Electricity and natural gas usage estimates associated with the proposed Project are shown in Table 4.6-B.

In addition, the proposed Project would result in energy usage associated with gasoline to fuel Project-related trips. Based on the CalEEMod analysis, the proposed Project would result in approximately 506,133 VMT per year. The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 14.9 mpg in 1980 to 22.0 mpg in 2015. Therefore, using the USEPA fuel economy estimates for 2015, the proposed Project would result in the consumption of approximately 23,006 gallons of gasoline per year. Table 4.6-B, below, shows the estimated potential increased electricity and natural gas demand associated with the proposed Project.

Table 4.6-B: Estimated Annual Energy Use of Proposed Project

Electricity Use (kWh)	Natural Gas Use (therms)	Gasoline (gallons)
228,459	11,027	23,006

Source: LSA (August 2020).
kWh = kilowatt-hours

As shown in Table 4.6-B, the estimated potential increased electricity demand associated with the proposed Project is 228,459 kWh per year. As identified above, in 2018, Santa Clara County consumed 16,708,080,341 kWh.[44]Therefore, electricity demand associated with the proposed Project would be less than 0.01 percent of Santa Clara County's total electricity demand.

In addition, as shown in Table 4.6-B, the estimated potential increased natural gas demand associated with the proposed Project is 11,027 therms per year. In 2018, Santa Clara County

[44] California Energy Commission. 2019c. op. cit.

consumed approximately 440,030,822 therms.[45] Therefore, natural gas demand associated with the proposed Project would be less than 0.01 percent of Santa Clara County's total natural gas demand.

In addition, the proposed Project would result in energy usage associated with gasoline to fuel Project-related trips. As shown above in Table 4.6B, vehicle trips associated with the proposed Project would consume approximately 23,006 gallons of gasoline per year. In 2015, vehicles in California consumed approximately 15.1 billion gallons of gasoline.[46] Therefore, gasoline demand generated by vehicle trips associated with the proposed Project would be a minimal fraction of gasoline and diesel fuel consumption in California.

In addition, the proposed Project would be constructed to CALGreen standards, which would help to reduce energy and natural gas consumption. The proposed Project would also include roof-mounted and carport-mounted PV panels, which would produce an estimated 830,657 kWh of energy. The new EOC Building 2 and two-story Fire Training and OEM Administrative and Classroom Building 1 would achieve Leadership in Energy and Environmental Design (LEED) certified at the Silver Level and use Climate Smart San José (CSSJ) strategies. The design of these buildings would maximize sustainable approaches, such as the implementation of Zero Net Carbon (ZNC), the use of solar energy and/or the use of battery storage to meet peak demands. All Project elements would be designed to meet City of San José program requirements. Interior lighting would be LED and would illuminate each space at a brightness consistent with recommendations from the IES. Fixtures would be selected to be compatible with ceiling types and room function. In addition, a complete lighting control system would be provided to meet Title 24 requirements, including on/off, dimming, occupancy sensing, daylighting, time clock, and demand response controls.

Given the above, the proposed Project would not result in the wasteful, inefficient, or unnecessary consumption of fuel or energy and would incorporate renewable energy or energy efficiency measures into building design, equipment use, and transportation. Therefore, construction and operation period impacts related to consumption of energy resources would be less than significant.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less Than Significant Impact. As previously stated, the Project would be required to comply with the CALGreen Code, which includes provisions related to insulation and design aimed at minimizing energy consumption. The proposed Project would also be required to comply with the City's Private Sector Green Building Policy.

In addition, in 2002, the Legislature passed Senate Bill 1389, which required the CEC to develop an integrated energy policy report for electricity, natural gas, and transportation fuels every two years. The plan calls for the State to assist in the transformation of the transportation system to improve air quality, reduce congestion, and increase the efficient use of fuel supplies with the lowest cost to the environment and energy sources. To further this policy, the plan identifies a number of strategies, including assistance to public agencies and fleet operators in implementing incentive

45 California Energy Commission. 2019f. op. cit.

46 California Energy Commission. 2017. California Gasoline Data, Facts, and Statistics. Available online at: https://www.energy.ca.gov/data-reports/energy-almanac/transportation-energy/california-gasoline-data-facts-and-statistics (accessed August 2020).

programs for zero emission vehicles and associated infrastructure needs, and encouraging urban designs that reduce VMT and accommodate pedestrian and bicycle access.

The most recent energy report adopted by the CEC is the 2019 Integrated Energy Policy Report. The 2019 Integrated Energy Policy Report provides the results of the CEC's assessments of a variety of energy issues facing California. Many of these issues will require action if the State is to meet its climate, energy, air quality, and other environmental goals while maintaining energy reliability and controlling costs. The 2019 Integrated Energy Policy Report covers a broad range of topics, including implementation of Senate Bill 350, integrated resource planning, distributed energy resources, transportation electrification, solutions to increase resiliency in the electricity sector, energy efficiency, transportation electrification, barriers faced by disadvantaged communities, demand response, transmission and landscape-scale planning, the California Energy Demand Preliminary Forecast, the preliminary transportation energy demand forecast, renewable gas (in response to Senate Bill 1383), updates on Southern California electricity reliability, natural gas outlook, and climate adaptation and resiliency.

As indicated above, energy usage on the Project site during construction would be temporary in nature. In addition, energy usage associated with operation of the proposed Project would be relatively small in comparison to the State's available energy sources and energy impacts would be negligible at the regional level. Because California's energy conservation planning actions are conducted at a regional level, and because the Project's total impact to regional energy supplies would be minor, the proposed Project would not conflict with California's energy conservation plans as described in the CEC's 2019 Integrated Energy Policy Report.

In addition, as discussed above, the proposed Project would be constructed to CALGreen standards, which would help to reduce energy and natural gas consumption. The proposed Project would also include roof-mounted and carport-mounted PV panels, which would produce an estimated 830,657 kWh of energy. The new EOC Building 2 and two-story Fire Training and OEM Administrative and Classroom Building 1 would achieve LEED certification at the Silver Level and use CSSJ strategies. The design of these buildings would maximize sustainable approaches, such as the implementation of ZNC, the use of solar energy and/or the use of battery storage to meet peak demands. All Project elements would be designed to meet San José program requirements. Interior lighting would be LED and would illuminate each space at a brightness consistent with recommendations from the IES. Fixtures would be selected to be compatible with ceiling types and room function. In addition, a complete lighting control system would be provided to meet Title 24 requirements, including on/off, dimming, occupancy sensing, daylighting, time clock, and demand response controls.

Thus, as shown above, the proposed Project would avoid or reduce the inefficient, wasteful, and unnecessary consumption of energy and not result in any irreversible or irretrievable commitments of energy. Therefore, the proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency and this impact would be less than significant.

4.6.4 Conclusion

Less Than Significant Impact. Implementation of the proposed Project would not result in a substantial increase in demand upon energy resources in relation to Project supplies. This impact would be less than significant and no mitigation would be required.

4.7 GEOLOGY AND SOILS

The discussion and analysis provided in this section is based on the *Geotechnical Investigation, City of San José, 9084 – Fire Department Training Center – Relocation, San José, California* (Geotechnical Investigation) prepared by Haley & Aldrich, Inc. (May 2020) (analysis provided in Appendix C of this IS/MND).

4.7.1 Environmental Setting

4.7.1.1 Regulatory Framework

Federal and State Regulations

Alquist-Priolo Earthquake Fault Zoning Act

Following the 1971 San Fernando earthquake, the State legislature passed the Alquist-Priolo Earthquake Fault Zoning (AP) Act, which regulates developments near known active faults due to hazards associated with surface ruptures. As per the AP Act, development areas in or near the Alquist-Priolo Earthquake Fault Zone require evaluation for potential surface ruptures in order to ensure public safety.

Seismic Hazards Mapping Act

The State legislature passed the Seismic Hazards Mapping Act (SHMA) to ensure public safety in regards to the effects of strong ground shaking, liquefaction, landslides, and other seismic hazards. Per the SHMA, the California Geological Survey (CGS) has established a Statewide mapping program for cities and counties to aid in identifying areas subject to these seismic hazards, which includes the central San Francisco Bay Area.

California Building Code

The State of California provides a minimum standard for building design and construction standards through Title 24 of the California Code of Regulations (CCR), known as the California Building Code (). The CBC is updated every three years, and the current 2019 CBC went into effect in January 2020. Generally, the CBC is adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. The CBC defines the requirements for seismic safety, excavation, and construction activities relating to foundations, retaining walls, and site demolition. It also regulates grading activities such as drainage and erosion control.

California Public Resources Code Section 5097.5

Section 5097.5 of the California Public Resources Code prohibits the excavation, removal, destruction, or tampering with any paleontological resources situated on public lands, except with the express permission of a public agency with jurisdiction over the lands.

Local Regulations

Envision San José 2040 General Plan

The Environmental Resources (ER) and Environmental Considerations/Hazards (EC) sections of the City of San José General Plan include the following goals and policies related to geology and soils and paleontological resources that are applicable to the proposed Project:

Goal ER-10 **Archaeology and Paleontology:** Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.

Policy ER-10.1 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.

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.

Goal EC-3 **Seismic Hazards:** Minimize the risk of injury, loss of life, property damage, and community disruption from seismic shaking, fault rupture, ground failure (liquefaction and lateral spreading), earthquake-induced landslides, and other earthquake-induced ground deformation.

Policy EC-3.1 Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

Goal EC-4 **Geologic and Soil Hazards:** Minimize the risk of injury, loss of life, and property damage from soil and slope instability, including landslides, differential settlement, and accelerated erosion.

Policy EC-4.1 Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and Municipal Code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Policy EC-4.2 Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-

prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Policy EC-4.4 Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5 Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

Policy EC-4.7 Consistent with the San José Geologic Hazard Ordinance, prepare geotechnical and geological investigation reports for projects in areas of known concern to address the implications of irrigated landscaping to slope stability and to determine if hazards can be adequately mitigated.

Action EC-4.11 Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

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

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.

City of San José Municipal Code

Title 24 of the City's Municipal Code includes the 2019 California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Both Chapter 17.40, Dangerous Buildings, and Chapter 17.10, Geologic Hazards Regulations, mandate the requirements for building safety and

reducing earthquake-related hazards. Chapter 17.10, Building Code: Part 6 Excavation and Grading, states the requirements for managing erosion, grading, and excavation.

As per the Municipal Code, a Certificate of Geologic Hazard Clearance must be issued by the Director of Public Works before issuing grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

4.7.1.2 Existing Conditions

Regional Geology

The City is located within the Santa Clara Valley, a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. The valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains.

On-Site Geological Conditions

Topography and Soils. Topography on the existing Project site is relatively flat. According to the Geotechnical Investigation, the Project site is blanketed with fill, which is underlain by interbedded layers of soft to medium stiff clays, and silts with varying amounts of loose to dense sands and gravels. Surficial fill soils were encountered within test borings to depths of approximately 3 to 8 feet below existing grades. These soils are of low to medium plasticity and are composed of fill from existing previous site developments. Gravel and sand with varying amounts of clay and silt were encountered to depths of about 18 to 20 feet. Below the sand and gravel layer, soft to medium stiff clay, and clayey silt were encountered. The thickness of these layers ranges from about 6 to 10 feet. A consistent layer of clayey silt was found between all borings starting from 27 to 29 feet below ground surface (bgs), and extending 2.5 to 7.5 feet in thickness. A layer of poorly graded, medium dense gravel and sand with varying amounts of silt was found between 31 to 35.5 feet bgs. The highly variable, interbedded layers extended to depths of about 40 to 44 feet bgs. Below this depth, high plasticity clay and silt clay of medium stiffness were mostly encountered.

Liquefaction. Liquefaction is a seismic phenomenon in which loose, saturated, granular soils behave similarly to a fluid when subject to high-intensity ground shaking. Liquefaction commonly occurs when three conditions are present simultaneously: (1) shallow groundwater; (2) relatively loose, cohesionless (granular) soil; and (3) earthquake-generated seismic waves. The presence of these conditions may cause a loss of shear strength and, in many cases, ground settlement. The factors known to influence liquefaction potential include soil type, relative density, grain size, confining pressure, depth to groundwater, and the intensity and duration of the seismic ground shaking.

The Project site is located in a designated Liquefaction Hazard Zone.[47] According to the Geotechnical Investigation, the potential for on-site liquefaction to occur within the upper 50 feet of the site and to adversely impact the planned structures is high, with the potential for 1.5 to 5 inches of total liquefaction induced settlement.

[47] California Department of Conservation (DOC). 2019. California Earthquake Hazards Zone Application. Website: maps.conservation.ca.gov/cgs/EQZApp/app/ (accessed August 12, 2020).

Seismicity and Seismic-Related Hazards. As noted in the Geotechnical Investigation (Appendix C), the Project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. In addition, the existing Project site does not contain any known active or potentially active faults or fault traces. The closest mapped active faults to the Project site are the Monte Vista, Hayward, Calaveras, and San Andreas Faults, which are located approximately 7 miles, 9 miles, 9 miles, and 11 miles from the site, respectively.

Lateral Spreading. Lateral spreading refers to ground displacement that occurs on gentle sloping ground as a result of liquefaction during an earthquake. According to the Geotechnical Investigation, the potential for lateral spreading on the Project site is considered to be low.

Landslides. The Project site is relatively flat, and there are no substantial hillsides or unstable slopes immediately adjacent to the site boundary. The Project site does not lie within a designated Landslide Hazard Zone.[48]

Subsidence. Subsidence is the sinking of the land surface due to oil, gas, and water production, which results in the loss of pore pressure as the weight of the overburden compacts the underlying sediments. Subsidence began to occur in the City in the 1910s due to activities related to groundwater withdrawal. Subsidence has stopped or greatly slowed in the region because of improved groundwater management. Regional subsidence is not expected to be a problem in the City unless groundwater pumping increases above the rate of recharge.[49]

Settlement. Seismically induced compaction or densification of non-saturated granular soil (such as sand about the groundwater table) due to earthquake vibrations can result in settlement of the ground surface. According to the Geotechnical Investigation, soils above the groundwater table primarily consist of interbedded layers of clays and silts with varying amounts of sand and gravel. Therefore, the risk of seismic densification is unlikely.

Expansive Soils. Expansive soils contain types of clay materials that occupy considerably more volume when they are wet or hydrated than when they are dry or dehydrated. Volume changes associated with changes in the moisture content of near-surface expansive soils can cause uplift or heave of the ground when they become wet or, less commonly, cause settlement when they dry out. According to the Geotechnical Investigation, the surficial layer of clay soil in the proposed building areas has a low to moderate expansion potential and is composed of fill.

Paleontological Resources. Paleontological resources are fossils, or the remains or traces of prehistoric life preserved in the geological record. Paleontological resources include the casts or impressions of ancient animals and plants, their trace remains, microfossils, and unmineralized remains.

According to the Envision San José 2040 General Plan Final Environmental Impact Report (2011), the Project site is not located in an area that has a high sensitivity for paleontological resources. Moreover, due to the developed nature of the site and surrounding area, it is likely that any

[48] California Department of Conservation. 2019. op. cit.

[49] City of San José. Envision San José 2040 General Plan Final Environmental Impact Report. 2011.

unknown paleontological resources would have been unearthed at the time of previous activities on the Project site.

4.7.2 Checklist and Discussion of Impacts

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

4.7.3 Impact Analysis

a. Would the project, directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact. As previously stated, there are no known faults on the Project site nor is the Project site located within a currently designated Alquist-Priolo Earthquake Fault Zone. As the Project site is not located in an Alquist-Priolo Earthquake Fault Zone and there is no evidence of active faulting on or around the immediate Project site, the potential for ground rupture to affect the Project is considered to be less than significant.

a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

ii. Strong seismic ground shaking?

Less Than Significant Impact. As with all of Northern California, the Project site is subject to strong ground motion resulting from earthquakes on nearby faults. As discussed above, the Monte Vista, Hayward, Calaveras, and San Andreas Faults are located between approximately 7 and 11 miles from the site. These faults are capable of producing strong ground motion. During an earthquake along these faults or others, seismically induced ground shaking would be expected to occur. The severity of the shaking would be influenced by the distance of the site to the seismic source, the soil conditions, and the depth to groundwater.

Ground shaking generated by fault movement is considered a potentially significant impact that may affect the proposed Project. The following Standard Permit Condition requires Project implementation to comply with the recommendations of the Geotechnical Investigation prepared for the Project, the most current CBC, and the City of San José Building Code, which stipulates appropriate seismic design provisions that shall be implemented with project design and construction. With the implementation of the Standard Permit Condition, potential project impacts related to seismic ground shaking would be reduced to a less-than-significant level.

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.

a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

iii. Seismic-related ground failure, including liquefaction?

Less Than Significant Impact with Mitigation Incorporated. The seismically induced liquefaction and settlement potential of the on-site subsurface soils was evaluated as part of the Geotechnical Investigation prepared for the proposed Project. The liquefaction and settlement potential of the site was evaluated with consideration to historic and current groundwater levels, soil types, gradation, relative density, intensity of ground shaking, and duration of shaking. According to the Geotechnical Investigation, the Project site is located in a designated Liquefaction Hazard Zone and the potential for on-site liquefaction to occur within the upper 50 feet of the site is high. Potentially liquefiable soil layers may result in about 1.5 to 5 inches of total liquefaction-induced settlement in the upper 50 feet without mitigation measures such as ground improvement. Mitigation Measure GEO-1 has been included to address the potential for liquefaction on site. Therefore, potential

Project impacts related to seismic-related ground failure, including liquefaction and settlement, would be reduced to a less-than-significant level following implementation of Mitigation Measure GEO-1.

Impact GEO-1: The Project site is in a designated Liquefaction Hazard Zone and the potential for on-site liquefaction to occur is high. As such, the Project may be subject to impacts related to seismically induced liquefaction.

Mitigation Measure GEO-1:

MM GEO-1 **Geohazard Clearance-Liquefaction.** Prior to the issuance of any building permits, the Project Proponent shall submit a request for geohazard clearance, with a copy of the geotechnical report prepared for the site (Appendix C of the Initial Study/Mitigated Negative Declaration), to the City Engineering Geologist. The Project shall conform to the recommendations of the project-specific geotechnical report, including soil improvements and foundation and design considerations for the proposed foundations, unless otherwise determined by the City Engineering Geologist.

a. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

iv. Landslides?

No Impact. As previously noted, the Project site does not lie within a designated Landslide Hazard Zone. As such, there is no potential for landslide hazards nor is the site in the path of any known or potential landslides. No impacts with respect to landslides would occur.

b. Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. During Project construction activities, bare soil would be exposed, and there would be an increased potential for soil erosion compared to existing conditions. Additionally, during a storm event, soil erosion could occur at an accelerated rate. The increased erosion potential could result in short-term water quality impacts as identified in Section 4.10, Hydrology and Water Quality. During construction, the City would be required to adhere to the requirements of the Construction General Permit and implement Erosion Control and Sediment Control Best Management Practices (BMPs), which are intended to minimize erosion and retain sediment on site. An Erosion Control Plan would also be required to be prepared for the Project to further minimize erosion and the loss of topsoil. The proposed Project would permanently increase impervious surface area on the Project site by 1.1 acre compared to existing conditions and would potentially increase runoff peak flow during a storm event. In the proposed condition, erosion and siltation would be minimized in the pervious areas, including the landscaped areas and areas of pervious paving, where soil would be stabilized by vegetation and stormwater would continue to percolate. Therefore, operation of the proposed Project would not increase on-site erosion or loss of topsoil. For these reasons, with implementation of the following Standard Permit Conditions, impacts related to erosion and loss of topsoil would be less than significant.

Geology and Soils Standard Permit Conditions:

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

c. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less Than Significant Impact. Landslides and other forms of mass wasting, including mud flows, debris flows, and soil slips, occur as soil moves downslope under the influence of gravity. Landslides are frequently triggered by intense rainfall or seismic shaking. As previously discussed in Response 4.7.3(a)(iv), landslides or other forms of natural slope instability do not represent a significant hazard to the Project because the site is located in a relatively flat area, and there is no evidence of landslides in the Project vicinity. Therefore, potential impacts related to landslides would be less than significant.

Lateral spreading refers to displacement that occurs on gentle sloping ground as a result of liquefaction during an earthquake. According to the Geotechnical Investigation, the potential for lateral spreading on the Project site is considered to be low. However, as discussed in Response 4.7.3(a)(iii), the Project site is in an area that has potentially liquefiable soils, and would be subject to impacts related to liquefaction and settlement of the on-site soils as a result of seismic shaking. However, the Project would be required to comply with the recommendations of the Project Geotechnical Investigation, which stipulates appropriate seismic design provisions that shall be implemented with project design and construction. With implementation of the standard permit conditions and Mitigation Measure GEO-1, potential lateral spreading impacts would be reduced to a less than significant level.

As previously stated, there has been no significant land surface subsidence in the City since the City began its efforts to cease groundwater withdrawal in the late 1960s. Therefore, construction and implementation of the proposed Project would not result in subsidence-related impacts.

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

Less Than Significant Impact. As previously stated, existing surface soils on the Project site have a low to moderate expansion potential. As such, the Project would be required to comply with

recommendations in the Geotechnical Investigation aimed at reducing impacts related to expansive soils, including requiring moisture conditioning of the clayey soils, use of a "non-expansive" fill section under concrete slabs on-grade, and use of either a mat foundation or shallow footing foundation systems over ground improvement elements. Therefore, compliance with the Standard Permit Conditions would reduce potential Project impacts related to expansive soils to a less than significant level.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The proposed Project does not include construction of septic tanks or connections to septic systems or alternative wastewater disposal systems. Therefore, the proposed Project would not result in impacts related to the soil's capability to adequately support the use of septic tanks or alternative wastewater disposal systems.

f. Would the project, directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. There are no unique geologic features on the Project site. As detailed in the Geotechnical Investigation for the Project (Appendix C), the Project site is underlain by undocumented fill composed of fill from existing and previous site developments at depths from 3 to 8 feet bgs. These fills generally consist of medium dense clayey sand and soft lean clay. Artificial fill consists of sediments that have been removed from one location and transported to another location and, therefore, have no paleontological sensitivity.

Native soils on the site were determined to consist of medium plasticity sandy clay with occasional layers of sand and medium dense to dense sand and gravels with varying amounts of silt and clay. According to the City's Envision San José 2040 General Plan EIR, native soils under the Project site have a high sensitivity for paleontological resources at depth.[50] Due to the shallow depths of artificial fill on the site and the unknown origin of native soils on the site, it is possible that excavation and construction activities may unearth buried scientifically important resources. In the unlikely event that fossil remains are encountered on the site, the Standard Permit Conditions below requires that a paleontologist be contacted to assess the discovery for scientific significance and to make recommendations regarding the necessity to develop paleontological mitigation (including paleontological monitoring, collection, stabilization, and identification of observed resources; curation of resources into a museum repository; and preparation of a monitoring report of findings). With implementation of the Standard Permit Conditions below, impacts to paleontological resources would be reduced to a less-than-significant level.

At the completion of Project construction, the proposed Project would not result in further disturbance of native soils on the Project site. Therefore, operation of the proposed Project would not result in a substantial adverse change in the significance of a paleontological resource as defined in Section 15064.5 of the *State CEQA Guidelines*, and no mitigation would be required.

[50] Paleontological Sensitivity of City of San José Geologic Units, Figure 3.11-1, Envision San José 2040 General Plan EIR. 2011.

Standard Permit Conditions:

- Consistent with General Plan Policy ER-10.3, the following Standard Permit Conditions shall be implemented by the Project to reduce or avoid impacts to paleontological resources to a less than significant level:

    - If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, the Director of Planning, Building and Code Enforcement (PBCE) and the Director of Public Works, or Directors' desginee 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 PBCE and the Director of Public Works or Directors' designee.

4.7.4 Conclusion

Less Than Significant with Mitigation Incorporated. Implementation of the proposed Project would result in less than significant impacts with respect to geology and soils with the implementation of Standard Permit Conditions and Mitigation Measure GEO-1.

4.8 GREENHOUSE GAS EMISSIONS

The discussion and analysis provided in this section is based primarily on California Emissions Estimator Model (CalEEMod) data (provided in Appendix A of this IS/MND).

4.8.1 Environmental Setting

4.8.1.1 Regulatory Framework

Federal and State Regulations

Clean Air Act

The United States Environmental Protection Agency (USEPA) is responsible for implementing the Federal Clean Air Act (FCAA), which was enacted in 1963. The FCAA was amended in 1970, 1977, and 1990. Under the FCAA, the EPA has the authority to regulate GHG emissions and prescribe actions to potentially reduce those emissions.

California Global Warming Solutions Act

The California Global Warming Solutions Act (also referred to as Assembly Bill [AB] 32) established a Statewide GHG emissions cap for 2020, adopted reporting rules for significant sources of GHG, and adopted the Climate Change Scoping Plan, which itself identifies how GHG emissions reductions will be achieved.

In 2016, Senate Bill (SB) 32 was enacted, which amended the California Global Warming Solutions Act. SB 32 required the California Air Resources Board to ensure that GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB subsequently updated its Climate Change Scoping Plan in 2017 to express the 2030 Statewide target in terms of million metric tons of carbon dioxide equivalent (MMT of CO_2e). Based on the emissions reductions directed by SB 32, the annual 2030 Statewide target emissions level for California is 260 MMT of CO_2e.

Senate Bill 375-Redesigning Communities to Reduce Greenhouse Gases

Senate Bill 375, also known as the Sustainable Communities Strategy and Climate Protection Act, was enacted in September 2008. SB 375 builds on the foundation of AB 32 by requiring CARB to develop regional GHG emissions reduction targets for passenger vehicle and light-truck sectors for 2020 and 2035 as compared to 2005 levels. The per-capita GHG emissions reduction target for passenger vehicles in the San Francisco Bay area includes a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) worked with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare a regional Sustainable Communities Strategy, which is known as Plan Bay Area. This plan outlines a pathway to reduce per-capita GHG emissions through the promotion of compact mixed-use development near transit, particularly in established Priority Development Areas. The Project site is located within a Priority Development Area as identified in the Plan Bay Area.

Plan Bay Area 2040 (further discussed below) was adopted in July 2017. Target areas in this plan include reducing GHG emissions, improving access to various modes of transportation, maintaining regional infrastructure, and enhancing resiliency to climate change.

Regional and Local Regulations

Bay Area Air Quality Management District

The BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. Several key activities of the BAAQMD related to GHG emissions are described below.

Bay Area Clean Air Plan

The Clean Air Plan[51] guides the region's air quality planning efforts to attain the CAAQS. The BAAQMD 2017 Clean Air Plan (Clean Air Plan), which was adopted on April 19, 2017 by the BAAQMD Board of Directors, is the current Clean Air Plan, which contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NO_X), particulate matter, and GHG emissions. The Bay Area 2017 Clean Air Plan:

- Describes the BAAQMD's plan towards attaining all State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities;
- Defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050;
- Provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve GHG reduction targets;
- Includes a wide range of control measures designed to decrease emissions of air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "Super-GHGs" that are potent climate pollutants in the near term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion; and
- Consistent with the GHG reduction targets adopted by the State of California, the 2017 CAP lays the groundwork for BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050.

[51] Bay Area Air Quality Management District (BAAQMD). 2017. *Final 2017 Clean Air Plan*. April 19. Website: www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a-proposed- final-cap-vol-1-pdf.pdf?la=en (accessed August 2020).

BAAQMD CEQA Air Quality Guidelines

The 2017 BAAQMD CEQA Air Quality Guidelines were prepared to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. Among other things, the guidelines provide recommended assessment methodologies for air toxics, odors, and GHG emissions. Jurisdictions within the San Francisco Bay Area Air Basin utilize these thresholds, rules, plans, and methodologies when evaluating GHG emissions impacts.

The BAAQMD thresholds were developed specifically for the Bay Area in response to the effects of the AB 32 scoping plan measures aimed at reducing regional GHG emissions. The BAAQMD intends to achieve GHG emissions reductions from new development projects to close the gap between projected regional emissions with AB 32 scoping plan measures and AB 32 targets.

Plan Bay Area 2040

Plan Bay Area 2040 is a State-mandated, integrated long-range transportation and land use plan. As required by SB 375, all metropolitan regions in California must complete a Sustainable Communities Strategy (SCS) as part of a Regional Transportation Plan. In the Bay Area, MTC and ABAG are jointly responsible for developing and adopting an SCS that integrates transportation, land use, and housing to meet GHG reduction targets set by CARB.

Envision San José 2040 General Plan

The following General Plan policies are related to GHG emissions and are applicable to the proposed Project.

Policy MS-10.1 Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to State and federal standards. Identify and implement feasible air emission reduction measures.

Policy MS-10.2 Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-10.4 Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support federal and State regulations to improve automobile emission controls.

Policy MS-10.7 Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

In addition, the General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The GHG Reduction Strategy is

intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD.

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy through 2020. Beyond 2020, the emission reductions in the GHG Reduction Strategy are not large enough to meet the City's identified 3.04 metric tons (MT) of CO_2e per service population efficiency metric for 2035. The City of San José recognizes that additional strategies, policies, and programs, to supplement those currently identified, would ultimately be required to meet the mid-term 2030 reduction target of 40 percent below 1990 levels in the GHG Reduction Strategy and the target of 80 percent below 1990 emission levels by 2050.

City of San José Municipal CodeThe City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- ***Water Efficient Landscape Standards for New and Rehabilitated Landscaping*** **(Chapter 15.10).** The City's Water Efficient Landscape Standards outline key provisions aimed at regulating water waste through the repair and replacement of plumbing and irrigation systems, the adoption of water shortage measures, and the implementation of water to ensure compliance with water regulations for landscaped areas.

- ***Construction and Demolition Diversion Deposit Program*** **(Chapter 9.10).** The City of San José Construction and Demolition Diversion Deposit Program requires applicants for new development projects to apply for a construction and demolition debris clearing document prior to the issuance of a building permit. As outlined in this program, applicants must demonstrate how construction waste will be diverted from landfill disposal through the use of more efficient construction measures, the re-use of materials, the recycling of materials, or the use of other permitted methods.

Climate Smart San José Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community and builds upon the City's legacy of innovation and sustainability leadership. The plan makes San José one of the first major U.S. cities to chart a course in meeting the GHG emission reduction targets of the international Paris Agreement. Climate Smart San José focuses on three pillars and nine key strategies:Pillar 1: A Sustainable and Climate Smart City

  - 1.1: Transition to a renewable energy future
  - 1.2: Embrace our Californian climate

- Pillar 2: A Vibrant City of Connected and Focused Growth
    - 2.1: Densify our City to accommodate our future neighbors
    - 2.2: Make homes efficient and affordable for our families
    - 2.3: Create clean, personalized mobility choices
    - 2.4: Develop integrated, accessible public transport infrastructure
- Pillar 3: An Economically Inclusive City of Opportunity
    - 3.1: Create local jobs in our City to reduce VMT
    - 3.2: Improve our commercial building stock
    - 3.3: Make commercial goods movement clean and efficient

Impact Thresholds

As described previously, BAAQMD adopted GHG emissions thresholds of significance to assist in the review of projects under CEQA. These thresholds were designed to establish the level at which BAAQMD has determined that GHG emissions would cause significant environmental impacts. The GHG emissions thresholds identified by BAAQMD are 1,100 MT of CO_2e per year or 4.6 MT of CO_2e per service population per year. A project that is in compliance with the City's Climate Action Plan (a qualified GHG Reduction Strategy) is considered to have a less than significant GHG impact regardless of its emissions.

The numeric thresholds set by the BAAQMD were calculated to achieve the State's 2020 target for GHG emissions levels (and not the SB 32 specified target of 40 percent below the 1990 GHG emissions level). Construction is estimated to begin January 2021 and would occur for approximately 16 months. The proposed Project, therefore, would not be fully constructed and operational until 2022. Because the Project would begin operations in the post-2020 timeframe, the 2020 efficiency target of 1,100 metric tons of CO_2e per year threshold and 4.6 metric tons of CO_2e per year per service population, which has been the threshold most recently applied to development projects, would not apply.

CARB has completed a Scoping Plan, which will be utilized by the BAAQMD to establish the 2030 GHG efficiency threshold. BAAQMD has yet to publish a quantified GHG efficiency threshold for the 2030 target. Given that the proposed Project would not be constructed and operational prior to December 31, 2020, the City of San José has developed updated GHG thresholds reflecting Statewide goals beyond 2020. GHG emissions resulting from operation of the Project at maximum build out have been compared to a bright-line threshold consistent with State goals detailed in SB 32, Executive Order B-30-15, and Executive Order S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050, respectively. Though the BAAQMD has not published a quantified threshold for 2030 yet, this assessment uses a "Substantial Progress" bright-line threshold of 660 metric tons of CO_2e per year or 2.6 metric tons of CO_2e per capita service population (employees plus residents) per year based on the GHG reduction goals of SB 32 and Executive Order B-30-15. This threshold is based on the BAAQMD thresholds using a Statewide 2020 target (achieve 1990 levels by 2020) regressed to fit the Statewide 2030 target (40 percent below 1990 levels of emissions).

4.8.1.2 Existing Conditions

The City of San José's Greenhouse Gas Reduction Strategy uses 2008 as a baseline year for an estimate of community-wide GHG emissions. The estimated emissions are summarized in Table 4.8-A. As shown in Table 4.8-A below, in 2008, the City emitted 7.61 million metric tons of CO_2e. Consistent with Statewide and regional GHG emissions inventories, transportation activity within San José produces the highest proportion of GHG emissions. Residential emissions for San José are estimated to be slightly higher than the level of commercial and industrial emissions.

Table 4.8-A: 2008 Baseline GHG Emissions Inventory for San José

Sector/Category	Annual Emissions MMT CO_2e	Percent
Transportation	3.52	46.3
Residential	1.47	19.3
Commercial	1.33	17.5
Industrial	1.03	13.5
Waste	0.26	3.4
Total baseline GHG Emissions	**7.61**	**100**

Source: City of San José (December 2015).

4.8.2 Checklist and Discussion of Impacts

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

4.8.2.1 Technical Background

Global climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans in recent decades. The Earth's average near-surface atmospheric temperature rose 0.6 ±0.2° Celsius (°C) or 1.1 ±0.4° Fahrenheit (°F) in the 20th century. The increased amounts of carbon dioxide (CO_2) and other GHGs are the primary causes of the human-

induced component of warming. GHGs are released by the burning of fossil fuels, land clearing, agriculture, and other activities that lead to an increase in the greenhouse effect.[52]

GHGs are present in the atmosphere naturally, are released by natural sources, or are formed from secondary reactions taking place in the atmosphere. The gases that are widely seen as the principal contributors to human-induced global climate change are: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6).

Over the last 200 years, humans have caused substantial quantities of GHGs to be released into the atmosphere. These extra emissions are increasing GHG concentrations in the atmosphere, and enhancing the natural greenhouse effect, which is believed to be causing global warming. While manmade GHGs include naturally-occurring GHGs such as CO_2, CH_4, and N_2O, some gases, like HFCs, PFCs, and SF_6, are completely new to the atmosphere.

Certain gases, such as water vapor, are short-lived in the atmosphere. Others remain in the atmosphere for significant periods of time, contributing to climate change in the long term. Water vapor is excluded from the list of GHGs above because it is short-lived in the atmosphere and its atmospheric concentrations are largely determined by natural processes, such as oceanic evaporation. For the purposes of this air quality analysis, the term "GHGs" will refer collectively to the six gases listed above only.

These gases vary considerably in terms of Global Warming Potential (GWP), which is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to another gas. The GWP is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time that the gas remains in the atmosphere ("atmospheric lifetime"). The GWP of each gas is measured relative to CO_2, the most abundant GHG. GHG emissions are typically measured in terms of pounds or tons of "CO_2 equivalents" (CO_2e).

4.8.3 Impact Analysis

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. Construction and operation of the proposed Project would generate GHG emissions, with the majority of energy consumption (and associated generation of GHG emissions) occurring during the Project's operations. Overall, the following activities associated with the proposed Project could directly or indirectly contribute to the generation of GHG emissions:

[52] The temperature on Earth is regulated by a system commonly known as the "greenhouse effect." Just as the glass in a greenhouse lets heat from sunlight in and reduces the heat escaping, greenhouse gases like carbon dioxide, methane, and nitrous oxide in the atmosphere keep the Earth at a relatively even temperature. Without the greenhouse effect, the Earth would be a frozen globe; thus, although an excess of greenhouse gas results in global warming, the naturally occurring greenhouse effect is necessary to keep the planet at a comfortable temperature.

- **Construction Activities:** GHGs would be emitted through the operation of construction equipment and from worker and supply vendor vehicles, each of which typically uses fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO_2, CH_4, and N_2O.

- **Gas, Electricity and Water Use:** Natural gas use during construction of the Project would result in the emission of two GHGs: CH_4 (the major component of natural gas) and CO_2 (from the combustion of natural gas). Electricity use during construction and operation of the Project could result in GHG production if the electricity is generated by combusting fossil fuel. Additionally, water use would result in an increased energy demand because California's water conveyance system is energy-intensive and uses a significant amount of natural gas and electricity to deliver water to jurisdictions throughout the state.

- **Solid Waste Disposal:** Solid waste (e.g., green waste, trash from receptacles, and construction waste) generated by the Project could contribute to GHG emissions in a variety of ways. Landfilling and other methods of disposal use energy for transporting and managing the waste, and they produce additional GHGs to varying degrees. Landfilling, the most common waste management practice, results in the release of CH_4 from the anaerobic decomposition of organic materials. CH_4 is 25 times more potent a GHG than CO_2. However, landfill methane (CH_4) can also be a source of energy. In addition, many materials in landfills do not decompose fully, and the carbon that remains is sequestered in the landfill and not released into the atmosphere.

- **Motor Vehicle Use:** Transportation associated with the Project would result in GHG emissions from the combustion of fossil fuels in daily automobile trips.

Construction GHG Emissions. GHG emissions associated with the Project would occur over the short term from construction activities, consisting primarily of emissions from equipment and vehicle exhaust. GHG emissions generated by the proposed Project would predominantly consist of CO_2. In comparison to criteria air pollutants such as O_3 and PM_{10}, CO_2 emissions persist in the atmosphere for a substantially longer period of time. While emissions of other GHGs, such as CH_4, are important with respect to Global Climate Change (GCC), emission levels of other GHGs are less dependent on the land use and circulation patterns associated with the proposed Project than are levels of CO_2.

Construction activities associated with the proposed Project would produce combustion emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO_2, CH_4, and N_2O. Furthermore, CH_4 is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

The BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that would occur during construction. Accordingly, construction emissions associated with the proposed Project were estimated using CalEEMod. Based on the results of CalEEMod, construction of the proposed Project would generate approximately 478.6 metric tons of CO_2e. Because construction

would be temporary (approximately 16 months) and would not result in a permanent increase in emissions, the Project would not interfere with implementation of AB 32 or SB 32.

Operational Emissions. Long-term operation of the proposed Project would generate GHG emissions from area and mobile sources as well as indirect emissions from sources associated with energy consumption. Mobile-source GHG emissions would include Project-generated vehicle trips associated with trips to the proposed Project. Area-source emissions would be associated with activities such as landscaping and maintenance on the Project site, and other sources. Stationary-source GHG emissions would be associated with the emergency generator.

As discussed above, the City's General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the *State CEQA Guidelines* and standards for "qualified plans" as set forth by BAAQMD. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

In order to conform to the GHG Reduction Strategy, projects must be consistent with the Land Use/Transportation Diagram and incorporate features into the Project design that meet the mandatory implementation policies. Below is a listing of the mandatory criteria utilized to evaluate project conformance by the City of San José:

Mandatory Criteria

1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies: IP-1, LU 10)

2. Implementation of Green Building Measures (General Plan Goals: MS-1, MS-2, MS-14)

    a. Solar Site Orientation
    b. Site Design
    c. Architectural Design
    d. Construction Techniques
    e. Consistency with the City Green Building Ordinance and Policies
    f. Consistency with GHG Reduction Strategy Policies: MS-1.1, MS0-1.2, MC-2.3, MS-2.11, and MS-14.4.

3. Pedestrian/Bicycle Site Design Measures

    a. Consistency with Zoning Ordinance
    b. Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-3.4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.4, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, and TR-6.7.

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable;

5. Complete an evaluation of operational energy efficiency and design measures for energy-intensive industries (e.g., data centers) (General Plan Policy MS-2.8), if applicable;

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

The proposed Project is consistent with mandatory criteria 1, 2, and 3. Specifically, the proposed Project would develop a fire training facility, consistent with the Project site's existing land use designation by the General Plan Land Use/Transportation Diagram. The Project would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and CALGreen. Bicycle parking would be provided consistent with San José requirements. Given the inclusion of green building measures and bicycle parking, the Project would be consistent with the Mandatory Criteria 1 through 3 described above. Criteria 4, 5, 6 and 7 are not applicable to the proposed Project because the site does not contain historic structures, the Project is not an energy-intensive use, and the Project does not propose vehicle-serving uses. In addition, the Project is not considered a large employer and does not propose or warrant the implementation of a TDM Program.

However, as described previously, the Project would not be fully constructed and occupied until 2022. Because the Project would begin operations in the post-2020 timeframe, the Project would not be covered under the City's Greenhouse Gas Reduction Strategy. Though the BAAQMD has not published a quantified threshold for 2030 yet, this assessment evaluates the project against a bright-line threshold of 660 metric tons of CO_2e per year or 2.6 metric tons of CO_2e per capita service population (employees plus residents) per year, which is 40 percent below the 2020 bright-line threshold of 1,100 MT of CO_2e based on the GHG reduction goals of SB 32 and Executive Order B-30-15. The Project must meet at least one of the criteria.

Long-term operation of the proposed Project would generate GHG emissions from mobile, area, stationary, waste, and water sources as well as indirect emissions from sources associated with energy consumption. Mobile source GHG emissions would include project-generated vehicle trips to and from the Project site. Area source emissions would be associated with activities such as landscaping and maintenance on the Project site. Energy source emissions would be generated at off-site utility providers as a result of increased electricity demand associated with the proposed Project. Stationary source emissions would be associated with the emergency generator. Waste source emissions generated by the proposed Project include energy generated by land filling and other methods of disposal related to transporting and managing project-generated waste. In addition, water source emissions associated with the proposed Project are generated by water supply and conveyance, water treatment, water distribution, and wastewater treatment.

Long-term operational GHG emissions associated with the proposed Project were estimated using CalEEMod and are shown in Table 4.8-B, below. For purposes of evaluating the proposed Project, the air quality district specified in CalEEMod was the BAAQMD, and climate zone 4 was selected with the urban land use setting. Based on this climate zone, CalEEMod assumed a wind speed of

2.2 meters per second and precipitation frequency of 64 days per year. The operational year was assumed to be 2022. The utility company for the region was selected as PG&E and the CO_2 intensity was determined to be 328.8 lbs/MWhr based on a 5-year average estimated by PG&E.

The CalEEMod analysis assumed 72,393 square feet of Government Office Building uses and 288 parking spaces. The Government Office Building land use code included all of the proposed new buildings and the renovated Building D4. Trip generation rates for the Project were based on the Project's trip generation estimates, which determined that the proposed Project would generate approximately 280 average daily trips. In addition, the emergency generator and roof-mounted and carport-mounted PV panels were included in the analysis. The analysis also assumes that the proposed Project would be consistent with 2019 CALGreen Code. In addition, the new EOC Building 2 and two-story Fire Training and OEM Administrative and Classroom Building 1 would achieve LEED certification at the Silver Level and use CSSJ strategies. The design of these buildings would maximize sustainable approaches, such as the implementation of ZNC, the use of solar energy and/or the use of battery storage to meet peak demands. All Project elements would be designed to meet City of San José program requirements. Interior lighting would be LED and would illuminate each space at a brightness consistent with recommendations from the IES. Fixtures would be selected to be compatible with ceiling types and room function. In addition, a complete lighting control system would be provided to meet Title 24 requirements, including on/off, dimming, occupancy sensing, daylighting, time clock, and demand response controls. Where Project-specific data were not available, default assumptions from CalEEMod were used to estimate Project emissions.

Table 4.8-B: Proposed Project GHG Emissions (Metric Tons Per Year)

Emissions Source	Operational Emissions				
	CO_2	CH_4	N_2O	CO_2e	Percent of Total
Area Source Emissions	<0.1	<0.1	0.0	<0.1	<1
Energy Source Emissions	92.9	<0.1	<0.1	93.5	28
Mobile Source Emissions	201.5	<0.1	0.0	201.7	61
Stationary Source Emissions	0.1	<0.1	0.0	0.1	<1
Waste Source Emissions	3.4	0.2	0.0	8.5	3
Water Source Emissions	15.4	0.3	<0.1	26.3	8
Total Annual Emissions				**330.0**	**100**
Significance Threshold[1]				**660**	-
Exceed?				**No**	**-**

Source: LSA (August 2020).

[1] This threshold is based on the BAAQMD thresholds using a Statewide 2020 target (achieve 1990 levels by 2020) regressed to fit the Statewide 2030 target (40 percent below 1990 levels of emissions).

As shown in Table 4.8-B, mobile source emissions are the largest source of emissions, at approximately 61 percent of total CO_2e emissions, followed by energy source emissions at approximately 28 percent of the total. In addition, water and waste source emissions are approximately 8 percent and 3 percent of the total, respectively. Area and stationary source emissions are each less than 1 percent of the total emissions.

As discussed above, the Project would have less-than-significant GHG emissions if it would meet one or more of the following criteria: result in operational-related greenhouse gas emissions of less than 660 metric tons of CO_2e per year, or result in operational-related greenhouse gas emissions of less than 2.6 metric tons of CO_2e per service population (residents plus employees). As shown in Table 4.8-B, the Project would generate approximately 330.0 metric tons of CO_2e/year of CO_2e, which would be well below the bright-line threshold of 660 metric tons of CO_2e per year. As such, operation of the proposed Project would not generate substantial GHG emissions. In addition, as discussed above, the Project is consistent with the City's GHG Strategy; therefore, impacts related to operational GHG emissions would be less than significant.

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

Less Than Significant Impact. Due to the cumulative nature of climate change, the assessment of project-generated GHG emissions and the effects of global climate change impacts can only be analyzed from a cumulative context. Therefore, the analysis focuses on the Project's incremental contribution of GHG emission to cumulative climate change impacts. The GHG threshold used in this analysis is based upon the Project's cumulative contribution to global climate change impacts within the context of State legislation to reduce GHG emissions. In turn, the GHG emission reduction targets within State legislations (i.e., AB 32 and SB 32) are based upon international efforts and commitments to reduce GHG emissions.

As previously described, the proposed Project would comply with the 2019 California Building Standards Code (California Code of Regulations [CCR], Title 24) and the San José Green Building Ordinance (Policy 6-32). The Project would also be consistent with the City's GHG Reduction Strategy and the goals of Plan Bay Area 2040 and Climate Smart San José as the proposed Project would maintain local jobs to reduce VMT. The Project would also install a solar power system and would result in a minimal increase in electricity usage, water usage, and solid waste. In addition, the new EOC Building 2 and two-story Fire Training and OEM Administrative and Classroom Building 1 would achieve LEED certification at the Silver Level and use CSSJ strategies. The design of these buildings would maximize sustainable approaches, such as the implementation of ZNC, the use of solar energy and/or the use of battery storage to meet peak demands. All Project elements would be designed to meet City of San José program requirements. Interior lighting would be LED and would illuminate each space at a brightness consistent with recommendations from the IES. Fixtures would be selected to be compatible with ceiling types and room function. In addition, a complete lighting control system would be provided to meet Title 24 requirements, including on/off, dimming, occupancy sensing, daylighting, time clock, and demand response controls.

As such, the Project would be consistent with State goals detailed in SB 32, EO B-30-15, and EO S-3-05 to reduce GHG emissions by 40 percent below 1990 levels by 2030 and 80 percent below 1990

levels by 2050, respectively. Therefore, the proposed Project would conserve energy, and would serve to further GHG reduction targets and goals and initiatives established in AB 32 and SB 32. Therefore, Project GHG emissions would be less than significant.

4.8.4 Conclusion

Less Than Significant Impact. Compliance with applicable regulations would ensure that the proposed Project would result in a less than significant GHG impact. Implementation of Standard Permit Conditions would further reduce impacts associated with GHG emissions. No mitigation would be required.

4.9 HAZARDS AND HAZARDOUS MATERIALS

The discussion and analysis provided in this section is based on the *Phase I Environmental Site Assessment Report, San José , CA, 1661 Senter Road, Parcel 1, San José , Santa Clara County, California 95112* (Tetra Tech, Inc.; May 2020) and the *Phase I Environmental Site Assessment Report, San José , CA, 1591 Senter Road, Parcel 2, San José , Santa Clara County, California 95112* (Tetra Tech, Inc.; May 2020). Both reports are collectively referred to as the Phase I Environmental Site Assessments (ESAs) throughout this IS/MND and are provided in Appendix D

4.9.1 Environmental Setting

4.9.1.1 Regulatory Framework

Federal and State Regulations

Federal Aviation Administration (FAA) NotificationNotification to the FAA is required for the construction of any tower or the alteration of an antenna structure that is registered with the Commission's Antenna Structure Registration (ASR) system. Generally, towers that meet certain height and location requirements (e.g., are more than 200 feet above ground level and/or are located within proximity of an airport) require notice with the FAA and ASR system and must register with the Federal Communications Commission (FCC). A final determination of "no hazard" is required from the FAA prior to any construction or alteration of facilities.

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) was formed in 1991 to preserve and protect the environment and to ensure public health and safety in relation to environmental laws and regulations. The CalEPA manages the State's natural resources in a cohesive, cabinet-based system. Additionally, the CalEPA implements the Unified Program, which ensures consistency in regards to the administrative and enforcement actions in regards to hazardous waste and materials.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) of 1976 authorized the USEPA to control hazardous waste from "cradle-to-grave," which includes the generation, transportation, treatment, storage, and disposal of hazardous waste. Additionally, RCRA established regulations for managing non-hazardous solid wastes. In 1986, amendments to RCRA provided authority to the USEPA to manage environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

Comprehensive Environmental Response, Compensation, and Liability Act

Commonly known as Superfund, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 established regulations concerning closed and abandoned hazardous waste sites. Additionally, it provided regulations regarding liability for closed and abandoned hazardous waste sites and established a trust fund for cleanup when no liability is found.

California Department of Toxic Substances and Control

The California Department of Toxic Substances and Control (DTSC) is a sub-department under the CalEPA and manages the federal hazardous waste program within the state. The department regulates the lifecycle of hazardous waste and sets goals for reducing hazardous waste production. The program follows federal and state law to ensure hazardous waste managers correctly handle, store, transport, dispose, reduce, and clean waste, and are equipped in the event of an emergency.

Government Code Section 65962.5

CalEPA is required by Section 65962.5 of the Government Code to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The SWRCB and DTSC identify hazardous substance release sites included on the Cortese List, which is used by state and local agencies to ensure CEQA compliance.

California Building Code

The State of California provides a minimum standard for building design construction standards through Title 24 of the California Code of Regulations (CCR) through the CBC, which is located in Part 2 of Title 24. The CBC is updated every three years, and the current 2019 CBC went into effect in January 2020. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. City building officials monitor commercial and residential building plans to ensure compliance with fire safety standards within the CBC.

California Fire Code

The California Fire Code includes regulations for emergency planning, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Several fire safety requirements include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas. Chapter 17.12 of the City's Municipal Code adopts the California Fire Code by reference, which is updated every three years.

California Emergency Management Agency

The California Emergency Management Agency (CalEMA) was consolidated as part of the Governor's Office on January 1, 2009, merging the former Governor's Office of Emergency Services with the existing Governor's Office of Homeland Security. CalEMA coordinates all State agency response to major disasters to provide support and hazard mitigation efforts for local governments. The agency also ensures the State has the appropriate resources and plans in order to respond in the event of all natural and human-induced emergencies and disasters.

California Department of Forestry and Fire Protection

The California Department of Forestry and Fire Protection (CALFIRE) maps the predicted threat of fire within all of California. CALFIRE categorizes this threat based on factors including fuel availability, topography, fire history, and climate. These threats are ranked on a threshold from no fire threat, moderate, high, and very high fire threat. The 2012 Strategic Fire Plan for California was generated by CALFIRE to provide guidelines and objectives in order to account for associated fire impacts. The Strategic Plan was recently updated in January 2019.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond property boundaries. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. A Risk Management Plan (RMP) is required for such facilities. The intent of the RMP is to provide basic information that may be used by first responders in order to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material, and to satisfy federal and state Community Right-to-Know laws. The County of Santa Clara Department of Environmental Health reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

Regional and Local Regulations

San Francisco Bay Regional Water Quality Control Board

The Porter-Cologne Water Quality Control Act established the State Water Resources Control Board (SWRCB) and nine regional water boards including the San Francisco Bay Regional Water Quality Control Board (RWQCB). The San Francisco Bay RWQCB oversees the regulation of waterways within San José, and can order groundwater investigations and remediation actions in the event that either groundwater or State surface waters are susceptible to threat.

Norman Y. Mineta San José International Airport Comprehensive Land Use Plan

The Comprehensive Land Use Plan (CLUP) for the Norman Y. Mineta San José International Airport is intended to ensure that planned land uses would not interfere with the airport operations. The CLUP aims to protect the public from aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. No portions of the Project site are located within an airport land use compatibility zone as established by the Norman Y. Mineta San José International Airport CLUP.[53]

[53] Santa Clara County Airport Land Use Commission, 2011, San José International Airport Comprehensive Land Use Plan, Figure 8, Airport Influence Area. Available online at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf (accessed August 13, 2020).

Bay Area Air Quality Management District

The BAAQMD regulates and monitors air pollution resulting from utilities and items other than motor vehicles and consumer products. BAAQMD develops both attainment and non-attainment plans for criteria pollutants and control of stationary air pollutant sources, as well as conducts permitting for asbestos related construction activities.

County of Santa Clara County Department of Environmental Health

The County SCCDEH conducts monitoring activities and investigations in order to protect the current and future health and safety of the public and local environment. The Hazardous Materials Compliance Division (HMCD) and Hazardous Materials Storage Ordinance (HMSO) regulate the storage of hazardous materials. Through the HMSO, the HMCD administers the County's Toxic Gas Ordinance and Non-Point Source (Urban Runoff) Ordinance.

Hazardous Materials Release Response Plan and Inventory Law of 1985

Businesses that use, handle, or store hazardous materials are required under State law to prepare an inventory of hazardous materials on their premises in order to protect public health and safety. These plans must address the proper storage, handling, and disposal of hazardous materials, as well as dictate spill response and notification requirements in the event of a hazardous materials spill.

Local Regulations

Envision San José 2040 General Plan

The Environmental Considerations/Hazards (EC) and Parks, Open Space, and Recreation (PR) sections of the City's General Plan include the following goals and policies related to hazards and hazardous materials that are applicable to the proposed Project.

Goal EC-6 **Hazardous Materials:** Protect the community from the risks inherent in the transport, distribution, use, storage, and disposal of hazardous materials.

Policy EC-6.1 Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, State and federal laws, regulations and guidelines.

Policy EC-6.2 Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

Policy EC-6.6 Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.

Policy EC-6.7 Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.

Goal EC-7 **Environmental Contamination:** Protect the community and environment from exposure to hazardous soil, soil vapor, groundwater, and indoor air contamination and hazardous building materials in existing and proposed structures and developments and on public properties, such as parks and trails.

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-7.4 On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.

Policy EC-7.5 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.

Policy EC-7.8 Where an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.

Policy EC-7.9 Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control, or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

Policy EC-7.10 Require review and approval of grading, erosion control and dust control plans prior to issuance of a grading permit by the Director of Public Works on sites with known soil contamination. Construction operations shall be conducted to limit the creation and dispersion of dust and sediment runoff.

Policy EC-7.11 Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

San José Emergency Operations Plan

Under State law, California requires that local governments create and administer an Emergency Operations Plan (EOP) under the guidelines provided by the Federal Emergency Management Agency (FEMA). The State Office of Emergency Services (State OES) adopts these emergency management guidelines for business activities in the Emergency Operations Center (State EOC). The *City of San José Emergency Operations Plan* was adopted in 2004 and was updated most recently on January 24, 2019.

4.9.1.2 Existing Conditions

On- or Off-Site Contamination. Hazardous materials are chemicals that could potentially cause harm during an accidental release or mishap, and are defined as being toxic, corrosive, flammable,

reactive, and irritant, or strong sensitizer.[54] Hazardous substances include all chemicals regulated under the United States Department of Transportation "hazardous materials" regulations and the USEPA "hazardous waste" regulations. Hazardous wastes require special handling and disposal because of their potential to damage public health and the environment. The probable frequency and severity of consequences from the routine transport, use, or disposal of hazardous materials is affected by the type of substance, the quantity used or managed, and the nature of the activities and operations.

In order to document environmental hazards on the site, including potential Recognized Environmental Conditions (RECs) and Controlled Recognized Environmental Conditions (CRECs), a Phase I ESA was prepared for each of the two parcels that comprise the Project site. The Phase I ESAs included (1) a review of regulatory agency records, (2) a site reconnaissance survey, and (3) interviews with key personnel. A REC is defined by the American Society for Testing and Materials (ASTM) as, "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment." A Controlled Recognized Environmental Condition (CREC) is defined as a REC resulting from a past release of hazardous substances that has been addressed to the satisfaction of the applicable regulatory authority, with the hazardous substances allowed to remain in place subject to the implementation of required controls.

Review of Historical Sources. Based on a review of historical resources, the Phase I ESA determined that Parcel 1 was used as agricultural land dating back to 1939, and was developed as the Beechnut Cannery in 1947. The Project site included four diesel underground storage tanks (USTs) to support the Cannery boiler house between 1947 and 1993. Three tanks and contaminated soil were removed and sent for disposal off-site. A 15,000-gallon diesel UST was closed in place and represents a CREC to the site. A "paint and oil house" was located adjacent to the boiler house and constitutes a REC on the site. A leak from a gasoline UST at the southwestern corner of Parcel 1 was documented in 1985, and a groundwater contamination plume was identified; however, the contamination plume is upgradient of the area proposed for development and is a CREC for the site.

Parcel 2 was originally utilized as a railroad corridor with a rail spur as far back as the early 1930s and may have been associated with a former off-site brick manufacturing facility that began operation in the late 19th century. The railroad was aligned along the northwest boundary, and the spur was aligned along the northeast boundary. A stock corral was located on the northeast boundary between the spur and Senter Road and supporting buildings/structures were between the spur and railroad, at the middle of the site. The railroad and spur supporting buildings remained on site until approximately 2007, when the tracks and spur were removed. The site has been vacant since 2007. Building pads and a small storage building were on site until at least late 2017. Soils containing COCs were excavated and placed on the portion of the site that was to host the storage facility; those soils pose a REC to the site. Disposal of soils considered Class I hazardous waste occurred off site.

[54] A "sensitizer" is a chemical that can cause a substantial proportion of people or animals to develop an allergic reaction in normal tissue after repeated exposure to a chemical (U.S. Department of Labor 2017).

Review of Regulatory Database Report and Agency Records. The Phase I ESAs also included a review of applicable regulatory databases to determine the presence of hazardous sites within the vicinity of the Project site.

Results of this review indicated that the former presence of the Beechnut Nutrition Corporation on Parcel 1 was identified as a CREC due to contamination on the southwest portion of the property deriving from a Leaking UST (LUST). The LUST case has been closed; however, a contamination plume remains that is "stable and non-moving."

As discussed further in the Phase I ESA,[55] four USTs were removed from Parcel 1 in 1985 – two 500-gallon gasoline tanks, one 3,000-gallon diesel tank, and one 4,000-gallon diesel tank. A 15,000-gallon diesel tank east of the former Boiler House at the site was closed in place (by use of concrete slurry). At the date of the closure in place, the tank was deemed to be in excellent condition per the San José Fire Department. Closure was done by concrete slurry due to its proximity to a transformer on the east side of the former Boiler House. At the same time, a 6,000-gallon diesel tank was installed in the vicinity of the original diesel tank cluster. The 6,000-gallon diesel tank was removed in July 1993.

In 1992, soil samples were collected at Parcel 1. Polychlorinated biphenyls (PCB) were not detected; however, chlordane and dichlorodiphenyldichloroethylene (DDE) were detected. Removal and disposal of impacted soil occurred during a removal action east of the former Boiler House.

Subsequent environmental investigations at Parcel 1 identified detectable levels of total petroleum hydrocarbons (TPH) – diesel range organics (THPd), and benzene, toluene, ethylbenzene, and xylenes (BTEX). In November 1993, five monitoring wells were installed around the former location of a leaking UST containing gasoline at the southwestern corner of Parcel 1. Results of groundwater monitoring from 1993 to 1999 demonstrated stability and limited mobility of the plume.

In 1999, the LUST Oversight Program issued a site closure letter to the Beechnut Nutrition Corporation regarding the property at 1661 Senter Road, confirming completion of the various site investigation and removal actions regarding the USTs formerly present at the site. The closure letter outlined Site Management Requirements for the site and stated that "residual groundwater contamination remains; the residual levels, however, do not impact human health or the environment under conditions that site management requirements are followed."[56] The closure report documentation indicated that 1) the 15,000-gallon diesel tank had been property closed and still exists on the site; 2) residual TPHg and BTEX contamination from the leaking 500-gallon UST remained upgradient of the Project site; and 3) as much as 31,000 parts per billion TPHg remained in one of the monitoring wells adjacent to the former 500-gallon gasoline UST near the corner of South 10th Street and Phelan Avenue. The closed-in-place 15,000 gallon UST poses a CREC to the Project site. Due to the limited extent of the groundwater plume, the LUST poses a CREC to the Project site. Use of the Project site is subject to site management and notification requirements specified in the closure letter.

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55 Tetra Tech, Inc. 2020a. *Phase I Environmental Site Assessment Report, San José , CA, 1661 Senter Road, Parcel 1, San José , Santa Clara County, California 95112.* May.

56 Tetra Tech, Inc. 2020a, op. cit.

As specified in the Phase I ESA,[57] Parcel 2 is identified in the Geotracker database under "Senter Self-Storage" and a number of reports and investigations have been conducted at the site related to this previously proposed self-storage project, which also included dedication of a portion of the site along the northwestern boundary (coincident with the former railroad corridor) to the City for development of a pedestrian and bicycle facility. These reports include: a 2015 Phase I ESA Report; a Magnetometer Survey, Test Pit Investigation, and Soil Quality Evaluation Report (2015); a 2017 Phase I ESA Report; a Soil Management Plan (SMP) prepared by the self-storage project applicant; and a Bicycle Path Soil Removal Status Report (2018).

Environmental investigations completed in 2015 identified contaminants of potential concern (COPC), including arsenic, lead, total petroleum hydrocarbons, oil range organics (TPHo), and of the possible presence of buried metallic objects at locations across the entirety of the parcel. It was anticipated that soils with elevated COPC concentrations would be covered with an impervious cap as a result of the self-storage project. Preparation of a SMP and Health and Safety Plan (HSP) was recommended for site development and long-term management of the site.

Environmental investigations completed in 2017 confirmed elevated concentrations of arsenic, lead and nickel across Parcel 2. Elevated concentrations of TPHd and TPHo were detected but were much less widely distributed and limited to the upper 1 to 2 feet of soil. Based on the long history of rail corridor and spur use at the site, buried structure, debris or impacted soils may be encountered during development activities and may require special handling or disposal.

In 2018, a SMP was prepared that specified Remedial Action Levels (RAL) for Parcel 2 and laid out an approach to remove soil from the future bicycle and pedestrian pathway along the northwest boundary of the site and cap the remainder of the site for use as a future storage facility. Soils within the bicycle and pedestrian pathway area with COC concentrations exceeding RALs were to be excavated, treated to reduce metal solubilities, and placed as fill on the commercial portion of the parcel designated for capping and storage facility construction. Clean fill meeting residential reuse criteria was to be imported and placed in the bicycle path area. The consolidated soil on the commercial portion of the site was to be capped with a building or asphalt/concrete. Land Use Covenant and Deed Restrictions pertaining to the commercial portion of the site were to be filed with the Santa Clara County Recorder's Office that would restrict future use by sensitive receptors and assure integrity of the cap placed over contaminated soil.

A Bicycle Path Soil Removal Status Report was submitted to the County of Santa Clara in September 2018. Contaminated soils were removed from the bicycle path and soil that contained elevated concentrations of soluble lead were excavated and treated with a binding agent to reduce lead solubility. Some soils that exceeded the soluble threshold limit concentration (STLC) threshold were classified as Class I California hazardous waste and were direct-loaded and transported to the Kettleman Hills Class I Disposal Facility. The remaining soils containing contaminants at concentrations exceeded RALs were excavated, treated to reduce lead solubility, and placed on the portion of the Parcel 2 that was previously proposed for commercial development (commercial portion). The report did not delineate the boundaries of the excavated and treated materials placed

[57] Tetra Tech, Inc. 2020b. *Phase I Environmental Site Assessment Report, San José , CA, 1591 Senter Road, Parcel 2, San José , Santa Clara County, California 95112.* May.

on the commercial portion of the site nor whether the material had been capped and demarcated with geofabric as specified in the SMP, nor is there record of an Operations and Maintenance (O&M) Manual for the capped soil.

Excavated contaminated soils and excavated soils treated to reduce lead solubility that were placed on the commercial portion of the site pose a REC to the Project site. In addition, metals and petroleum contamination in soils on the commercial portion of the site, and metals in groundwater beneath the entire site pose RECs to the Project site.

In addition to evaluating the Project site for potential listings in applicable regulatory databases, the Phase I ESAs also examined the potential listing of adjoining and surrounding properties for listing in regulatory databases. The results of the database review identified several listings with release events within the vicinity of the Project site:

- Industrial Freight, located at 1641 10th Street, was issued a closure letter by the Santa Clara County LUST Oversight Program in June 1996.

- ABC Supply (Peninsula Steel Production), located at 490 Phelan Avenue, was issued a closure letter by the Santa Clara County LUST Oversight Program in March 1996.

- Aparicio Cement, located at 506 Phelan Avenue, was issued a closure letter by the Santa Clara County LUST Oversight Program in June 2001.

- The Lorentz Barrel and Drum Superfund site is located at 1515 South 10th Street in proximity to the southwest corner of Parcel 1. The groundwater plume maps included in the 5-year site review indicated that the plume is oriented away from the Project site, and is controlled and stable.

Therefore, the Phase I ESAs determined that these facilities do not represent a REC to the Project site.

Site Reconnaissance. As part of the Phase I ESAs, visual inspections of the site were conducted in order to identify evidence of hazardous substances or environmental concerns. Parcel 1 currently hosts an 18,000-square-foot warehouse building housing historical objects for the History San José. During the site visit, the warehouse did not appear to contain any hazardous materials (e.g., asbestos, lead-based paint). However, old engines and vehicles were stored inside the warehouse. Leaks from one engine were observed, which was deemed de minimis. An above grade emergency generator was observed that contained combustible liquids and diesel; however, the generator appeared in good condition.

On Parcel 2, a drum was observed adjacent to the existing adjacent firing range. Contents of the drum are unknown, and thus the drum poses a REC to the site. Evidence of illegal dumping was also observed on the north central portion of Parcel 2. The debris piles contained broken concrete, utility piping, wood poles, other landscaping waste, and miscellaneous trach. Gravel and rock stockpiles were present in the southwest portion of Parcel 2. The debris poses a REC to the site.

Other Hazards.

Airports. The nearest airport to the Project site is the Norman Y. Mineta San José International Airport, which is located approximately 4.8 miles northwest of the Project site. No portions of the Project site are located within an airport land use compatibility zone as established by the Norman Y. Mineta San José International Airport CLUP.[58]

Wildland Fires. Wildland fires occur in geographic areas that contain the types and conditions of vegetation, topography, weather, and structure density susceptible to risks associated with uncontrolled fires that can be started by lightning, improperly managed camp fires, cigarettes, sparks from automobiles, and other ignition sources. According to CALFIRE, the Project site is not located in a Fire Hazard Severity Zone.[59]

4.9.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b. Create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

[58] Santa Clara County Airport Land Use Commission, 2011, op. cit.

[59] California Department of Forestry and Fire Protection (CALFIRE). 2008. Santa Clara County Very High Fire Hazard Severity Zones in LRA. Available online at: https://osfm.fire.ca.gov/media/6764/fhszl_map43.pdf (accessed August 13, 2020).

4.9.3 Impact Analysis

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

Less Than Significant Impact. Potential hazards related to construction and operation of the proposed Project are described below.

Construction. Construction activities associated with the proposed Project would result in the use of a limited amount of hazardous and flammable substances (e.g., fuels and oils) typical during heavy equipment operation for site grading and construction. The amount of hazardous chemicals present during construction is limited and would be in compliance with existing government regulations. The potential for the release of hazardous materials associated with project construction is low, and even if a release would occur, it would not result in a significant hazard to the public, surrounding land uses, or environment, due to the small quantities of these materials associated with construction vehicles. Therefore, potential impacts from the routine transport, use, or disposal of hazardous materials during construction of the proposed Project would be less than significant.

Operation. Long-term operational activities may involve the transport, use, and storage of larger quantities of potentially hazardous materials in the form of greases, oils, and fuel, such as propane and/or diesel. Such materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Any associated risk would be adequately reduced to a less than significant level through compliance with these standards and regulations. Further, the Hazardous Materials Release Response Plan and Inventory Law of 1985 requires businesses that use, handle, or store hazardous materials to prepare an inventory of hazardous substances on the premises. As stated previously, the plan would be required to include an inventory of hazardous materials, addressing the proper storage, handling, and disposal of hazardous materials; and dictating spill response and notification requirements. The Project would be subject to compliance with this regulation, as well as additional applicable State and local regulations intended to manage the transport, storage, manufacture, and disposal of hazardous materials. Therefore, potential impacts from the routine transport, use, or disposal of hazardous materials resulting from operation of the proposed Project would be less than significant.

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

Less Than Significant with Mitigation Incorporated. As previously stated, two Phase I ESAs were prepared to document potential RECs at the Project site. Based on a review of regulatory agency records, a site reconnaissance survey, and interviews with key personnel, the Phase I ESAs determined that the following RECs/CRECs are present at the Project site:

- A paint and oil house was identified north of the former boiler house on Parcel 1. Chemicals possibly stored there pose a REC to the Project site.

- A 15,000-gallon diesel tank was closed in place within the Project site, resulting in issuance of a site closure letter from the SWRQB LUST Oversight Program. TPHd and BTEX were identified adjacent to the tank. Site management requirements specified in the closure letter, pertaining

to a location where a tank or residual contamination remains, led to identification of the tank area as a CREC to the site.

- Gasoline contamination in soil has been documented at the southwest corner of Parcel 1, directly upgradient of where project activities would occur. A groundwater plume thus results, but it is stable and non-mobile, as indicated in a site closure letter. However, site management requirements for where residual contamination remains, have led to identification of the former tank area and plume as a REC to the Project site.

- The March 2018 SMP provides a list of Land Use Covenants and Deed Restrictions (including groundwater use) that were to be filed for the commercial portion of Parcel 2. There is no evidence that these additional Accessory and Use Limitations (AULs) were filed with the County. Groundwater contains elevated levels of arsenic and lead. Until the additional AULs are filed, contaminated groundwater poses a REC to the Project site.

- No capping of the commercial parcel as specified in the March 2018 SMP has occurred, and exposure to soil contamination is not controlled. Until the commercial parcels is capped as specified in the SMP, contaminated soil poses a REC to the Project site. Before issuing a case closure letter, SCCDEH will require evidence of capping and an O&M Manual, as specified in the SMP.

- The municipal firing range north of and adjacent to the southwest corner of the Project site was identified as a potential source of contamination in previous Phase I ESA reports. Phase II sampling confirmed the presence of elevated lead concentrations in soils on the Project site; those soils were subsequently removed. The firing range manager/owner implemented temporary diversion of roof runoff to an open parking area. However, the firing range still poses a REC to the Project site.

- A drum was observed on Parcel 2, adjacent to the firing range, and construction and landscape debris piles were observed. These features had been placed in the area of the proposed trail, following removal activities in 2018. Contents of the drum and debris piles are unknown. The drum and debris piles pose RECs to the Project site.

- The April 2017 Deed imposes soil AULs over the entire parcel plus specific requirements for the "Trail Parcel". The soil AULs pose a CREC to the Project site.

- Cleanup of the trail parcel occurred, as did achievement of trail parcel-specific requirements for recreational exposure to soils. SCCDEH issued a cleanup approval letter regarding the trail parcel. However, a CREC to the Project site is preclusion of any more sensitive use (e.g., residential) than the listed recreational use until filling of the additional AULs specified in the SMP.

Construction. Construction of the proposed Project would include the demolition of some existing facilities (e.g., existing solar panels, freestanding metal canopy structure, electrical panels, infrastructure, and existing pavement), grading, construction of new buildings and parking areas,

and installation of new landscaping and bioretention facilities. In addition, the proposed Project would include the removal of the 15,000-gallon diesel UST.

Based on the results of the Phase I ESAs, ground-disturbing activities at the project site have the potential to expose workers and/or the public to potentially contaminated soil and groundwater during construction. The Construction Contractor would be required to comply with a Site Management Plan, Removal Action Plan (RAP), or equivalent document developed and approved prior to the commencement of grading activities. With implementation of Mitigation Measure HAZ-1, potential risks associated with hazards to the public or to the environment through reasonable foreseeable upset and accident conditions regarding the release of hazardous materials into the environment would be less than significant.

Impact HAZ-1: Construction of the proposed Project has the potential to disturb soil and groundwater contaminants that are known to occur on the site. Such contaminants are associated with past uses on the site, and could result in the release of hazardous materials/substances into the environment.

Mitigation Measure HAZ-1:

MM HAZ-1 **Site Management/Removal Action Plan**. Prior to the issuance of any demolition or grading permits, the Project Proponent shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (or Department of Toxic Substances Control). A Soil Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified hazardous materials consultant to address contaminants known to occur on the Project site. The Plan must establish remedial measures and/or soil and groundwater management practices to ensure construction worker safety and the health of future workers and visitors. The Plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building, and Code Enforcement (PBCE), the Director of Public Works, or Directors' designee, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Operation. As stated previously, hazardous substances associated with the proposed Project would be limited in both amount and use such that they can be contained (stored or confined within a specific area) without impacting the environment. Project operation may involve the transport, use, and storage of potentially hazardous materials in the form of solvents, cleaning agents, paints, fertilizers, pesticides, and fuels typical of industrial uses. Such materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Any associated risk would be adequately reduced to a less than significant level through compliance with existing laws and regulations. Therefore, operation of the proposed Project would not create a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment and this impact would be less than significant.

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

No Impact. The closest schools to the Project site are Santee Elementary School, located approximately 1.0 mile east of the Project site, ACE Esperanza Middle School, located approximately 1.0 mile east of the Project site, and Notre Dame High School, located approximately 1.3 miles northwest of the project site. Therefore, the proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-square mile of an existing or proposed school and no impact would occur.

d. Would the project 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?

Less Than Significant with Mitigation Incorporated. According to the Phase I ESAs, the Project site is located on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. As described above, construction and implementation of the proposed Project could create a significant hazard to the public or the environment through the release of hazardous contaminants known to occur on the site. With implementation of Mitigation Measure HAZ-1, potential risks associated with hazards to the public or to the environment related to a hazardous materials site would be less than significant.

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. As discussed previously, the nearest airport to the Project site is the Norman Y. Mineta San José International Airport (SJC), which is located approximately 3.9 miles northwest of the Project site. The Project vicinity is in SJC's approach and departure flight paths and SJC operated aircrafts are visible from the Project vicinity. However, the height of the proposed training tower (approximately 70 feet) would not be tall enough to reach/interfere with flight paths at SJC. As a result, the proposed Project would not result in a change to air traffic patterns, or a change in location that results in substantial safety risk, and no mitigation would be required.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. Potential impacts related to an adopted emergency response plan or emergency evacuation plan associated with construction and operation of the proposed Project are described below.

Construction. During short-term construction activities, the proposed Project is not anticipated to result in any substantial traffic queuing along Senter Road or Phelan Avenue and all construction equipment would be staged on site. All large construction vehicles entering and exiting the site would be guided by the use of personnel using signs and flags to direct traffic.

The Project does not include any characteristics (e.g., permanent road closure or long-term blocking of road access) that would physically impair or otherwise interfere with emergency response or evacuation in the Project vicinity. With the exception of potential utility improvements and right-of-way improvements (i.e., driveway, curb, and/or gutter), construction activities are not anticipated to take place within the public right-of-way that could result in temporary lane closures or detours. Therefore, potential impacts related to SJFD's ability to implement an emergency response plan or emergency evacuation access during construction would be less than significant.

Operation. As previously stated, the Santa Clara County Operational Area Emergency Operations Plan[60] establishes emergency organization, assigns tasks, specifies policies and general procedures, and provides for coordination of response in the event of an emergency. The plan does not identify specific emergency response or evacuation routes.

The Project would relocate City's fire training and emergency operations facilities from their existing location on 255 South Montgomery Street to the Project site. The proposed Project would not physically interfere with an adopted emergency response plan or emergency evacuation plan. The proposed Project would be developed in accordance with City of San José emergency access standards. The proposed Project would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on site for emergency vehicles.

As discussed in Section 4.17, Transportation, the proposed Project would not result in a significant traffic impact to any study area intersections. Therefore, the proposed Project would not result in long-term traffic impacts that could physically interfere with an adopted emergency response plan or emergency evacuation plan. In addition, during the operational phase of the proposed Project, on-site access would be required to comply with standards established by the City and the SJFD. The size and location of fire suppression facilities (e.g., hydrants) and fire access routes would be required to conform to City and SJFD standards. The proposed Project would provide adequate emergency access via the driveways along Senter Road and South 10th Street. Therefore, operation of the proposed Project would not impair implementation of or physically interfere with an adopted

[60] County of Santa Clara. 2017. *County of Santa Clara Emergency Operations Plan*, Approved January 10, 2017. Available online at: https://www.sccgov.org/sites/oes/partners/Documents/Santa-Clara-County-OES-Emergency-Operations-Plan-2017-01.pdf (accessed August 14, 2020).

emergency response plan or emergency evacuation plan and this impact would be less than significant.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury of death involving wildland fires?

No Impact. According to the California Department of Forestry and Fire Protection (CALFIRE), the Project site is not located in a Fire Hazard Severity Zone.[61] Furthermore, the Project site and the surrounding areas are developed with urban and suburban uses and do not include brush- and grass-covered areas typically found in areas susceptible to wildfires. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death associated with wildland fires and no impact would occur.

4.9.4 Conclusion

Less Than Significant with Mitigation Incorporated. Compliance with applicable regulations and implementation of Mitigation Measures HAZ-1 would ensure that the proposed Project would result in a less than significant impact on hazards and hazardous materials.

61 CALFIRE, 2008. op. cit.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 Regulatory Framework

Federal and State Regulations

Clean Water Act

The USEPA adopted the Clean Water Act (CWA) in 1977 to set a framework for establishing regulations to protect the chemical, physical, and biological integrity of the nation's waters. The National Pollutant Discharge Elimination System (NPDES) under section 402(p) of the CWA aims to reduce the direct discharge of pollutants into waterways and manage additional pollution runoff. The San Francisco Bay RWQCB has the authority to administer permits within its jurisdiction including the City of San José. Section 303(d) of the CWA requires that each state identify "impaired" water bodies or segments of water bodies that do not meet at least one of the listed state water-quality standards. When the water body or segment is listed as impaired, the state institutes a Total Maximum Daily Load (TMDL) for the pollutant found to be creating the impairment. The TMDL is the maximum amount of a pollutant that a water body can receive and still meet water-quality standards, and is usually calculated based on the total amount of allowable loads generated by a single pollutant deriving from all of its originating point and non-point sources. The 303(d) list identifies water bodies that will need to establish a TMDL in the future in order to abide by water-quality standards. As per 303(d), the RWQCB has identified impaired water bodies within its authority as well as the associated pollutants causing the impairment.

National Pollutant Discharge Elimination System

As described above, the NPDES was established under the CWA to regulate municipal, industrial and stormwater discharges to the surface waters of the United States, including discharges from municipal separate storm sewer systems (MS4s). All entities that discharge pollutants into an identified waterbody of the United States are required to obtain a NPDES permit.

The proposed Project is subject to Waste Discharge Requirements (WDR) of the Municipal Regional Permit (MRP) (Order No. R4-2015-00249 NPDES Permit No. CAS004003). The MS4 permit covers the City of San José, Santa Clara County, and the Santa Clara Valley Water District (SCVWD). The C.3 Stormwater Handbook developed in June 2016 as per the Santa Clara Valley Urban Runoff Pollution Prevention Program, outlines low impact development provisions that the MS4 permit holders can use during planning of development activities to manage and reduce occurrences of stormwater runoff pollutant discharges. These low impact development methods aim to preserve existing natural landscapes to minimize imperviousness and water quality impacts.

National Flood Insurance Program

The National Flood Insurance Program exists under the Federal Emergency Management Agency (FEMA) to distinguish and evaluate flood hazards. FEMA generated Flood Insurance Rate Maps (FIRMs) identify the location of these potential flooding hazards and help plan for the correct land use and floodplain development within those locations. Information for FIRMs is generated by Flood

Insurance Studies (FISs). Special Flood Hazard Areas (SFHAs) are distinguished via FIRMs. The current FIRM Map No. 06085C0253H (May 18, 2009) shows that the Project site is located in Zone D, Area of Undetermined Flood Hazard, which is not considered a special flood hazard area.

Porter-Cologne Water Quality Control Act

California adopted the Porter-Cologne Water Quality Act in 1969, giving the SWRCB and regional water quality control boards the authority over State water rights and policies in relation to managing and enforcing water quality. The regional boards adopt Water Quality Control Plans (Basin Plans) that outline their region's water quality conditions and standards as well as beneficial uses of the region's ground and surface water. The City of San José lies within the boundaries of the Santa Clara Basin and Region 2 governed by the San Francisco Bay RWQCB. The most recent Basin Plan for the San Francisco Bay Watershed was updated by the RWQCB in 2015 and is revised periodically to reflect relevant ecological, technological, and political changes. The Basin also includes water quality standards for groundwater.

Statewide Construction General Permit

Construction projects or activities that are one acre or more must obtain a General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, or a Construction General Permit from the SWRCB. Prior to construction, the Project Applicant must submit online Permit Registration Document (PRDs) to the Stormwater Multiple Application and Report Tracking System (SMARTS) website. The PRDs include a Notice of Intent (NOI), Risk Assessment, Post-Construction Calculations, a Site Map, the Stormwater Pollution Prevention Plan (SWPPP), a signed certification by the Project Applicant, and the first annual fee. Applicants are also required develop BMPs in accordance with the development of a SWPPP. The SWPPP maps the boundaries of the Project site, identifying the existing and proposed structures and roads within the vicinity of the site, as well as stormwater collection and discharge points and drainage patterns. These BMPs should address strategies to prevent soil erosion and the proper treatment and discharge of other pollutants generated by construction, which could contaminate waterways on or nearby the site. A SWPPP must also include a visual chemical monitoring program of nonvisible pollutants and a sediment-monitoring program. As the Project site is larger than one acre, it is subject to these listed requirements.

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act of 2014 (SGMA) is a comprehensive three-bill package that was signed into California State law in September 2014. The SGMA that provides a framework for sustainable management of groundwater supplies by local authorities, with a limited role for State intervention only if necessary to protect the resource. The plan is intended to ensure a reliable groundwater water supply for California for years to come.

The SGMA requires the formation of local groundwater sustainability agencies (GSAs) that must assess conditions in their local water basins and adopt locally based management plans. The act requires that GSAs implement plans and achieve long-term groundwater sustainability within 20 years of implementation of the SGMA.

GSAs responsible for high- and medium-priority basins must adopt groundwater sustainability plans or an alternative to a groundwater sustainability plan within five to seven years of implementation of the SGMA, depending on whether the basin is in critical overdraft. Agencies may adopt a single plan covering an entire basin or combine a number of plans created by multiple agencies. Plans must include a physical description of the basin, including groundwater levels, groundwater quality, subsidence, information on groundwater-surface water interaction, data on historical and projected water demands and supplies, monitoring and management provisions, and a description of how the plan will affect other plans, including city and county general plans.

The Santa Clara Valley Water District (SCVWD) has managed groundwater in the Santa Clara subbasin since 1929. On May 24, 2016, the SCVWD's Board of Directors adopted a resolution to become the GSA for the Santa Clara subbasin. The Board of Directors adopted the 2016 *Groundwater Management Plan for the Santa Clara and Llagas Subbasins* on November 22, 2016. The Groundwater Management Plan was submitted to Department of Water Resources (DWR) as an alternative to a groundwater sustainability plan on December 21, 2016.

Local Regulations

Santa Clara Valley Urban Runoff Pollution Prevention Program

The Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) is an association in Santa Clara Valley that includes the County of Santa Clara, SCVWD, and 13 regional cities. Under the authority of RWQCB, the SCVURPPP regulates stormwater and conducts public outreach to reduce pollution generated by urban runoff and improve regional water quality supplies. The SCVURPPP addresses stormwater pollution prevention within the context of the MS4 Permit, and aims to ensure that both new development and redevelopment projects mitigate water quality impacts to stormwater runoff. A Hydromodification Management Plan (HMP) is also required to manage stormwater, and regulates increased peak runoff flows and volumes (hydromodification). An HMP aims to monitor and reduce the impacts of development projects that are located within a region subject to hydromodification, and plans to limit stream channel erosion as well as mitigate water quality degradation resulting from development activities.

Post-Construction Urban Runoff Management Policy

The City's Post-Construction Urban Runoff Management Policy 6-29 mandates the adoption of post-construction best management practices and treatment control measures (TCMs) during development projects. The policy sets design standards for post-construction TCMs for projects that create, add, or replace 10,000 square feet or more of impervious surfaces. This policy is updated periodically in association with MRP changes. Infiltration treatment measures are also limited under this policy in order to protect groundwater from contaminants. Additionally, a Stormwater Control Plan (SCP) should be prepared for development projects which create and/or replace 10,000 square feet or more of impervious surface. The SCP should be submitted and approved by the City before issuing grading permits. As the proposed Project would create or replace more than 10,000 square feet of impervious surface, it is subject to this policy.

Post-Construction Hydromodification Policy

All new development and redevelopment projects that create or replace one acre or more of impervious surface are subject to the City's Post-Construction Hydromodification Policy 8-14.

Projects subject to this policy are required to manage development-related increases in peak runoff flow, volume, and duration where hydromodification has caused adverse impacts on local waterways. The policy requires these projects to be designed to control project-related hydromodification through an HMP. New development and redevelopment projects that create and/or replace one acre or more of impervious surface and are located in subwatersheds or catchment areas that are less than 65 percent impervious are subject to these requirements. Policy 8-14 is updated periodically to reflect the latest MRP requirements. As the Project site is not located within a hydromodification area,[62] the proposed Project is not classified as a Hydromodification Management Project. Therefore, the Project is not subject to Policy 8-14. Furthermore, as post-Project runoff rates and durations will not exceed the estimated pre-Project rates and durations, the proposed Project is exempt from preparing an HMP.

Riparian Corridor Policy

The City has adopted a Riparian Corridor Policy that addresses how development of all types should be designed to protect and preserve riparian corridors through guidelines that promote water quality and flood protection.

Envision San José 2040 General Plan

The Measurable Environmental Sustainability (MS), Environmental Resources (ER), Environmental Considerations/Hazards (EC), and Infrastructure (IN) sections of the City's General Plan include the following goals and policies related to hydrology and water quality that are applicable to the proposed Project.

Goal MS-18 **Water Conservation.** Continuously improve water conservation efforts in order to achieve the best in class performance. Double the City's annual water conservation savings by 2040 and achieve half of the Water District's goal for Santa Clara County on an annual basis.

Policy MS-18.12 Encourage stormwater capture and encourage, when feasible and cost-effective, on-site rainwater catchment for new and existing development.

Policy MS-18.13 Encourage graywater use whenever appropriate and in areas that do not impact groundwater quality as determined through coordination with local agencies.

[62] City of San José . 2011. Hydromodification Applicability Map. July. Available online at: https://www.sanjoseca.gov/home/showdocument?id=27925 (accessed August 16, 2020).

Goal MS-20 **Water Quality:** Ensure that all water in San José is of the highest quality appropriate for its intended use.

Policy MS-20.2 Avoid locating new development or authorizing activities with the potential to negatively impact groundwater quality in areas that have been identified as having a high degree of aquifer vulnerability by the Santa Clara Valley Water District or other authoritative public agency.

Policy MS-20.3 Protect groundwater as a water supply source through flood protection measures and the use of stormwater infiltration practices that protect groundwater quality. In the event percolation facilities are modified for infrastructure projects, replacement percolation capacity will be provided.

Goal ER-8 **Stormwater:** Minimize the adverse effects on ground and surface water quality and protect property and natural resources from stormwater generated in the City of San José.

Policy ER-8.1 Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

Policy ER-8.5 Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff on-site.

Goal ER-9 **Water Resources:** Protect water resources because they are vital to the ecological and economic health of the region and its residents.

Policy ER-9.3 Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause overdrafting of the underground water basin.

Policy EC-4.1 Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and Municipal Code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.

Goals EC-4 **Geologic and Soil Hazards.** Minimize the risk of injury, loss of life, and property damage from soil and slope instability including landslides, differential settlement, and accelerated erosion.

Policy EC-4.5 Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage

systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

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

Goal EC-5 **Flooding Hazards:** Protect the community from flooding and inundation and preserve the natural attributes of local floodplains and floodways.

Policy EC-5.2 Allow development only when adequate mitigation measures are incorporated into the project design to prevent or minimize siltation of streams, flood protection ponds, and reservoirs.

Policy EC-5.7 Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

Policy EC-5.11 Where possible, reduce the amount of impervious surfaces as a part of redevelopment or roadway improvements through the selection of materials, site planning, and street design.

Goal IN-3 **Water Supply, Sanitary Sewer and Storm Drainage.** Provide water supply, sanitary sewer, and storm drainage infrastructure facilities to meet future growth planned within the City, to assure high-quality service to existing and future residents, and to fulfill all applicable local, State and Federal regulatory requirements.

Policy IN-3.7 Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.

Policy IN-3.9 Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

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 NPDES permit.

City of San José Municipal Code

Chapter 15.11, Water Efficient Landscape Standards for New and Rehabilitated Landscaping. This chapter of the municipal code establishes water conservation and efficiency measures during the design, implementation, and maintenance of city landscaping in accordance with the Water Conservation in Landscaping Act. New construction projects with a total landscaping area of 500 square feet or more that require a building permit or rehabilitated landscape projects with a total landscape area of 2,500 square feet or more that require a building permit, are required to validate that the Project meets the water efficiency guidelines as required by this chapter. Some of these guidelines include restrictions on turf area, irrigation sensors that use evapotranspiration or soil moisture sensor data, water budget calculations and recycled water options. A landscape documentation package must be submitted to the City as part of the development permit application, and should include project information, water efficient landscape worksheet, soil management report, landscape design plan, irrigation design plan, and grading design plan.

Chapter 15.16, Sewer Connection and Storm Drainage. This chapter outlines storm drainage fees that project developers must pay to the City. These fees pay for the overall maintenance of the City's storm drainage system. Every city property owner must also pay separate storm drainage service charges for storm drain maintenance.

Chapter 17.08, Special Flood Hazard Area Regulations. This chapter establishes flood damage prevention measures for special flood hazard zones such as the 100-year floodplain. This chapter aims to restrict monetary damages, flood related hazards, and injury to the tax base and governmental services. It also requires building and redevelopment Projects that are vulnerable to floods to be protected against flood damage at the time of construction by implementing construction standards that must be applied within the 100-year floodplain.

Chapter 20.95, Storm Water Management. This chapter outlines stormwater management procedures and enforcement rules for siting stormwater runoff in order to mitigate negative impacts on nearby areas. This chapter is based on requirements under the NPDES permit that are consistent with City Council Policy 6-29, Post-Construction Urban Runoff Management. It applies to new development or redevelopment projects that create and/or replace 10,000 square feet of impervious surfaces, or special land use category projects that create and/or replace 5,000 square feet of impervious surfaces.

4.10.1.2 Existing Conditions

Groundwater. The Project site lies within the Santa Clara Plain Recharge Area of the Santa Clara subbasin of the larger Santa Clara Valley Groundwater Basin (DWR Basin 2-9.02). SCVWD manages groundwater recharge to the Santa Clara Valley Groundwater Basin. Groundwater quality within this basin is generally considered to be of good quality, meeting 95 percent of water quality objectives without additional treatment in water supply wells throughout the County.[63] As discussed in the Geotechnical Investigation (Appendix C) prepared for the Project, groundwater was encountered at a depth ranging from approximately 22.5 to 34.3 feet bgs on the Project site.

Storm Drainage. The City of San José Public Works Department operates and maintains the City's storm drain system, which has over 1,150 miles of storm drains and drainage channels as well as 29 stormwater pump stations. City infrastructure such as catch basins and storm drain pipes collect stormwater runoff, which is eventually discharged into the San Francisco Bay. USACE and SCVWD jointly oversee and operate the region's flood control facilities and stream channels.

The proposed Project would connect to the existing storm drain system, and as per City requirements, the storm drain connections must be designed and constructed to meet the City's ten-year storm event design standard. In addition, project developers are required to pay storm drain connection fees and storm drain service charges to assist in funding capital improvements to the system.

In the existing condition, stormwater runoff is conveyed via an on-site stormdrain system to existing storm mains in South 10th Street, Senter Road, and East Alma Avenue. The underground storm drain system is owned by the City of San José and maintained by the City Department of Transportation. The underground stormdrain system in the project area is directed west and eventually discharges into Coyote Creek, then into Lower Penitencia Creek, then into Coyote River, and eventually into San Francisco Bay. Additionally, the Project site is located within a subwatershed with less than 65 percent impervious surface area. The majority of the existing site is developed and impervious.

Flooding. According to the County of Santa Clara General Plan Safety and Noise Element (2010), FEMA (FIRM Map No. 06085C0253H (May 18, 2009), the Project site is located in Zone D, Area of Undetermined Flood Hazard, which is not considered a special flood hazard area.

Seiches and Tsunamis. Seiching occurs when seismic ground shaking induces standing waves (seiches) inside water retention facilities (e.g., reservoirs and lakes). The resulting waves can cause failure of retention structures and potential flooding of downstream properties. Friendship Pond and the Kelly Park Holding Pond are located west of the project site within Kelly Park. Although these ponds are in close proximity to the Project site, they contain small volumes of water and would not subject the Project to the threat of inundation by seiche.

Tsunamis are generated ocean wave trains generally caused by tectonic displacement of the sea floor associated with shallow earthquakes, sea floor landslides, rock falls, and exploding volcanic

[63] Great Oaks Water Company, 2015. *2015 Urban Water Management Plan*.

islands. The proposed Project is located approximately 28 miles from the ocean shoreline and 10.5 miles from San Francisco Bay. The Project site is not in a tsunami inundation area.[64]

4.10.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	☒	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would:				
i. Result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii. Substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site;	☐	☐	☒	☐
iii. Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv. Impede or redirect flood flows?	☐	☐	☒	☐
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

4.10.3 Impact Analysis

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact.

Construction. During construction, the total disturbed soil area would be approximately 6.3 acres (1.9 acres for Phase I and 4.4 acres for Phase 2). Because the Project would result in the disturbance of greater than 1 acre of soil, project implementation is required to comply with the SWRCB NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Orders Nos. 2010-

[64] California Emergency Management Agency, California Geological Survey, and University of Southern California. 2019. California Official Tsunami Inundation Maps. Website: https://www.conservation.ca.gov/cgs/tsunami/maps#interactive-maps (accessed August 16, 2020).

0014-DWQ and 2012-0006-DWQ) (Construction General Permit) and Section 20.100.480, Storm Water Management, of the City's Municipal Code.

The Construction General Permit requires preparation of a SWPPP and implementation of Construction BMPs. Section 20.100.480 of the Municipal Code requires compliance with the Construction General Permit; preparation of a SWPPP and an Erosion Control Plan; and implementation of Construction BMPs. Construction BMPs would include, but are not limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site and Good Housekeeping BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters. In addition, the proposed Project would comply with the City's Standard Permit Conditions.

Excavation for the proposed Project would extend to a depth of 3 feet bgs, and some over excavation may be required per the geotechnical requirements. The Geotechnical Investigation (Appendix C) concluded that, due to the fact that excavation would occur well above existing groundwater levels (approximately 22.5 to 34.3 feet bgs), it is unlikely that groundwater dewatering would be required.

With adherence to the City's standard permit conditions, which require compliance with and implementation of construction BMPs, the proposed Project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. Therefore, construction impacts related to waste discharge requirements, water quality standards, and degradation of surface or groundwater quality would be less than significant with the incorporation of the City's Standard Permit Conditions.

Operation. The proposed Project would add or replace a total of approximately 5.1 acres of impervious surfaces on the site over the course of both phases.

The City of San José operates under the previously described San Francisco Bay RWQCB MRP. The proposed Project is a regulated project under the MRP because it is a redevelopment project that creates or replaces more than 10,000 square feet of impervious surface. The MRP requires regulated projects to install, operate, and maintain Low Impact Development (LID) BMPs, such as pollutant source control, site design, and stormwater treatment BMPs. The City implements the requirements of the MRP through several policies, including the Post-Construction Urban Runoff Management Policy (6-29). Policy 6-29 requires all projects to include BMPs that prevent rainwater pollution, treat polluted runoff, and eliminate or control runoff from the Project site. Per City Policy 6-29, since the proposed Project would alter more than 50 percent of the total amount of impervious area from the existing site, the proposed BMPs only need to treat the new and/or replaced impervious surface area.

The Project would include LID BMPs in compliance with the MRP and the City's Post- Construction Urban Runoff Management Policy 6-29. The proposed LID BMPs include bioretention with underdrains connecting to the storm drain system, pervious pavement to increase on-site infiltration, and flow through planters. During final design, a Final Stormwater Control Plan would be prepared based on the final plans.

Due to the depth to groundwater (approximately 22.5 to 34.3 feet bgs) and the lower infiltration rates as indicated in percolation tests conducted as part of the Geotechnical Investigation, it is not expected that any stormwater that may infiltrate would affect groundwater quality because there isn't a direct path for pollutants to reach groundwater.

With implementation of post-construction BMPs and LID features, the proposed Project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. Therefore, operational impacts related to waste discharge requirements, water quality standards, and degradation of surface or groundwater quality would be less than significant with adherence to the City's Standard Permit Conditions.

Standard Permit Conditions:

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

b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less Than Significant Impact. Construction and operation of the proposed Project would not require groundwater extraction. Following Project implementation, there would be an increase in impervious surface area of approximately 1.1 acre. An increase in impervious surface area decreases infiltration, which can decrease the amount of water that is able to recharge the aquifer/ groundwater. However, compared to the volume of the groundwater basin (350,000 acre-feet [AF]),

any reduction in on-site infiltration would not be substantial. Therefore, the Project would not impede the SCVWD's ability to manage groundwater in the Santa Clara groundwater subbasin, which according to the 2016 GMP, has been in a sustainable condition for many decades. Thus, this project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the Project would impede sustainable management of the Santa Clara groundwater subbasin and this impact would be less than significant.

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

i. Result in a substantial erosion or siltation on- or off-site?

Less Than Significant Impact. During construction activities, excavated soil would be exposed and disturbed, drainage patterns would be temporarily altered during grading and other construction activities, and there would be an increased potential for soil erosion and the transport of sediment downstream compared with existing conditions. As discussed in Response 4.10.3(a), the Project would comply with the Construction General Permit and the City's Municipal Code, which require preparation of a SWPPP and an Erosion Control Plan, and implementation of construction BMPs to reduce impacts to water quality during construction, including those impacts associated with soil erosion and siltation. Additionally, the Project would be required to comply with the standard conditions listed in Response 4.10.3(a) to reduce erosion during construction.

The proposed Project would increase impervious surface area on the Project site by approximately 1.1 acre compared to existing conditions and could increase on-site stormwater runoff during a storm event. In the proposed condition, the impervious surface areas would not be prone to erosion or siltation. Erosion and siltation would be minimized in the landscaped areas, where soil would be stabilized by vegetation. Therefore, the proposed Project would not increase on-site erosion or siltation.

An increase in impervious surface area can potentially increase stormwater runoff generated from a project and increase erosion and sedimentation in receiving waters. As the Project site is not located within a hydromodification area, the proposed Project is not classified as a Hydromodification Management Project. In addition, the Project would include LID BMPs to reduce stormwater runoff from the Project site by aiding in infiltration. With implementation of the LID and BMPs, designed in accordance with the appropriate standards set forth in the City's stormwater policies, post-development runoff would not exceed the estimated pre-Project rates and durations and would therefore not have the potential to result in increased erosion in receiving waters. Therefore, the proposed Project would not increase off-site erosion or siltation.

For the reasons detailed above, with implementation of the Standard Permit Conditions (identified above), impacts related to on- or off-site erosion and siltation from alterations of drainage patterns would be less than significant.

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

ii. Substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

Less Than Significant Impact. Construction activities would alter the on-site drainage pattern, potentially compact on-site soils, and increase the potential for flooding compared to existing conditions. As discussed in Response 4.10.3(a) the Project would comply with the Construction General Permit and City's Municipal Code, which requires preparation of a SWPPP and Erosion Control Plan to identify construction BMPs to be implemented as part of the proposed Project to manage stormwater during construction. Proper management of storm water during construction would reduce impacts associated with flooding.

The proposed Project would increase impervious surfaces on the site by 1.1 acre, which could increase runoff peak flow during a storm event. The Project includes drainage systems to ensure that on-site runoff is adequately conveyed and on-site flooding does not occur. In addition, the Project would include LID BMPs to reduce stormwater runoff from the Project site by aiding in infiltration. With implementation of the LID and BMPs, designed in accordance with the appropriate standards set forth in the City's stormwater policies, post-development runoff would not exceed existing conditions and off-site flooding would not occur. With the implementation of the City's Standard Permit Conditions, potential impacts related to on- or off-site flooding resulting from the alteration of existing drainage patterns on the site would be less than significant.

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

iii. Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. In the existing condition, stormwater runoff is conveyed via an on-site stormdrain system to existing storm mains in South 10th Street, Senter Road, and East Alma Avenue. The underground storm drain system is owned by the City of San José and maintained by the City Department of Transportation. The underground stormdrain system in the project area is directed west and eventually discharges into Coyote Creek, then into Lower Penitencia Creek, then into Coyote River, and eventually into San Francisco Bay. The proposed Project would include an on-site stormdrain system comprised of gutters, stormdrain pipelines, pervious pavement, and storm drain inlets to convey on-site runoff to the bioretention basin, flow through planters, and to the City's storm drain system.

As discussed in Response 4.10.3(a), earthwork activities would compact soil, which can potentially increase stormwater runoff during construction. Drainage patterns would be temporarily altered during grading and other construction activities, and construction-related pollutants such as liquid and petroleum products and concrete-related waste could be spilled, leaked, or transported via storm runoff into adjacent drainages and into downstream receiving waters. The proposed Project

would be required to comply with requirements set forth by the Construction General Permit and City's Municipal Code, which requires preparation of a SWPPP and an Erosion Control Plan, and implementation of construction BMPs to control stormwater runoff and discharge of pollutants. Additionally, the Project would be required to comply with the standard conditions listed in Response 4.10.3(a) to reduce erosion and discharge of pollutants during construction

As discussed under Responses 4.10.3(c) and 4.10.3(d), the proposed Project would increase the impervious surface area on the Project site by 1.1 acre compared to existing conditions, which could increase runoff and pollutants generated on the Project site.

As discussed in Response 4.10.3(a), a Final Stormwater Control Plan would be prepared for the Project that details the Source Control and LID BMPs that would be implemented to treat stormwater runoff and reduce impacts to water quality during operation. The proposed LID BMPs include bioretention, pervious pavement, and flow through planters. These BMPs would capture and treat stormwater runoff and reduce pollutants of concern in stormwater runoff.

With implementation of the LID and BMPs, post-development runoff would not exceed existing conditions and, therefore, the capacity of downstream receiving waters would not be exceeded.

For the reasons discussed above, with adherence to the City's Standard Permit Conditions, Project impacts associated with the introduction of substantial sources of polluted runoff or additional runoff would be less than significant.

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

iv. Impede or redirect flood flows?

Less Than Significant Impact. As previously discussed, according to the County of Santa Clara General Plan Safety and Noise Element (2010) and FEMA FlRM Map No. 06085C0253H (May 18, 2009), the Project site is located in Zone D, an Area of Undetermined Flood Hazard, which is not considered a special flood hazard area. Although the Project would increase the impervious surface area on the Project site by 1.1 acres compared to existing conditions, the existing on-site drainage patterns would be maintained with the Project. Stormwater runoff would continue to be conveyed via an on-site stormdrain system to the City stormdrain system located in adjacent roadways. In addition, the Project would not alter the course of a stream or river. For these reasons, the Project would not alter the existing drainage pattern in a manner that would impede or redirect flood flows and this impact would be less than significant.

d. In a flood hazard, tsunami, or seiche zones, would there be a release of pollutants due to project inundation?

No Impact. As discussed further under Response 4.10.3(d)(iv), the Project site is located in Flood Zone D, an Area of Undetermined Flood Hazard, which is not considered a special flood hazard area. In addition, the Project is located approximately 28 miles from the ocean shoreline and 10.5 miles from San Francisco Bay and is not located in a tsunami inundation area. Finally, the Project site is

not in close proximity to any large bodies of water and is not at risk of inundation due to seiche. Therefore, the Project would not result in a release of pollutants due to inundation as a result of on-site flooding, tsunami, or seiche and there would be no impact.

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. As discussed in Response 4.10.3(a), the proposed Project would be required to comply with requirements set forth by the Construction General Permit and the City's Municipal Code, which requires preparation of a SWPPP and an Erosion Control Plan, and implementation of construction BMPs to control stormwater runoff and discharge of pollutants. In addition, a Final Stormwater Control Plan would be prepared for the Project that details the Source Control and LID BMPs that would be implemented to treat stormwater runoff and reduce impacts to water quality during operation. With adherence to City Standard Permit Conditions, the Project would not result in water quality impacts that would conflict with the RWQCB's Basin Plan. Therefore, impacts related to conflict with a water quality control plan would be less than significant.

As discussed in Response 4.10.3(b), construction and operation of the proposed Project would not require groundwater extraction. However, the Project would increase impervious surface areas by 1.1 acres, which can decrease the amount of water that is able to recharge the aquifer/groundwater. However, compared to the volume of the groundwater basin (350,000 AF), any reduction in on-site infiltration would not be substantial. For these reasons, the Project would not conflict with the SCVWD's 2016 GMP.

4.10.4 Conclusion

Less Than Significant Impact. Compliance with applicable regulations and implementation of the City's Standard Permit Conditions would result in a less than significant water quality and hydrology impact. No mitigation would be required.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 Regulatory Framework

Federal and State Regulations

There are no federal and/or State land use or planning-related regulations applicable to the proposed Project.

Local Regulations

Envision San José 2040 General Plan

The City of San José General Plan is a policy document guiding future development within the City and is a comprehensive plan intended to guide growth and development. The Land Use Element is considered the framework for the General Plan because it establishes development and land use patterns that enhance the City's character. Chapter 6 of the Land Use Element outlines goals and policies that are carried out through specific implementation programs. The Land Use and Transportation (LU) section of the City's General Plan includes the following goals and policies related to land use that are applicable to the proposed Project.

Goal FS-4 **Promote Fiscally Beneficial Land Use.** Maintain, enhance, and develop our City's employment lands as part of our strategy for Fiscal Sustainability.

Policy FS-4.5 Maintain and expand the total amount of land with either a Light Industrial or Heavy Industrial designation. Do not add overlays or other designations that would allow for non-industrial, employment uses.

Policy FS-4.6 Consider conversion from one employment land use to another, except for Light Industrial or Heavy Industrial land uses, where the conversion would retain or expand employment capacity and revenue generation, particularly for intensification on-site if the proposed conversion would result in a net increase in revenue generation.

Goal LU-6 **Industrial Preservation.** Preserve and protect industrial uses to sustain and develop the city's economy and fiscal sustainability.

Policy LU-6.1 Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City of public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses.

Policy LU-6.2 Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional

operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.

Policy LU-6.3 When new uses are proposed in proximity to existing industrial use, incorporate measures within the new use to minimize its negative impacts on existing nearby land uses and to promote the health and safety of individuals at the new development site.

Policy LU-6.4 Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns. Use available public financing to provide necessary infrastructure improvements as one means of encouraging this economic development and revitalization.

Policy LU-6.5 Maintain and create Light Industrial and Heavy Industrial designated sites that are at least one acre in size in order to facilitate viable industrial uses.

Policy LU-6.8 Reserve industrial areas for industrial and compatible support uses, while recognizing that industrial uses come in a variety of types and forms. Allow non-industrial uses, which are only incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Consider allowing supportive non-industrial activities, such as retail sales of materials manufactured or stored on site.

Goal TR-1 **Balanced Transportation System.** Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users, while also providing for the safe and efficient movement of automobiles, buses and trucks.

Policy TR-1.2 Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4 Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

Goal TR-2 **Walking and Bicycling.** Improve walking and bicycling facilities to be more convenient, comfortable, and safe, so that they become primary transportation modes in San José.

Policy TR-2.2 Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all

facilities regularly accessed by the public, including the Mineta San José International Airport.

Policy TR-2.8 Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Policy TR-2.18 Provide bicycle storage facilities as identified in the San José Bicycle Master Plan.

City of San José Municipal Code

Chapter 20.10 under Title 20 of the City's Municipal Code establishes the San José Zoning Ordinance,[65] which sets cohesive zoning rules for the City and designates land use types. The City's Zoning Ordinance[66] is the primary implementation tool for the goals and policies contained in the Land Use Element. For this reason, the Zoning Map must be consistent with the General Plan Land Use Map. The City's Land Use Map indicates the general location and extent of future development in the City. The City's Zoning Ordinance contains more specific information related to permitted land uses, building intensities, and development standards.

4.11.1.2 Existing Conditions

Existing and Surrounding Land Uses. The approximately 26-acre Project site consists of two parcels, located at 1661 Senter Road and 1591 Senter Road. The Project site is bounded by the San José Municipal Stadium and the San José Solar4AmericaIce facility to the north, Senter Road to the east, South 10th Street to the west, and Phelan Avenue to the south.

The Project site is located within a developed area situated between public/quasi-public uses to the north, consisting of the San José Solar4AmericaIce facility and San José Municipal Stadium, and heavy industrial uses to the south and west. Kelley Park, a 172-acre City park, is located east of Senter Road. Residential neighborhoods are located further to the north and to the southeast. The existing Santa Clara Valley Rifle Club to the north will be demolished to accommodate the approved Solar4America Ice Expansion Project[67], which is anticipated to be completed and operational in 2022.

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65 City of San José Municipal Code. Zoning Ordinance. Title 20. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO (accessed April 1, 2020).

66 Ibid. (accessed August 14, 2020).

67 In January 2020, the City of San José City Council approved a 200,000-square foot expansion of the Solar4America Ice at San José, which will add two additional recreational ice sheets to the facility, increasing the total ice sheets at the facility to six. The expansion will double the facility's footprint to just under 400,000 square feet. Construction for the facility was anticipated to begin in late April 2020, with a targeted completion date of April 2022. However, construction has been delayed due to the COVID-19 Shelter in Place Order.

Existing Land Use Designation. The Project site is designated Open Space, Parkland and Habitat and Heavy Industrial. The Open Space, Parkland, and Habitat lands include publicly- or privately-owned areas that are intended for low intensity uses. Lands in this designation are typically devoted to open space, parks, recreation areas, trails, habitat buffers, nature preserves, and other permanent open space areas. The Heavy Industrial use allows for industrial uses with nuisance or hazardous characteristics, which for reasons of health, safety and environmental effects, are best segregated from other uses, such as extractive and primary processing industries. Allowable heights range from 1 to 3 stories and the maximum building intensity (floor area ratio [FAR]) is 1.5.

Existing Zoning Classification. The Project site is classified as Heavy Industrial on the City's Zoning Map. As described above, the HI classification is intended for industrial uses with nuisance or hazardous characteristics, which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses. Allowable uses in the Heavy Industrial zoning classification include construction/corporation yard, manufacturing and assembly, industrial services, warehouse and distribution, and industrial equipment or product repair. Very limited scale retail sales and service establishments and warehouse retail uses may be allowed where they are compatible with adjacent uses and will not constrain the use of the site for heavy industrial purposes.

4.11.2 Checklist and Discussion of Impacts

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

4.11.3 Impact Analysis

a. Would the project physically divide an established community?

No Impact. The Project site consists of Assessor's Parcel Numbers (APNs) 477-38-007 and 477-38-016 that, when combined, have a net acreage of approximately 26 acres. The Project site is bounded by the San José Municipal Stadium and the San José Solar4AmericaIce Arena to the north, Senter Road to the east, South 10th Street to the west, and Phelan Avenue to the south. As previously stated, the Project site is primarily surrounded by Public/Quasi Public uses to the north, Open Space, Parklands and Habitat to the east and northeast, Heavy Industrial to the south and west, and Urban Residential to the southeast.

The Project site is located in an urbanized, industrial corridor and is partially developed with City's CSY, which includes buildings and associated parking area. The Project would involve the renovation of the existing Building D4 and construction of new buildings, including a six-story fire training tower. Overall, the proposed project includes renovation of 16,000 square feet of existing space

with 3,496 square feet of new storage mezzanine space and the construction of 56,393 square feet of new floor area across the project site.

Vehicular access to the site would be provided via the two new proposed driveways at 1591 Senter Road and one driveway located on South 10th Street. Visiting Fire Department apparatus vehicles would enter the Training Grounds through a new driveway cut along Senter Road, north of the new Training Tower and on-site fire training apparatus would come from Building D4.

The proposed relocation of the Fire Training and Emergency Operation Center would occur on two adjacent parcels in a built-out urban environment and would not result in physical divisions within any established community and there would be no impact.

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

Less Than Significant Impact. The main documents regulating land use on the Project site are the Envision San José 2040 General Plan and the City's Zoning Code. The Project site is designated Open Space, Parkland and Habitat and Heavy Industrial in the General Plan and is classified as Heavy Industrial on the City's Zoning Map. The proposed Project's relationship to these planning documents is described further below.

General Plan. As previously noted, the City's General Plan is a policy document guiding future development within the City. The Project site is currently designated as HI and OSPH on the City's General Plan Land Use Map. The OPSH lands include publicly- or privately-owned areas that are intended for low intensity uses. The HI use allows for industrial uses with nuisance or hazardous characteristics, which for reasons of health, safety and environmental effects, are best segregated from other uses, such as extractive and primary processing industries. In addition, the Project site is zoned HI. Allowable uses in the Heavy Industrial zoning classification include construction/corporation yard, manufacturing and assembly, industrial services, warehouse and distribution, and industrial equipment or product repair. Very limited scale retail sales and service establishments and warehouse retail uses may be allowed where they are compatible with adjacent uses and will not constrain the use of the site for heavy industrial purposes. The proposed Project would be allowed under the City's prevailing zoning district.

Table 4.11-A, below, provides a consistency analysis of the proposed Project with the applicable General Plan policies, showing that the proposed Project is generally consistent with the City's General Plan. In order to avoid repetition and focus on key issues, goals, policies, and implementation programs that are not relevant to the proposed Project are not included in Table 4.11-A.

Zoning Code. The City's Zoning Ordinance[68] is the primary implementation tool for the goals and policies contained in the Land Use Element. As previously noted, the Project site has a zoning classification of Heavy Industrial. General provisions of Heavy Industrial zoning designations within

[68] City of San José Municipal Code. Zoning Ordinance. Title 20. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.60PLADEDI (accessed August 21, 2020).

the City are outlined in Section 20.10 of the Municipal Code. Table 4.11-B, below, provides a consistency analysis of the proposed Project with the development standards outlined in Section 20 of the City's Municipal Code.

As illustrated by Table 4.11-B, the proposed Project would be consistent with applicable development standards regulating development on the Project site. Therefore, the proposed Project would be consistent with the City's Zoning Code.

In summary, the proposed Project would not cause a significant environmental impact due to conflicts with approved land use plans, policies, or regulations and this impact would be less than significant.

4.11.4 Conclusion

Less Than Significant Impact. Implementation of the Project would result in a less than significant land use and planning impact. No mitigation would be required.

Table 4.11-A: General Plan Consistency Analysis

Policy/Implementation Program	Proposed Project Consistency
Policy FS-4.5 Maintain and expand the total amount of land with either a Light Industrial or Heavy Industrial designation. Do not add overlays or other designations that would allow for non-industrial, employment uses.	**Consistent.** The Project site is currently designated as Open Space, Parkland and Habitat and Heavy Industrial on the City's General Plan Land Use Map. Implementation of the proposed Project would relocate the City's emergency operations and fire training center to the Project site, adjacent to and within the City existing CSY, which would serve to retain industrial uses in the City. Therefore, the proposed Project would be consistent with Policy FS-4.5.
Policy FS-4.6 Consider conversion from one employment land use to another, except for Light Industrial or Heavy Industrial land uses, where the conversion would retain or expand employment capacity and revenue generation, particularly for intensification on-site if the proposed conversion would result in a net increase in revenue generation.	**Consistent.** The Project site is currently designated as Open Space, Parkland and Habitat and Heavy Industrial on the City's General Plan Land Use Map, and is zoned as Heavy Industrial. Implementation of the proposed Project would relocate the City's emergency operations and fire training center to the Project site, adjacent to and within the City existing CSY, which would serve to retain industrial uses in the City. The proposed Project would not convert from one employment land use to another. Therefore, the proposed Project would be consistent with Policy FS-4.6.
Policy LU-6.1 Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City of public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses.	**Consistent.** The Project site is currently designated as Open Space, Parkland and Habitat and Heavy Industrial on the City's General Plan Land Use Map, and is zoned as Heavy Industrial. Implementation of the proposed Project would relocate the City's emergency operations and fire training center to the Project site, adjacent to and within the City existing CSY, which would serve to retain industrial uses in the City. The proposed Project would not convert from one employment land use to another. Therefore, the proposed Project would be consistent with Policy LU-6.1.
Policy LU-6.2 Prohibit encroachment of incompatible uses into industrial lands, and prohibit non-industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.	**Consistent.** The Project site is currently designated as Open Space, Parkland and Habitat and Heavy Industrial on the City's General Plan Land Use Map, and is zoned as Heavy Industrial. Implementation of the proposed Project would relocate the City's emergency operations and fire training center to the Project site, adjacent to and within the City existing CSY, retaining industrial uses in the City. The Project would renovate one building on Parcel 1 and construct new buildings on Parcels 1 and 2. The proposed Project would not convert from one employment land use to another. Therefore, the proposed Project would be consistent with Policy LU-6.2.
Policy LU-6.3 When new uses are proposed in proximity to existing industrial use, incorporate measures within the new use to minimize its negative impacts on existing nearby land uses and to promote the health and safety of individuals at the new development site.	**Consistent.** The proposed Project would relocate the City's emergency operations and fire training center to the Project site, adjacent to and within the City existing CSY. Proposed uses would be compatible with existing uses at the CSY. As part of the proposed project, the City would dedicate 14 feet along the curvature of the northern property line for a landscaped bikeway. The trail would be separated from the proposed industrial uses with fencing and landscaping. Therefore, the proposed Project would be consistent with Policy LU-6.3.
Policy LU-6.4 Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations, which facilitate efficient commute patterns. Use available public financing to provide necessary infrastructure improvements as one means of encouraging this economic development and revitalization.	**Consistent.** Implementation of the proposed Project would relocate the City's emergency operations and fire training center to the Project site, adjacent to and within the City existing CSY, which would consolidate City services in the same location and facilitate efficient commute patterns. Therefore, the proposed Project would be consistent with Policy LU-6.4.
Policy LU-6.5. Maintain and create Light Industrial and Heavy Industrial designated sites that are at least one acre in size in order to facilitate viable industrial uses.	**Consistent.** The Project site is currently designated as Open Space, Parkland and Habitat and Heavy Industrial on the City's General Plan Land Use Map, and is zoned as Heavy Industrial. The Project site is approximately 26 acres in size. Implementation of the proposed Project would relocate the City's emergency operations and fire training center to the Project site, adjacent to and within the existing City CSY. The zoning classification would remain Heavy Industrial, which would serve to maintain existing industrial designated sites in the City. Therefore, the proposed Project would be consistent with Policy LU-6.5.
Policy LU-6.8 Reserve industrial areas for industrial and compatible support uses, while recognizing that	**Consistent.** The Project site is currently designated as Open Space, Parkland and Habitat and Heavy Industrial on the City's General Plan Land Use Map, and

Table 4.11-A: General Plan Consistency Analysis

Policy/Implementation Program	Proposed Project Consistency
industrial uses come in a variety of types and forms. Allow non-industrial uses, which are only incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Consider allowing supportive non-industrial activities, such as retail sales of materials manufactured or stored on site.	is zoned as Heavy Industrial. Implementation of the proposed Project would relocate the City's emergency operations and fire training center to the Project site, adjacent to and within the City existing CSY. The zoning classification would remain Heavy Industrial, which would serve to maintain existing industrial designated sites in the City. The proposed Project does not include development of any non-industrial uses at the Project site. Therefore, the proposed Project would be consistent with Policy LU-6.8.
TR-1.2 Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.	**Consistent.** As discussed in Section 4.17, Transportation, the proposed Project would not exceed the City's threshold for VMT and would not significantly affect the intersections in the Project vicinity. Therefore, the proposed Project would be consistent with Policy TR-1.2.
Policy TR-1.4 Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.	**Consistent.** As part of the proposed project, the City would dedicate 14 feet along the curvature of the northern property line for a landscaped bikeway. The bikeway would connect to existing bike lanes on both Senter Road and South 10th Street. Therefore, the proposed Project would be consistent with Policy TR-1.4.
Policy TR-2.2 Provide a continuous pedestrian and bicycle system to enhance connectivity throughout the City by completing missing segments. Eliminate or minimize physical obstacles and barriers that impede pedestrian and bicycle movement on City streets. Include consideration of grade-separated crossings at railroad tracks and freeways. Provide safe bicycle and pedestrian connections to all facilities regularly accessed by the public, including the Mineta San José International Airport.	**Consistent.** The proposed Project would provide site improvements including concrete sidewalks and pedestrian crosswalks and ramps consistent with the American with Disabilities Act. Existing Class II bike lanes on Senter Road, South 10th Street, and Phelan Avenue would be maintained and the City would dedicate a 14-feet wide path along the curvature of the northern property line for a landscaped bikeway. Therefore, the proposed Project would be consistent with Policy TR-2.2.
Policy TR-2.8 Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.	**Consistent.** The proposed Project would provide site improvements including concrete sidewalks and pedestrian crosswalks and ramps consistent with the American with Disabilities Act. Existing Class II bike lanes on Senter Road, South 10th Street, and Phelan Avenue would be maintained and the City would dedicate a 14-feet wide path along the curvature of the northern property line for a landscaped bikeway. Therefore, the proposed Project would be consistent with Policy TR-2.8.
TR-2.18 Provide bicycle storage facilities as identified in the San José Bicycle Master Plan.	**Consistent.** Consistent with the City's bicycle parking requirements, the Project would provide 14 bicycle parking stalls to serve on-site employees. Bicycle storage would also be provided at Project parking areas. Existing Class II bike lanes on Senter Road, South 10th Street, and Phelan Avenue would be maintained and the City would dedicate a 14-feet wide path along the curvature of the northern property line for a landscaped bikeway. Therefore, the proposed Project would be consistent with Policy TR-2.18

Source: Envision San José 2040 General Plan. Adopted November 1, 2011, and amended February 27, 2018.
City = City of San José

Table 4.11-B: Zoning Code Consistency Analysis

Table 20-120. Industrial Zoning Districts Development Standards	Proposed Project Consistency
Minimum Lot Size. For heavy industrial parcels shall be 10,000 square feet.	**Consistent.** The Project site is approximately 26 acres, which is greater than the minimum lot size of 10,000 square feet. The proposed Project would satisfy this requirement. Therefore, the proposed Project would be consistent with the minimum lot size requirements.
Front Setbacks. Minimum setbacks from the building front shall be 15 feet. Minimum setbacks for front parking and circulation for vehicles shall be 15 feet. Minimum setbacks for front parking for trucks and buses shall be 15 feet.	**Consistent.** The proposed setbacks for the proposed building fronts from Senter Road would be between 54 and 285 feet. Therefore, the proposed Project would be consistent with applicable front setback requirements.
Side Setbacks. Minimum setback of 0 feet from property line, or 25 feet from residential district, whichever is greater for building and structures, for parking and circulation for passenger vehicles, and for parking for trucks and buses. Minimum setback of 0 feet from property line, or 100 feet from residential district for loading docks.	**Consistent.** The proposed Project is not located adjacent to a residential district. The proposed side setbacks for the proposed buildings would be between 16 and 572 feet. Therefore, the proposed Project would be consistent with applicable side setback requirements.
Rear Setbacks. Minimum setback of 0 feet from property line, or 25 feet from residential district, whichever is greater for building and structures, parking and circulation for passenger vehicles, and parking and circulation for trucks and buses. Minimum setback of 0 feet from property line, or 100 feet from residential district for loading docks.	**Consistent.** The proposed Project is not located adjacent to a residential district. Rear setbacks for the proposed buildings would be between 5 and 1,050 feet. Therefore, the proposed Project would be consistent with applicable rear setback requirements.
Maximum Building Height. Of fifty (50) feet, unless a different maximum is established pursuant to Chapter 20.85 of the San José Municipal Code.	**Consistent.** As outlined in Section 3.0, Project Description, the majority of the building proposed would be one to two stories in height. The proposed Fire Training Tower would be 6 stories in height (approximately 70 feet). The section of the training tower building that is above 50 feet would be used for a fire training rappelling deck with a roof canopy above. The height of the repelling deck would be set at60 feet, which is designed to maximize the rope rescue and rappelling training functions. The roof canopy would be set at 70 feet. The roof deck and canopy would comprise less than 30 percent of the overall roof area on the Fire Training Tower. Consistent with Chapter 20.85 of the City's Municipal Code, the Director of Planning, Planning Commission, or City Council may grant through issuance of a Development Permit certain exceptions to the rooftop height requirement. With issuance of the Development Permit, the proposed Project would be consistent with the City's building height standards.
Late Night Use and Activity. No retail establishment in any industrial district shall be open between the hours of 12:00 midnight and 6:00 a.m., except pursuant to and in compliance with a conditional use permit as provided in Chapter 20.100. No outdoor activity, including loading, sweeping, landscaping or maintenance shall occur within one hundred fifty feet of any residentially zoned property between the hours of 12:00 midnight and 6:00 a.m., except pursuant to and in compliance with a conditional use permit as provided in Chapter 20.100.	**Consistent.** The proposed Project would not operate between the hours of 12:00 midnight or 6:00 a.m. The facility would operate from 7:00 a.m. to 5:00 p.m. Additionally, no outdoor activities would occur within 150 feet of any residentially zoned property between the hours of 12:00 midnight and 6:00 a.m. Therefore, the proposed Project would be consistent with the applicable development standards.
Lighting. A. All lighting or illumination shall conform with any lighting policy adopted by the city council. B. Light fixture heights should not exceed eight feet when adjacent to residential uses unless the setback of the fixture from property line is twice the height of the fixture. No ground mounted light fixture shall exceed twenty-five feet in height.	**Consistent.** Exterior lighting would be provided throughout the site. Surface mounted fixtures would be provided under the proposed PV canopies in the parking lot. Additional pole fixtures would be added for areas not covered by the under-canopy lighting. Building-mounted exterior lighting would be provided for egress and security illumination at all exterior exit doors and sidewalks. No lighting is proposed at a height great than 20 feet. Therefore, the Project would conform to the City's lighting standards.
Landscaping. The following landscaping requirements shall apply for all sites in the industrial districts: All setback areas, exclusive of	**Consistent.** New landscaping proposed as part of the Project would consist of planting street trees along Senter Road and 10th Street.

Table 4.11-B: Zoning Code Consistency Analysis

Table 20-120. Industrial Zoning Districts Development Standards	Proposed Project Consistency
permitted off-street parking areas and private egress, or circulation, shall be landscaped.	Native drought tolerant grasses, perennials, and specimen shrubs are also proposed along Senter Road and 10th Street. Landscape screen walls are proposed along Senter Road at varying heights from 3 to 8 feet tall. Vines and low water use plantings are proposed to be planted in front of these walls to soften their appearance. Therefore, the Project would conform to the City's landscaping standards.

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 Regulatory Framework

Federal and State Regulations

Surface Mining and Reclamation Act of 1974

The California Department of Conservation, Geological Survey (CGS) and the California State Mining and Geology Board are required by the Surface Mining and Reclamation Act of 1974 (SMARA) to categorize lands into four Aggregate and Mineral Resource Zones (MRZs), described below. These MRZs classify lands that contain significant regional or Statewide mineral deposits. Lead Agencies are mandated by the State to incorporate MRZs into their General Plans.

MRZs are classified on the basis of geologic factors without regard to existing land use and land ownership. The four MRZs are categorized as follows:

- **MRZ-1:** An area where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- **MRZ-2:** An area where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence.
- **MRZ-3:** An area containing mineral deposits, the significance of which cannot be evaluated.
- **MRZ-4:** An area where available information is inadequate for assignment to any other MRZ zone.

Of the four categories, lands classified as MRZ-2 are of the greatest importance because such areas are underlain by demonstrated mineral resources or are located where geologic data indicate that significant measured or indicated resources are present. MRZ-2 areas are designated by the State Mining and Geology Board as being "regionally significant." Such designations require that a Lead Agency make land use decisions involving designated areas in accordance with its mineral resource management policies and that it consider the importance of the mineral resource to the region or the State as a whole, not just to the Lead Agency's jurisdiction.

Local Regulations

Envision San José 2040 General Plan.

The Environmental Leadership (ER) section of the City of San José's (City) General Plan includes the following goals and policies related to mineral resources that are applicable to the proposed Project.

Goal ER-11 **Extractive Resources:** Conserve and make prudent use of commercially usable extractive resources.

Policy ER-11.2 Encourage the conservation and development of SMARA-designated mineral deposits wherever economically feasible.

4.12.1.2 Existing Conditions

The California Department of Mines and Geology (CDMG) under SMARA has designated the Communications Hill area, located centrally in the City, as containing mineral deposits of regional significance for aggregate (Sector EE).[69] Neither the State Geologist nor the CDMG have classified any other areas in the City as containing mineral deposits that are either of Statewide significance or the significance of which requires further evaluation. The Project site is located approximately 0.4 mile southeast of the Communications Hill area.

The Project site has been classified by the CDMG as being located in MRZ-1, indicating that the Project site is located in an area where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.[70] In addition, the Project site is not designated or zoned for the extraction of mineral deposits.

4.12.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?	☐	☐	☐	☒
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?	☐	☐	☐	☒

4.12.3 Impact Analysis

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

No Impact. As previously stated, the Project site is classified by the CDMG as MRZ-1, indicating that the Project site is located in an area where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.[71] In addition, the Project site is not designated or zoned for the extraction of mineral deposits.

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69 Santa Clara Valley Habitat Agency. 2012. op. cit.

70 State of California, Division of Mines and Geology. 1982. Mineral Land Classification Map. South San Francisco Bay P-C Region. Special Report 146, Plate 2.49. Available online at: ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_146-2/SR-146_Plate_2.49.pdf (accessed August 15, 2020).

71 Ibid.

The proposed Project would not result in the loss of a known commercially valuable or locally important mineral resource. No impacts to known mineral resources would occur as a result of the proposed Project.

b. Would the project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. As stated in Response 4.12.3(a), the Project site is classified as MRZ-1, indicating the site is located where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence. The Project site is partially developed with the City's CSY and paved parking areas; the other portion of the Project site is undeveloped. No mineral extraction activities occur on the Project site, and it is not located within an area known to contain locally important mineral resources. Moreover, the Communications Hill area (located centrally in the City) is the only designated area in the City known to contain mineral deposits of regional significance for aggregate and the site is not within proximity to this resource. Therefore, the Project would not result in the loss of availability of a locally important mineral resource recovery site as delineated on a local general plan, specific plan, or other land use plan as a result of Project implementation and no impact would occur.

4.12.4 Conclusion

No Impact. Implementation of the Project would not result in impacts to mineral resources. No mitigation would be required.

4.13 NOISE AND VIBRATION

4.13.1 Environmental Setting

4.13.1.1 Regulatory Framework

Federal and State Regulations

There are no federal and/or State noise-related regulations applicable to the proposed Project.

Local Regulations

Envision San José 2040 General Plan

The Environmental Considerations/Hazards (EC) section of the City of San José's General Plan includes the following goals and policies related to noise and vibration that are applicable to the proposed Project.

Goal EC-1 **Community Noise Levels and Land Use Compatibility:** Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.

Policy EC-1.1 Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses in San José include:

- **Interior Noise Levels:** The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.

- **Exterior Noise Levels:** The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (Table EC-1 in the General Plan; Table 4.13-A below). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:

Table 4.13-A: Land Use Compatibility for Community Noise Environments

Land Use Category	Exterior Noise Exposure (DNL, dBA) 55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arena, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters						

Source: City of San José (2011).

[1] Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:

- Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:

- Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in design.

Unacceptable:

- New Construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

dBA = A-weighted decibel(s)
DNL = day-night average level

- For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

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

Policy EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3, and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound

barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or

- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

Policy EC-1.3 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.

Goal EC-2 **Vibration:** Minimize vibration impacts on people, residences, and business operations.

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. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted with a technical study by a qualified professional who verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted with a technical study by a qualified professional who verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL (the a-weighted decibel and the day-night average level; terms further defined below in Section 4.13.1.2). For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that developments can meet this standard. The City's acceptable DNL exterior noise level is 60 dBA or less for residential and most institutional land uses. Refer to Table 4.13-A, above, which shows land use compatibility guidelines for community noise in San José.

Section EC-1.2 of the City's Noise Element provide guidelines to minimize 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 5 dBA DNL or more where the noise level would remain "Normally Acceptable"; or

- Cause the DNL at nose sensitive receptors to increase by 3 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

As stated in Policy EC-2.3, above, the General Plan requires new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a

vibration limit of 0.08 inch-per-second (in/sec) peak particle velocity (PPV) is used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV is used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

City of San José Municipal Code

The City of San José also sets noise performance standards in Title 20, Section 20.50.300, Performance Standards of the Municipal Code. Table 4.13-B shows the Municipal Code Noise Standards for industrial land uses adjacent to residential and commercial zoned land uses.

Table 4.13-B: Noise Performance Standards

Land Use	Maximum Noise Level at Property Line (dBA)
Industrial use adjacent to a property used or zoned for residential purposes	55
Industrial use adjacent to a property used or zoned for commercial purposes	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70

Source: City of San José (2020).
dBA = A-weighted decibel(s)

For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by 5 dBA L_{eq} or more and exceed the normally acceptable levels of 55 dBA L_{eq} at the nearest noise-sensitive land uses or 60 dBA L_{eq} at office or commercial land uses for a period of more than 12 months (refer to General Plan Policy EC-1.7, above).

Title 20, Part 3, Section 20.100.450 specifies hours of construction within 500 feet of a residential unit as follows:

a. Unless otherwise expressly allowed in a development permit or other planning approval, no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.

b. Without limiting the scope of Section 20.100.310, no applicant or agent of an applicant shall suffer or allow any construction activity on a site subject to a development permit or other planning approval located within 500 feet of a residential unit at any time when that activity is not allowed under the development permit or planning approval.

c. This section is applicable whenever a development permit or other planning approval is required for construction activity.

Title 20, Part 5, Section 20.50.300 specifies there shall be no activity that causes ground vibration which is perceptible without instruments at the property line of the site.

4.13.1.2 Technical Background

Characteristics of Sound. Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, and sleep.

Sound intensity is measured through the A-weighted scale to correct for the relative frequency response of the human ear. That is, an A-weighted noise level de-emphasizes low and very high frequencies of sound similar to the human ear's de-emphasis of these frequencies. Unlike linear units, such as inches or pounds, decibels are measured on a logarithmic scale representing points on a sharply rising curve. For example, 10 decibels (dB) are 10 times more intense than 1 dB, 20 dB are 100 times more intense, and 30 dB are 1,000 times more intense. Thirty dB represents 1,000 times as much acoustic energy as one decibel. A sound as soft as human breathing is about 10 times greater than 0 dB. A 10 dB increase in sound level is perceived by the human ear as only a doubling of the loudness of the sound. Ambient sounds generally range from 30 dB (very quiet) to 100 dB (very loud).

Sound levels are generated from a source, and their decibel level decreases as the distance from that source increases. For a single point source, sound levels decrease approximately 6 dB for each doubling of distance from the source. This drop-off rate is appropriate for noise generated by stationary equipment. If noise is produced by a line source, such as highway traffic or railroad operations, the sound decreases 3 dB for each doubling of distance in a hard site (urban) environment. Line source noise in a relatively flat environment with absorptive vegetation, decreases 4.5 dB for each doubling of distance.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. Equivalent continuous sound level (L_{eq}) is the total sound energy of time varying noise over a sample period. However, the predominant rating scales for human communities in the State of California are the L_{eq} and community noise equivalent level (CNEL) or the day-night average level (DNL or L_{dn}) based on A-weighted decibels (dBA). CNEL is the time varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA weighting factor applied to noise occurring from 10:00 p.m.–7:00 a.m. (defined as sleeping hours). DNL is similar to the CNEL scale but without the adjustment for events occurring during the evening hours. CNEL and DNL are within 1 dBA of each other and are normally exchangeable. The City uses the CNEL noise scale for long-term noise impact assessment.

Other noise rating scales of importance when assessing the annoyance factor include the maximum noise level (L_{max}), which is the highest exponential time averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis for short-term noise impacts are specified in terms of maximum levels denoted by L_{max}, which reflects peak operating conditions and addresses the annoying aspects of intermittent noise. It is often used together with another noise scale, or noise standards in terms of percentile noise levels, in noise ordinances for enforcement purposes. For example, the L_{10} noise level represents the noise level exceeded 10 percent of the time during a stated period. The L_{50} noise level represents the median noise level. Half the time the noise level exceeds this level, and half the time it is less than this level. The L_{90}

noise level represents the noise level exceeded 90 percent of the time and is considered the background noise level during a monitoring period. For a relatively constant noise source, the L_{eq} and L_{50} are approximately the same.

Noise impacts can be described in three categories. The first is audible impacts that refer to increases in noise levels noticeable to humans. Audible increases in noise levels generally refer to a change of 3.0 dB or greater because this level has been found to be barely perceptible in exterior environments. The second category, potentially audible, refers to a change in the noise level between 1.0 and 3.0 dB. This range of noise levels has been found to be noticeable only in laboratory environments. The last category is changes in noise levels of less than 1.0 dB, which are inaudible to the human ear. Only audible changes in existing ambient or background noise levels are considered potentially significant.

Physiological Effects of Noise. Physical damage to human hearing begins at prolonged exposure to noise levels higher than 85 dBA. Exposure to high noise levels affects the entire system, with prolonged noise exposure in excess of 75 dBA increasing body tensions, thereby affecting blood pressure and functions of the heart and the nervous system. In comparison, extended periods of noise exposure above 90 dBA would result in permanent cell damage. When the noise level reaches 120 dBA, a tickling sensation occurs in the human ear even with short-term exposure. This level of noise is called the threshold of feeling. As the sound reaches 140 dBA, the tickling sensation is replaced by the feeling of pain in the ear. This is called the threshold of pain. A sound level of 160–165 dBA will result in dizziness or loss of equilibrium. The ambient or background noise problem is widespread and generally more concentrated in urban areas than in outlying less developed areas.

Fundamentals of Vibration. Vibration refers to ground-borne noise and perceptible motion. Ground-borne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors, where the motion may be indiscernible. Typically, there is more adverse reaction to effects associated with the shaking of a building. Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by 10 dB or less.

Typical sources of ground-borne vibration are construction activities (e.g., blasting, pile driving, and operating heavy-duty earthmoving equipment), steel-wheeled trains, and occasional traffic on rough roads. Problems with both ground-borne vibration and noise from these sources are usually localized to areas within approximately 100 feet from the vibration source.

Ground-borne vibration has the potential to disturb people and damage buildings. Although it is very rare for typical construction activities to cause even cosmetic building damage, it is not uncommon for construction processes such as blasting and pile driving to cause vibration of sufficient amplitudes to damage nearby buildings. Ground-borne vibration is usually measured in terms of vibration velocity, either the root-mean-square (RMS) velocity or peak particle velocity (PPV). The RMS is best for characterizing human response to building vibration, and PPV is used to characterize potential for damage.

4.13.1.3 Existing Conditions

The Project site is located within a developed area situated between public/quasi-public uses to the north, consisting of the San José Solar4America Ice facility and San José Municipal Stadium, and heavy industrial uses to the south and west. Kelley Park, a 172-acre City park, is located east of Senter Road. Residential neighborhoods are located further to the north and to the southeast. The existing Santa Clara Valley Rifle Club to the north will be demolished to accommodate the approved Solar4America Ice Expansion Project[72], which is anticipated to be completed and operational in 2022. Roadway traffic is the predominant noise source in the vicinity of the Project site.

The Project site is approximately 3.9 miles south of Norman Y. Mineta San José International Airport (SJC) and approximately 2.3 miles east of Reid-Hillview Airport of Santa Clara County. The Project is outside of both airport's 60 dBA Community Noise Exposure Level (CNEL) contours. The Project vicinity is in SJC's approach and departure flight paths and SJC operated aircrafts are visible from the Project vicinity.

Existing Sensitive Land Uses. Certain land uses are considered more sensitive to noise than others. Examples of these land uses include residential areas, educational facilities, hospitals, childcare facilities, and senior housing. The closest sensitive receptors to the Project site include the residences located along Phelan Avenue, approximately 330 feet northeast of the Project site boundary.

4.13.2 Checklist and Discussion of Impacts

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

[72] In January 2020, the City of San José City Council approved a 200,000-square foot expansion of the Solar4America Ice at San José , which will add two additional recreational ice sheets to the facility, increasing the total ice sheets at the facility to six. The expansion will double the facility's footprint to just under 400,000 square feet. Construction for the facility was anticipated to begin in late April 2020, with a targeted completion date of April 2022. However, construction has been delayed due to the COVID-19 Shelter in Place Order.

4.13.3 Impact Analysis

a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant With Mitigation Incorporated. The potential increase in ambient noise levels resulting from construction and operation of the proposed Project are described below.

Land Use Compatibility. The proposed Project involves the construction of a fire training facility. The proposed Project conforms to the City's zoning designation of HI. Therefore, the Project is not a noise-sensitive use as specified in the City of San José General Plan (refer to Table 4.13-A, above).

Construction. Construction activities associated with the proposed Project would result in substantial temporary exceedances in the ambient noise levels in the Project site vicinity.

Project construction would result in short-term noise impacts on nearby sensitive receptors (i.e., residential uses west and north of the site). Maximum construction noise would be short-term, generally intermittent depending on the construction phase, and variable depending on receiver distance from the active construction zone. Construction of the proposed Project would occur over the course of 16 months.

Short-term noise impacts would occur during grading and site preparation activities. Table 4.13-C lists typical construction equipment noise levels (L_{max}) recommended for noise impact assessments, based on a distance of 50 feet between the equipment and a noise receptor, obtained from the Federal Highway Administration (FHWA) Roadway Construction Noise Model. Construction-related short-term noise levels would be higher than existing ambient noise levels currently in the Project area but would no longer occur once construction of the Project is completed.

Two types of short-term noise impacts would occur during construction of the proposed Project. The first type involves construction crew commutes and the transport of construction equipment and materials to the site, which would incrementally increase noise levels on roads leading to the site. As shown in Table 4.13-C, there would be a relatively high single-event noise exposure potential at a maximum level of 84 dBA L_{max} at a distance of 50 feet from the trucks passing by.

The second type of short-term noise impact is related to noise generated during grading and construction on the Project site. Construction is performed in discrete steps, or phases, each with its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

Table 4.13-C: Typical Construction Equipment Noise Levels

Equipment Description	Acoustical Usage Factor (%)	Maximum Noise Level (L_{max}) at 50 ft[1]
Backhoes	40	80
Chain Saw	20	84
Compactor (ground)	20	80
Compressor	40	80
Cranes	16	85
Dozers	40	85
Dump Trucks	40	84
Excavators	40	85
Flat Bed Trucks	40	84
Forklift	20	85
Front-end Loaders	40	80
Graders	40	85
Jackhammers	20	85
Pick-up Truck	40	55
Pneumatic Tools	50	85
Pumps	50	77
Rock Drills	20	85
Rollers	20	85
Scrapers	40	85
Tractors	40	84
Welder	40	73

Source: Roadway Construction Noise Model (FHWA 2006).
Note: Noise levels reported in this table are rounded to the nearest whole number.
[1] Maximum noise levels were developed based on Spec 721.560 from the Central Artery/Tunnel (CA/T) program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.
FHWA = Federal Highway Administration
ft = foot/feet
L_{max} = maximum instantaneous sound level

Table 4.13-C lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Typical maximum noise levels range up to 85 dBA L_{max} at 50 feet during the noisiest construction phases. The site preparation phase, including excavation and grading of the site, tends to generate the highest noise levels because earthmoving machinery is the noisiest construction equipment. Earthmoving equipment includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders.

Each piece of construction equipment operates as an individual point source. Utilizing the following equation, a composite noise level can be calculated when multiple sources of noise operate simultaneously:

$$Lmax\ (composite) = 10 * \log_{10}\left(\sum_{1}^{n} 10^{\frac{Ln}{10}}\right)$$

Table 4.13-C shows the composite noise levels of the three loudest pieces of equipment for each construction phase, at a distance of 50 feet from the construction area.

Once composite noise levels are calculated, reference noise levels can then be adjusted for distance using the following equation:

$$Lmax\ (at\ distance\ X) = Lmax\ (at\ 50\ feet) - 20 * \log_{10}\left(\frac{X}{50}\right)$$

In general, this equation shows that doubling the distance would decrease noise levels by 6 dBA while halving the distance would increase noise levels by 6 dBA.

Table 4.13-C is utilized to calculate the hourly noise level impact for each piece of equipment. While each piece of construction equipment operates as an individual point source, a composite noise level can be calculated when multiple sources of noise operate simultaneously. Utilizing this methodology, the composite noise level of the two loudest pieces of equipment, typically the grader and tractor, during construction would be 81 dBA L_{eq} at a distance of 50 feet from the construction area.

Noise sensitive residential receptors are located approximately 300 feet north of the Project site. At this distance, noise levels would approach 66 dBA L_{eq} at the closest residences. The noise levels would exceed the City's noise standards for residential uses and exceed the existing ambient noise, but the increase in noise levels would cease once construction is complete.

Construction of the proposed Project would include the following tasks: grading, building construction and site work, paving, and architectural coatings. The Project phasing would generally start with site preparation and grading, and would continue with construction of the Project. Construction of the proposed Project is anticipated to occur over the course of 16 months. As such, the Project shall implement the following Mitigation Measure NOI-1, which incorporates applicable provisions outlined in the City's General Plan Policy EC-1.7 and Title 20, Part 3, Section 20.100.450 of the City's Municipal Code. Implementation of Mitigation Measure NOI-1 would reduce potential construction noise impacts to a less than significant level.

Impact NOI-1: Sensitive receptors in the Project area would be intermittently exposed to high noise levels during Project construction.

Mitigation Measure NOI-1:

MM NOI-1 **Construction Phasing.** Prior to the issuance of any grading or demolition permits, the Project Proponent shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

- As a part of the noise logistic plan, construction activities for the proposed Project shall include, but are not limited to, the following best management practices:

  (a) 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.

  (b) Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

  (c) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

  (d) Prohibit unnecessary idling of internal combustion engines.

  (e) 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.

  (f) Utilize "quiet" air compressors and other stationary noise sources where technology exists.

  (g) Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

  (h) 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.

  (i) 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.

  (j) 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.

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

The Project Proponent shall submit the construction noise logistics plan to the Director of Planning, Building and Code Enforcement and the Director of Public Works or Directors' designee prior to the issuance of any grading permits.

Operation. Potential noise impacts associated with Project operation, including traffic-generated noise and other operational noise sources are described below.

Traffic Noise Impacts. Motor vehicles with their distinctive noise characteristics are the dominant noise source in the Project vicinity. The amount of noise varies according to many factors, such as volume of traffic, vehicle mix (percentage of cars and trucks), average traffic speed, and distance from the observer. Implementation of the proposed Project would result in new daily trips on local roadways in the Project site vicinity. A characteristic of sound is that a doubling of a noise source is required in order to result in a perceptible (3 dBA or greater) increase in the resulting noise level.

As described in Section 4.17, Transportation, the proposed Project would generate 280 average daily trips. The adjacent Senter Road carries approximately 22,343 average daily trips.[73] Project trips would represent a small increase in noise level, approximately 0.1 dBA CNEL based on the following equation:

$$Change\ in\ (dBA) = 10 * \log_{10}\left(\frac{Current\ Volume}{Future\ Volume}\right)$$

Therefore, Project daily trips would not result in a perceptible noise increase along any roadway segment in the Project vicinity.

Operational Noise Impacts. As described in the regulatory framework discussion above, the City has established maximum permissible noise levels that may be generated by sources on a nonresidential land use in the Municipal Code. Table 4.13-B above shows the Municipal Code Noise Standards for industrial land uses adjacent to residential and commercial zoned land uses. The proposed Project is located within a developed area situated between public/quasi-public uses to the north and heavy industrial uses to the south and west. Kelley Park is located east of Senter Road and residential neighborhoods are located further to the north and to the southeast. As such, the proposed Project is located adjacent to a property used or zoned for use other than commercial or residential

[73] San José , City of. 2013. ADT 2015-2015. Senter Road North of Wool Creek Drive. Website: https://data.sanjoseca.gov/dataset/average-daily-traffic-volume-2005-2015/resource/9693dc4f-527f-4126-98e3-beb79d8be2d7 (accessed August 2020).

purposes. Therefore, as shown in Table 4.13-B, the permissible maximum levels are 70 dBA L_{max} at the property lines adjacent to the public/quasi-public land uses.

The proposed Project would include fire training activities, including auto extraction, FireBlast mobile training, axe and chain saw use, and driver training. Of the fire training activities, noise generated by chain saw use would generate the highest maximum noise levels. As shown in Table 4.13-C above, the use of chain saws would generate noise levels of approximately 84 dBA L_{max} at 50 feet.

The closest receptor to the training activity areas includes the San José Municipal Stadium, approximately 200 feet from the training activity areas. At 200 feet, there would be a decrease of 12 dBA due to the decreased distance from the baseline noise level of 84 dBA L_{max} at 50 feet. Therefore, maximum noise levels generated by the training activity areas would be approximately 72 dBA L_{max} at the closest sensitive receptors. In addition, the training grounds would be secured with an 8-foot high masonry wall to provide a visual barrier. LSA calculated the attenuation provided by the wall, and determined that the wall would reduce noise levels by approximately 17 dBA. Therefore, the closest sensitive receptors would be exposed to a maximum noise level of approximately 55 dBA L_{max}. This noise level would meet the City's standard of 70 dBA L_{max} at the adjacent public/quasi-public land uses. Therefore, operation of the proposed Project would not result in a permanent increase in ambient noise levels in the Project vicinity in excess of the City's noise standards and this impact would be less than significant.

b. Generation of excessive ground-borne vibration or ground-borne noise levels?

Less Than Significant Impact. Vibration refers to groundborne noise and perceptible motion. Groundborne vibration is almost exclusively a concern inside buildings and is rarely perceived as a problem outdoors. Vibration energy propagates from a source, through intervening soil and rock layers, to the foundations of nearby buildings. The vibration then propagates from the foundation throughout the remainder of the structure. Building vibration may be perceived by the occupants as the motion of building surfaces, rattling of items on shelves or hanging on walls, or as a low-frequency rumbling noise. The rumbling noise is caused by the vibrating walls, floors, and ceilings radiating sound waves. Annoyance from vibration often occurs when the vibration exceeds the threshold of perception by 10 dB or less. This is an order of magnitude below the damage threshold for normal buildings.

Typical sources of groundborne vibration are construction activities (e.g., pavement breaking and operating heavy-duty earthmoving equipment), and occasional traffic on rough roads. In general, groundborne vibration from standard construction practices is only a potential issue when within 25 feet of sensitive uses. Groundborne vibration levels from construction activities very rarely reach levels that can damage structures; however, these levels are perceptible near the active construction site. With the exception of old buildings constructed prior to the 1950s or buildings of historic significance, potential structural damage from heavy construction activities rarely occurs. When roadways are smooth, vibration from traffic (even heavy trucks) is rarely perceptible.

The streets surrounding the Project area are paved, smooth, and unlikely to cause significant groundborne vibration. In addition, the rubber tires and suspension systems of fire engines and other on-road vehicles make it unusual for on-road vehicles to cause groundborne noise or vibration

problems. As such, it is assumed that no such vehicular vibration impacts would occur and, therefore, no vibration impact analysis of on-road vehicles is necessary. Additionally, once constructed, the proposed Project would not contain uses that would generate groundborne vibration. Therefore, impacts associated with groundborne vibration would be less than significant.

Construction Vibration. Construction of the proposed Project could result in the generation of ground-borne vibration. The public/quasi-public uses to the north of the property and the residential units located further to the north and southeast are considered construction vibration-sensitive locations.

Table 4.13-D shows anticipated vibration levels at 25 feet from a construction vibration source. As shown in Table 4.13-D, bulldozers and other heavy-tracked construction equipment (except for pile drivers and vibratory rollers) generate approximately 87 VdB of ground-borne vibration when measured at 25 feet.

Table 4.13-D: Vibration Source Amplitudes for Construction Equipment

Equipment	Reference PPV/LV at 25 ft	
	PPV (in/sec)	LV (VdB)[1]
Hoe Ram	0.089	87
Large Bulldozer	0.089	87
Caisson Drilling	0.089	87
Loaded Trucks	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Sources: *Transit Noise and Vibration Impact Assessment* (FTA 20018).
[1] RMS vibration velocity in decibels (VdB) is 1 µin/sec.
µin/sec = micro-inches per second
ft = foot/feet
FTA = Federal Transit Administration
in/sec = inches per second
LV = velocity in decibels
PPV = peak particle velocity
RMS = root-mean-square
VdB = vibration velocity decibels

The distance to the nearest buildings for vibration impact analysis is measured between the nearest off-site buildings and the Project boundary (assuming the construction equipment would be used at or near the Project boundary) because vibration impacts occur normally within the buildings. The formula for vibration transmission is provided below.

$$L_v dB\ (D) = L_v dB\ (25\ ft) - 30\ Log\ (D/25)$$
$$PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$$

The closest off-site buildings to major construction activities include the heavy industrial uses along Phelan Avenue, which are approximately 85 feet south of the Project site. At 85 feet, these uses would experience vibration levels of up to 71 VdB (0.014 PPV [in/sec]). The construction vibration level at these buildings from construction equipment or activity would not exceed the FTA threshold of 94 VdB (0.2 in/sec PPV) for building damage. Although construction vibration levels at nearby buildings would have the potential to result in annoyance, these vibration levels would no longer occur once construction of the Project is completed. Therefore, impacts associated with construction vibration would be considered less than significant.

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?

No Impact. As previously stated, the Project site is approximately 3.9 miles south of SJC and approximately 2.3 miles east of Reid-Hillview Airport of Santa Clara County. While the Project site is in SJC's approach and departure flight paths and operated aircrafts are visible and audible, the Project site is outside of the 60 dBA CNEL contours for both airports. Therefore, the proposed Project would not result in the exposure of on-site workers and customers to excessive aircraft noise levels and no impact would occur.

4.13.4 Conclusion

Less Than Significant Impact with Mitigation Incorporated. Implementation of Mitigation Measure NOI-1 would ensure that the proposed Project would result in less than significant noise impacts.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 Regulatory Framework

Federal and State Regulations

There are no federal or State regulations related to population and housing that are applicable to the proposed Project.

Regional and Local Regulations

Association of Bay Area Governments Projections 2040

ABAG is the regional planning agency for the San Francisco Bay Area. ABAG Projections 2040[74] (2018) is a growth forecast, which informs agencies such as MTC and BAAQMD for the purpose of project funding and regulatory decisions. The data for the projections were prepared in connection with Plan Bay Area 2040, adopted by ABAG and MTC in the summer of 2017. Data for this forecast are provided from collective regional General Plans, zoning codes, and growth management programs. This growth forecast is produced every four years with the Projections 2040 report being the most recent projection. These periodic updates include developing impacts of "smart growth" policies and incentives to improve future development trends in the region, such as a more balanced ratio of the number of jobs to houses.

Plan Bay Area 2040

Plan Bay Area 2040 is the Bay Area's Regional Transportation Plan and Sustainable Communities Strategy as mandated by Senate Bill 375, the Sustainable Communities and Climate Protection Act. Plan Bay Area 2040 is a limited and focused update to the 2013 Plan Bay Area and includes key economic, demographic, and financial trends from the last several years. Plan Bay Area 2040 was adopted by ABAG and the MTC in 2017. Plan Bay Area aims to concentrate new population and employment growth in the region to areas with pre-existing transportation infrastructure to ensure greenhouse gas reductions are met.

4.14.1.2 Existing Conditions

In 2019, The United States Census Bureau estimated that the City of San José had approximately 1,21,795 people and 321,835 households.[75] The Project site consists of a portion of the City's existing CSY and undeveloped land. No residential units currently exist at the Project site.

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74 Association of Bay Area Governments and Metropolitan Transportation Commission. 2018. *Plan Bay Area Projections 2040 - A Companion to Plan Bay Area 2040*. November. Available online at: http://mtcmedia.s3.amazonaws.com/files/Projections_2040-ABAG-MTC-web.pdf (accessed August 15, 2020).

75 United States Census Bureau. QuickFacts. San José, CA. Website: https://www.census.gov/quickfacts/fact/table/sanjosecitycalifornia,US/LFE041218#viewtop (accessed August 15, 2020).

4.14.2 Checklist and Discussion of Impacts

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

4.14.3 Impact Analysis

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

Less Than Significant Impact. The potential impacts to population growth associated with construction and operation of the proposed Project are described below.

Construction. Construction of the proposed Project would provide short-term jobs over an approximately 16-month period. Many of the construction jobs would be temporary and would be specific to the variety of construction activities. This workforce would include a variety of craftspeople, such as cement finishers, ironworkers, welders, carpenters, electricians, painters, and laborers. It is anticipated that the project-related construction workers would be drawn from the existing labor force, and workers would not be expected to relocate their places of residence as a consequence of working on the proposed Project. Therefore, the proposed Project would not be expected to induce substantial population growth or demand for housing through increased construction employment and this impact would be less than significant.

Operation. The proposed Project would not cause or result in direct population growth because the Project would not provide housing on the Project site. The proposed Project would result in the relocation of the City's Fire Department Training Center, the Office of Emergency Services, and the Emergency Operation Center from its current location to the Project site. Following Project implementation, the total number of employees on the site would increase as compared to existing conditions; however, these employees would largely be relocated from the City's existing fire training facility. Furthermore, the proposed Project would be located within a developed area that is already served by all required utilities and the existing regional infrastructure and established roadway network would be utilized by employees accessing the Project site. Therefore, operation of the proposed Project would not induce substantial unplanned population growth or accelerate development in an underdeveloped area, and impacts related to population growth would be less than significant.

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

No Impact. As described above, the Project site consists of a portion of the City's existing CSY and undeveloped land. No residential units currently exist at the Project site. Therefore, the proposed Project would not result in the displacement of people or housing necessitating replacement housing elsewhere in the City, and no impact would occur.

4.14.4 Conclusion

Less Than Significant Impact. Implementation of the proposed Project would result in less than significant population and housing impacts. No mitigation is required.

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 Regulatory Framework

Federal and State Regulations

California Fire Code

The California Fire Code exists within Part 9 of the CBC, and includes measures for emergency planning preparation and safety. Examples of fire safety requirements include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

California Government Code Sections 65995 to 65998 (School Facilities)

California Government Code Section 65996 exists to offset the impacts of certain types of development on school facilities by requiring payment of fee to the associated school district prior to receiving a building permit. The school district is therefore responsible for implementing specific methods for mitigating school impacts under the Government Code. Pursuant to California Government Code Section 65995, payment of school impact fees is considered to be full mitigation for reducing impacts on school facilities that would result from implementation of a project.

Local Regulations

Envision San José 2040 General Plan

The Education and Services (ES) section of the City's General Plan includes the following goals and policies related to public services that are applicable to the proposed Project.

Goal ES-2 **Libraries:** Maintain and expand Library Information Services within the City to:

1. Enrich lives by fostering lifelong learning and providing every member of the San José community access to a vast array of ideas and information
2. Give all members of the community opportunities for educational and personal growth throughout their lives
3. Develop partnerships to further the educational, cultural and community missions of organizations in San José
4. Support San José State University Library's educational mission in expanding the base of knowledge through research and scholarship.

5. Locate branch libraries in central commercial areas of neighborhoods for essential public access to library resources, events, and community meeting spaces, and to stimulate economic development.

6. Maximize branch library hours of operation to facilitate daily patronage.

Policy 2.2 Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

Goal ES-3 **Law Enforcement and Fire Protection:** Provide high-quality law enforcement and fire protection services to the San José community to protect life, property and the environment through fire and crime prevention and response. Utilize land use planning, urban design and site development measures and partnerships with the community and other public agencies to support long-term community health, safety and well-being.

Policy ES-3.1 Provide rapid and timely Level of Service response time to all emergencies:

1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.

2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.

3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.

4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.

5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

Policy ES-3.2 Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.

Policy ES-3.3 Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.

Policy CD-5.3 Promote crime prevention through site and building designs that facilitate surveillance of communities by putting "eyes on the street." Design sites and buildings to promote visual and physical access to parks and open space areas. Support safe, accessible, and well-used public open spaces by orienting active use areas and building facades towards them.

City of San José Municipal Code

Title 17 of the San José Municipal Code, Buildings and Construction, includes codes applicable to public services for construction projects. Chapter 17.12 in this section adopts the California Fire Code, as addressed previously. Project applications for development in San José are plan-checked by SJFD for mandatory compliance with the California Fire Code.

4.15.1.2 Existing Setting

Fire Protection Services. Fire protection services would be provided to the proposed Project by the SJFD. The SJFD provides fire suppression and prevention, emergency medical and rescue services, hazardous materials response, and public education activities to the City's residents and has a total of 34 active stations within the City limits.[76] The SJFD's total emergency activity includes approximately 19 percent fire protection and 81 percent emergency medical services.[77] Currently, SJFD employs a total of 839 employees.[78] The SJFD is divided into four bureaus: Administrative Services, Field Operations, Fire Prevention & Permits, and Fire Dispatch. The Administrative Services bureau is responsible for budget development, grant management, accounts payable and payroll processing, human resources, records management, data analysis, and mapping/information technology enhancements. The Field Operations bureau is comprised of 33 fire stations that are responsible for actively protecting approximately 206 square miles and one million citizens. The Fire Prevention & Permits bureau is responsible for providing public education and outreach services,

[76] City of San José. 2020. Fire Department. Stations. Website: https://www.sanjoseca.gov/your-government/departments-offices/fire/stations (accessed August 16, 2020).

[77] Total of 45,144 incidents, 8,219 for Fire Protection, and 36,925 for Medical. Percent Fire Protection = 8,219/45,144 = 19%. Percent Medical = 36,925/45144 = 81%. Based on City-Wide Response Metrics for the Year 2018.

[78] City of San José. 2020. FY 2019-2020 Adopted Operating Budget. Website: https://www.sanjoseca.gov/home/showdocument?id=45411 (accessed August 16, 2020).

investigation of fires to determine cause and origin, and code compliance. The Fire Dispatch bureau is responsible for handling emergency calls related to fire and/or medical assistance.[79]

Fire Station No. 3, located at 98 Martha Street, is the closest fire station to the Project site (approximately 0.8 mile northwest). Fire Station No. 3 would be the first to arrive at the Project site in the event of an emergency and would thus be designated as the "first-in" station. Fire Station No. 26, located at 528 Tully Road, would be designated as the "second-call" station to support Fire Station No. 18.

During 2017, the SJFD responded to 93,892 calls for service; 76,269 (approximately 81 percent) of calls were related to medical emergencies.[80]

Police Protection Services. Police protection and law enforcement services are provided to the City by the San José Police Department (SJPD). The SJPD is currently divided into four bureaus: Administration, Field Operations, Investigations, and Technical Services.[81] The Administration Bureau is responsible for budget development, grant management, accounts payable and payroll processing, human resources, records management, data analysis, and mapping/information technology enhancements. The Field Operations Bureau is responsible for providing police services for the residents of San José by deploying personnel to emergency and non-emergency calls. The Investigations Bureau is divided into two divisions responsible for investigating various crimes throughout the City. The Technical Services Bureau is responsible for managing the department's use of technology to provide competitive advantages in the process of delivering police services to the residents of the City.

The SJPD headquarters is located at 201 W. Mission Street, approximately 3.5 miles northwest of the Project site. The Project site falls within the SJPD's Western Division, which is one of four patrol divisions within the City. The Western Division encompasses approximately 28 square miles and is comprised of four patrol districts Lima, Sierra, Foxtrot, and November. The Project site is located within Lima patrol district.

According to the City of San José FY 2019-2020 Budget, the SJPD employs approximately 1,710 police personnel.[82] As per the City's General Plan, the SJPD's current response time goal is no more than 6 minutes for 60 percent of all Priority 1 calls (emergency calls) and 11 minutes or less for 60 percent of all Priority 2 (non-emergency) calls. As such, the SJPD is not currently meeting its

79 City of San José. Fire Department. Bureaus. Website: https://www.sanjoseca.gov/your-government/departments/fire-department/bureaus (accessed August 16, 2020).
80 City of San José. Fire Department. 2018. City-Wide Response Metrics. May 18. Website: https://www.sanjoseca.gov/home/showdocument?id=9053 (accessed August 16, 2020).
81 City of San José Police Department. Website: http://www.sjpd.org/ (accessed August 16, 2020).
82 City of San José. FY 2019-2020 Adopted Budget. Police Department. Website: https://www.sanjoseca.gov/home/showdocument?id=45411 (accessed August 16, 2020).

response time goals. In Fiscal Year 2017-2018, the SJPD responded to 598,433 calls for service with an average response time of 9.22 minutes for Priority 1 calls and 22.68 minutes for Priority 2 calls.[83]

School Services. The Project site is located within the Franklin-McKinley Elementary School District (FMSD) and the East Side Union High School District (ESUSD). The FMSD includes 22 elementary and middle schools, with a total enrollment of 9,775 students during the 2019-2020 school year.[84] The ESUSD contains 26 high schools, with a total enrollment of 27,263 during the 2017-2018 school year.[85] The closest schools to the Project site are Santee Elementary School, located approximately 1.0 mile east of the Project site, ACE Esperanza Middle School, located approximately 1.0 mile east of the Project site, and Notre Dame High School, located approximately 1.3 miles northwest of the Project site.

Parks. The City's Parks, Recreation & Neighborhood Services Department oversees the operation and maintenance of parks and recreational facilities throughout the City. According to the Parks, Recreation, and Open Space section of the City's Quality of Life General Plan Element, the City currently maintains 3,520 acres of parkland through joint-use agreements with the City and other public land agencies such as the FMSD and the ESUSD. The Parks, Open Space, and Recreation section of the General Plan Quality of Life Element requires the provision of 3.5 acres of parkland per 1,000 residents through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds, as well as 7.5 acres of citywide/regional park and open space lands per 1,000 residents through a combination of facilities provided by the City and other public land agencies.[86] Kelley Park is the closest park to the Project site, located just to the east across Senter Road.

Library Services. The San José Public Library (SJPL) system provides library services within the City's jurisdictions.[87] There are 24 library locations currently serving the City. The two closest libraries to the Project site are: Tully Community Branch Library (approximately 1.17 miles southeast of the Project site) and the Biblioteca Latinoamericana Branch Library (approximately 1.14 miles northwest of the Project site. Due to their proximity, either of these libraries would serve the Project site. Amenities include library materials, computer access, meeting room space, and study areas.

83 City of San José. 2019-2020 Adopted Operating Budget. Police Department. Performance Summary. Available online at: https://www.sanjoseca.gov/home/showdocument?id=44812 (accessed August 16, 2020).

84 Ed Data. Education Data Partnership. District Summary. Franklin-McKinley Elementary. Website: http://www.ed-data.org/district/Santa-Clara/Franklin--McKinley-Elementary (accessed August 16, 2020)

85 California Department of Education. DataQuest. Website: https://dq.cde.ca.gov/dataquest/dataquest.asp (accessed August 16, 2020).

86 City of San José. 2011. Envision San José 2040 General Plan. Parks, Open Space, and Recreation Element.

87 San José Public Library. 2020. Mission & Vision. Website: https://www.sjpl.org/mission (accessed August 16, 2020).

4.15.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☒	
iv. Parks?	☐	☐	☒	
v. Other public facilities?	☐	☐	☒	

4.15.3 Impact Analysis

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

i. Fire protection?

Less Than Significant Impact. As described below impacts related to fire protection resulting from construction and operation of the proposed Project would be less than significant.

Construction. With the exception of potential utility and right-of-way improvements (i.e., driveway, curb, and/or gutter), construction activities are not anticipated to take place within the public right-of-way that could result in temporary lane closures or detours. However, Project construction may necessitate stopping of traffic to accommodate trucks entering or exiting the Project site during construction (e.g., for the movement of construction equipment). Therefore, construction activities could temporarily increase response times for emergency vehicles in the vicinity of the Project site. The proposed Project would comply with all applicable City requirements and recommendations outlined in the California Traffic Control Manual (Caltrans 2014) to ensure that emergency vehicles would be able to navigate through streets adjacent to the Project site during construction. Therefore, potential impacts related to emergency fire access during construction would be less than significant.

Operation. Utility improvements proposed as part of the Project would be required to comply with all applicable building code requirements requiring fire protection devices such as sprinklers, alarms per the California Fire Code (CFC), adequately spaced fire hydrants, and fire access lanes.

Project compliance with requirements set forth in the CFC and the City's Municipal Code would provide fire protection for people and structures, as well as emergency medical services on site.

Adherence to applicable codes would decrease the demand for fire services and ensure that there is adequate emergency access on site. Further, as discussed in Section 4.17, Transportation, the proposed Project would not result in a significant traffic impact to any study area intersections. Therefore, the proposed Project would not impair emergency response vehicles.

The proposed Project would relocate the City's Fire Training and Emergency Operation Center from its current location to the Project site, consolidating the City's fire training and emergency services within the CSY campus. Given that the proposed Project would involve the construction and operation of fire training and emergency operation facilities, implementation would entail the development of new governmental facilities; however, impacts of the construction and operation of the Project have been analyzed throughout this checklist and are determined to be less than significant with implementation of feasible mitigation. Therefore, implementation of the proposed Project would have a less than significant impact on fire protection services for the City and surrounding communities.

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

ii. Police protection?

Less Than Significant Impact. As described below impacts related to police protection resulting from construction and operation of the proposed Project would be less than significant.

Construction. Refer to Response 4.15.3(a)(i), above, for discussion of the potential for construction activities to affect emergency services. The Project would comply with all applicable City requirements and recommendations outlined in the *California Traffic Control Manual* (Caltrans 2014), which would ensure that emergency vehicle access is maintained during construction activities. Additionally, construction of the proposed Project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection. Therefore, construction-related impacts to police services would be less than significant.

Operation. The proposed Project would relocate the City's Fire Training and Emergency Operation Center from its current location to the Project site, consolidating the City's fire training and emergency services within the CSY campus. The proposed Project would not increase employment as the number of employees within the City would remain the same as currently provided under existing conditions. As such, the Project would have no impact on the SJPD's ratio of police officers per 1,000 residents and would not contribute to delayed response times for police services in the City. Therefore, Project implementation would not trigger the need for new or physically altered police facilities. Furthermore, the Project would result in the installation of lighting throughout the parking area and gates and fencing around the Fire Training Center to restrict access to the Project site. These security improvements would ensure public safety on the site. Operation of the proposed Project would not result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which

could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection. Therefore, operational impacts to police services would be less than significant.

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

iii. Schools?

Less Than Significant Impact. The proposed Project does not include any residential uses that would increase population growth, generate an increased demand for school facilities, or require the construction of school facilities. As previously stated, implementation of the Project is not anticipated to increase employment on the site and, as such, would not generate an increase in school-aged children that would require the need for new or expanded public school services within the FMSD or the ESUSD. Therefore, the project would not impact school services and facilities, and no mitigation would be required.

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

iv. Parks?

Less Than Significant Impact. As discussed in Section 4.14, Population and Housing, the Project would not significantly increase employment within the City or result in the construction of residential uses. As such, implementation of the proposed Project would not result in the increased the use of existing parks or other recreation uses and would not require the expansion of parks within the City. Therefore, no impacts to parks would occur.

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

v. Other public facilities?

Less Than Significant Impact. As discussed in Section 4.14, Population and Housing, the Project would not significantly increase employment within the City or result in the construction of residential uses. Therefore, no impacts to library facilities would occur.

4.15.4 Conclusion

Less Than Significant Impact. Implementation of the proposed Project would not result in significant impacts to existing public services, including fire, police, school or library services, in the City of San José or require the construction of new facilities. No mitigation would be required.

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 Regulatory Framework

Federal and State Regulations

There are no applicable federal or State regulations related to recreational resources.

Local Regulations

Envision San José 2040 General Plan

The Parks, Open Space, and Recreation (PR) section of the City's General Plan includes the following goals and policies related to recreation that are applicable to the proposed Project.

Goal PR-1 **High Quality Facilities and Programs:** Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

Policy PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/ community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Policy PR-1.8 Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.

Goal PR-3 **Provide an Equitable Park System:** Create a balanced park system that provides all residents access to parks, trails, open space, community centers, dog parks, skate parks, aquatics facilities, sports fields, community gardens, and other amenities.

Policy PR-3.2 Provide access to an existing or future neighborhood park, a community park, recreational school grounds, a regional park, open space lands, and/or a major City trail within a ⅓-mile radius of all San José residents by either acquiring lands within ⅓-mile or providing safe connections to existing recreation facilities outside of the ⅓-mile radius. This is consistent with the United Nation's Urban Environmental Accords, as adopted by the City for recreation open space.

Goal VN-1 **Vibrant, Attractive, and Complete Neighborhoods**: Develop new and preserve and enhance existing neighborhoods to be vibrant, attractive, and complete.

Policy VN-1.1 Include services and facilities within each neighborhood to meet the daily needs of neighborhood residents with the goal that all San José residents be provided with the opportunity to live within a ½-mile walking distance of schools, parks, and retail services.

City of San José Municipal Code

Chapter 19.38 Parkland Dedication Ordinance and Park Impact Ordinance. Chapter 19.38 of the San José Municipal Code includes the Parkland Dedication Ordinance (PDO) and Park Impact Ordinance (PIO), which both require residential developers to dedicate public parkland, pay in-lieu fees, or both, to account for the demand of neighborhood parkland when developing a project. Section 19.38.310 of the Municipal Code states that the amount of dedicated land is determined by the number of dwelling units and the average number of persons per dwelling unit.

Greenprint 2009 Update Plan for Parks, Recreation Facilities, and Trails. The Greenprint 2009 Update is a long-term plan that provides guidelines for the improvement of San José's parks, trails, community centers, and facilities within the next 20 years. This plan sets goals and objectives for the City to make San José residents healthier and happier when utilizing the local park system.

4.16.1.2 Existing Conditions

As previously stated, the City's Parks, Recreation & Neighborhood Services Department oversees the operation and maintenance of parks and recreational facilities throughout the City. According to the Parks, Recreation, and Open Space section of the City's Quality of Life General Plan Element, the City currently maintains 3,520 acres of parkland through joint-use agreements with the City and other public land agencies, such as the FMSD and the ESUSD. The Parks, Open Space, and Recreation section of the General Plan Quality of Life Element requires the provision of 3.5 acres of parkland per 1,000 residents through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds, as well as 7.5 acres of citywide/regional park and open space lands per 1,000 residents through a combination of facilities provided by the City and other public land agencies.[88]

The proposed Project is located in an urbanized area and is partially developed with the existing City CSY campus. Kelley Park is located just east of the Project site.

[88] City of San José. 2011. Envision San José 2040 General Plan. Parks, Open Space, and Recreation Element.

4.16.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐

4.16.3 Impact Analysis

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?

Less Than Significant Impact. As discussed in Section 4.14, Population and Housing, the Project would not significantly increase employment within the City, as the Project would result in the relocation of the City's existing fire training and emergency operations facilities. As such, Project implementation would not increase the City's population that would utilize parks. Relocation of the City's facilities to the Project site may increase use of Kelley Park due to the site's proximity to this recreation facility. Kelley Park is a 172-acre City park that includes Happy Hollow Park and Zoo, the Japanese Friendship Garden, and History Park. Other amenities include picnic areas with barbecue pits, and biking and walking trails. Due to the size of the park and the limited increase in employees anticipated at the Project site (approximately 70 new employees), the existing park can accommodate the potential increase in use. Therefore, the Project would not result in impacts related to the use of the existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated and this impact would be less than significant.

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?

Less Than Significant Impact. As part of the proposed project, the City would dedicate 14 feet along the curvature of the northern property line for a landscaped bikeway that would eventually connect to existing Class II bikeways on Senter Road and 10th Street. Impacts of the construction and operation of the Project, including the future trail, have been analyzed throughout this checklist and are determined to be less than significant with implementation of feasible mitigation. Therefore, impacts related to the construction or expansion of recreational facilities would be less than significant.

4.16.4 Conclusion

Less Than Significant Impact. Implementation of the proposed Project would not result in impacts to recreational facilities in San José. No mitigation would be required.

4.17 TRANSPORTATION

The discussion provided in this section is based on the Local Transportation Analysis (LSA, September 2020), provided in Appendix E of this IS/MND.

4.17.1 Environmental Setting

4.17.1.1 Regulatory Framework

Federal and State Regulations

Senate Bill 743

On September 27, 2013, Governor Jerry Brown signed Senate Bill (SB) 743 into law and started a process that changes the methodology of a transportation impact analysis as part of CEQA requirements. SB 743 directed the California Office of Planning and Research (OPR) to establish new CEQA guidance for jurisdictions that removes the level of service (LOS) method of evaluation, which focuses on automobile vehicle delay and other similar measures of vehicular capacity or traffic congestion, from CEQA transportation analysis. Rather, VMT, or other measures that promote "the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses," are now be used as the basis for determining significant transportation impacts in the State.

State CEQA Guidelines Section 15064.3, Subdivision (b)

In January 2018, the OPR submitted a proposal for comprehensive updates to the *State CEQA Guidelines* to the California Natural Resources Agency. The submittal included proposed updates related to the analysis of GHG emissions, energy, transportation impacts pursuant to SB 743, and wildfires, as well as revisions to Section 15126.2(a) in response to the California Supreme Court's decision in *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal. 4th 369. On December 28, 2018, the updated *State CEQA Guidelines* went into effect.

As part of the update to the *State CEQA Guidelines*, Section 15064.3 was added and codifies that project-related transportation impacts are typically best measured by evaluating the project's VMT. Specifically, subdivision (b) focuses on specific criteria related to transportation analysis and is divided into four subdivisions: (1) land use projects, (2) transportation projects, (3), qualitative analysis, and (4) methodology. Subdivision (b)(1) provides guidance on determining the significance of transportation impacts of land use projects using VMT; projects located within 0.5 mile of transit should be considered to have a less than significant impact. Subdivision (b)(2) addresses VMT associated with transportation projects and states that projects that reduce VMT, such as pedestrian, bicycle, and transit projects, should be presumed to have a less than significant impact. Subdivision (b)(3) acknowledges that Lead Agencies may not be able to quantitatively estimate VMT for every project type; in these cases, a qualitative analysis may be used. Subdivision (b)(4) stipulates that Lead Agencies have the discretion to formulate a methodology that would appropriately analyze a project's VMT.

Regional and Local Regulations

Metropolitan Transportation Commission)

MTC conducts transportation planning, financing, and coordination for the San Francisco Bay Area, including Santa Clara County. MTC periodically updates the Regional Transportation Plan, which plans for the development of mass transit, highway, airport, seaport, railroad, bike, and pedestrian facilities. The most current Regional Transportation Plan, *Transportation 2035*, budgets funding for transportation-related projects in Santa Clara County, such as local street pavement maintenance and countywide shuttle service programs. In addition, MTC and ABAG adopted Plan Bay Area 2040 in 2017, which is a State-mandated transportation and land use plan. The Sustainable Communities Strategy outlines a sustainable communities strategy for the region, which aims to integrate transportation, land use, and housing to meet GHG reduction targets established by the California Air Resources Board.

Santa Clara Valley County Congestion Management Plan

Santa Clara Valley Transportation Authority (VTA) is an independent special district that aims to provide sustainable, accessible, and community-focused transportation opportunities. VTA is the county's congestion management agency, providing countywide transportation planning, design and construction of specific highway, pedestrian, and bicycle improvement projects, as well as the promotion of transit-oriented development. In accordance with California Statute, Government code 65088, VTA prepares the Santa Clara County Congestion Management Plan (CMP), which addresses strategies for combating congestion and monitoring compliance.

The Santa Clara CMP contains the following five mandatory elements: (1) a system definition and traffic level of service standard element; (2) a transit service and standards element; (3) a trip reduction and transportation demand management element; (4) a land use impact analysis program element; and (5) a capital improvement element. The Santa Clara CMP also includes three optional elements, which include a countywide transportation model and database element, an annual monitoring and conformance element, and a deficiency element. The VTA is responsible for reviewing new development projects that are expected to affect CMP designated intersections in the County.

City Council Policy 5-1, Transportation Analysis Policy

On February 27, 2018, the City adopted City Council Policy 5-1, Transportation Analysis Policy, which establishes VMT as the City's metric for CEQA transportation analysis. City Council Policy 5-1 replaces City Council Policy 5-3, in which the City would use the LOS method for assessing transportation impacts under CEQA. Consistent with SB 743; the City's *Transportation Analysis Handbook* (2018); and the major strategies, goals, and policies of the City's General Plan; City Council Policy 5-1 establishes a new threshold for transportation impacts under CEQA by replacing LOS with VMT. The City has developed a VMT Evaluation Tool to streamline the analysis for residential, office, and industrial projects by assessing a project's potential VMT based on the

project's description, location, and attributes. This tool is used to determine the existing VMT and a project's VMT impacts, and suggests potential mitigation measures (if necessary).

The policy also requires development projects to conduct a Local Transportation Analysis (LTA) to analyze conformance with the multimodal transportation strategies, goals, and policies in the General Plan and address adverse impacts to the transportation system. The primary goal of an LTA is to establish a local transportation system that is reflective of both land use context and multimodal functions. An LTA will ensure that the type, character, and intensity of land uses along a street are appropriate to the primary function of the street, and that all people travel safely on city streets. City Council Policy 5-1 supports implementation of the City's General Plan by promoting mixed-use, infill projects in Planned Growth Areas. Further, the policy focuses resources on the development of multimodal transportation networks envisioned in the General Plan.

Envision San José 2040 General Plan

The Community Design (CD) and Land Use/Transportation (LU/TR) sections of the City's General Plan include the following goals and policies related to transportation that are applicable to the proposed Project.

Goal CD-2 **Function:** Create integrated public and private areas and uses that work together to support businesses and to promote pedestrian activity and multi-modal transportation.

Policy CD-2.1 Promote the Circulation Goals and Policies in this Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of this Plan.

1. Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.

2. Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb- outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.

3. Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled

parking to ensure that the value and cost of parking are considered in real estate and business transactions.

Policy CD-2.2 Consider the street type (e.g., expressway, arterial, Main Street) in the development review process to ensure that the design of the site, buildings, and public way respond to the transportation mode priorities (i.e., pedestrian, bicycle, or vehicular traffic) for the area. (Refer to the Transportation section of this Plan for street types and mode priorities for each type.)

Goal TR-1 **Balanced Transportation System:** Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.

Policy TR-1.1 Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and VMT.

Policy TR-1.2 Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

Policy TR-1.4 Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.

- Development proposals shall be reviewed for their impacts on all transportation modes through the study of VMT, Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.

Goal TR-3 **Maximize use of Public Transit:** Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.

Policy TR-3.3 As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute

toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Goal TR-5 **Vehicular Circulation:** Maintain the City's street network to promote the safe and efficient movement of automobile and truck traffic while also providing for the safe and efficient movement of bicyclists, pedestrian, and transit vehicles.

Vision Zero San José Action Plan

In 2020, the City adopted a Vision Zero Action Plan (2020), which is a transportation safety initiative aimed at prioritizing street safety for all road users, including those who walk, bike, drive, or ride transit. The Action Plan includes strategies aimed at eliminating all traffic fatalities and significantly reducing severe injuries due to transportation-related accidents.

Senter Road, which is directly east of the Project site, has been identified as a Vision Zero Priority Safety Corridor. For each Priority Safety Corridor, safety assessments have been developed and include recommendations focused on engineering features that would help reduce vehicle speeds, minimize traffic conflicts, and create safer and more accessible facilities for all roadway users. The recommendations range in cost, including actions such as trimming trees that may obstruct visibility, enhancing crosswalks with flashing beacons, and installing new traffic signals. The safety assessments also include targeted recommendations for law enforcement and traffic safety education for the public.

Transportation Analysis Handbook

The City's *Transportation Analysis Handbook* (April 2018) sets forth objectives and methodologies related to the preparation of project-related transportation analyses. The *Transportation Analysis Handbook* outlines significance criteria, screening criteria, and thresholds of significance for environmental clearance for development projects, transportation projects, and General Plan Amendments. The Transportation Analysis Handbook aligns with SB 743; City Council Policy 5-1, and the major strategies, goals, and policies of the City's General Plan. According to the *Transportation Analysis Handbook*, a detailed CEQA transportation analysis would not be required if a project meets certain screening criteria. Small infill projects and other projects of sufficiently small size (i.e., 30,000 square feet or less of industrial use) would meet the City's screening criteria, in which case the Project would not be required to prepare a detailed CEQA transportation analysis.

San José Bike Plan 2020

The San José Bike Plan 2020[89] includes policies for developing and maintaining bike trails and associated facilities within the City. The following five goals are listed within the plan in order to improve bike accessibility and connectivity: (1) complete 500 miles of bikeways; (2) achieve a 5 percent bike mode share; (3) reduce bike collision rates by 50 percent; (4) add 5,000 bicycle parking spaces; and (5) achieve Gold-Level Bicycle Friendly Community status.

89 City of San José. 2009. San José Bike Plan 2020. November 17.

San José Emergency Operations Plan

Under State law, California requires that local governments create and administer an Emergency Operations Plan (EOP) under the guidelines provided by FEMA. The State Office of Emergency Services (OES) adopts these emergency management guidelines for business activities in the Emergency Operations Center (State EOC). The *City of San José Emergency Operations Plan* was adopted in 2004 and was updated most recently on January 24, 2019.

4.17.1.2 Existing Conditions

Roadway Network and General Plan Typologies. The Project site is currently developed and is located in an urban area. Key roadways within the vicinity of the Project site include South 10th Street, Senter Road, Phelan Avenue, and Alma Drive. South 10th Street is a four-lane undivided City Connector Street that extends from San José through Central San José. South 10th Street provides sidewalks and Class II bikeways (bike lanes) on both sides of the street. Senter Road is a six-lane, divided, north-south City Connector Street. Senter Road extends through south San José and provides opportunities for alternative modes of transportation, including Class II bikeways and access to transit stops. Alma Avenue is a four-lane, undivided, east-west On-Street Primary Bicycle Facility that extends through the southern edge of Central San José to its terminus at Senter Road. Phelan Avenue is a four-lane, undivided, east-west City Connector Street that extends through the northern edge of south San José to its terminus at the Kelley Park east of the project site. On Phelan Avenue, sidewalks are provided on both sides of the street, and Class III bikeways (Bike Routes) are provided west of South 10th Street.

Access to the site is currently provided via two driveways on Senter Road and two gated driveways on Phelan Avenue. Primary vehicle access to the Project site would be provided via a new full-access driveway along South 10th Street. The Project would also provide a new gated right-in/right-out/left-out driveway along Senter Road on Parcel 2 to provide occasional access for fire trucks and apparatus. The gate would remain closed during typical operations to secure the training grounds and buildings, and would only be used under supervision of SJFD staff. SJFD trainees/recruits and staff would not use this driveway. The project would maintain the two existing driveways on Senter Road and the two existing gated driveways on Phelan Avenue. Visitors and trucks would use the new Senter Road driveway and the existing site driveways on Senter Road and Phelan Avenue.

Pedestrian and Bicycle Facilities. Sidewalks currently exist in the project vicinity on both sides of South 10th Street, Senter Road, Alma Avenue, and Phelan Avenue. There are pedestrian crosswalks at all of the study intersections in the project vicinity. The pedestrian and bicycle facilities provide opportunities for the public to use alternative modes of transportation and connections to a variety of commercial, residential, and employment designations. All sidewalks and bikeways provide access to transit stops and incorporate the last-mile goals set forth by the City.

Transit Facilities. The existing transit system provides transit stops within a 0.5-mile buffer from the project site and is serviced through VTA7. Route 73 provides transportation between Downtown San José and Senter Road/Monterey Road, and has transit stops at the intersections of Senter Road/Alma Avenue and Senter Road/Phelan Avenue. Route 73 runs from 7:30 a.m. to 9:30 p.m.,

within 30-minute headways on weekdays. This route connects residential land uses with employment opportunities in Downtown San José, and is vital to the surrounding area.

4.17.2 Checklist and Discussion of Impacts

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

4.17.3 Impact Analysis

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

Less Than Significant Impact. Proposed circulation system impacts associated with construction and operation of the proposed Project are described below.

Construction. As described further in Section 3.0, Project Description, construction equipment and vehicles would be staged on site. The Project does not include any characteristics (e.g., permanent road closure or long-term blocking of road access) that would physically impair or otherwise interfere with transit, roadways, bicycle facilities, and/or pedestrian facilities in the Project vicinity. With the exception of potential utility improvements and right-of-way improvements (i.e., driveway, curb, and/or gutter), construction activities are not anticipated to take place within the public right of way that could result in temporary sidewalk and bicycle lane closures and detours. Therefore, construction of the Project would result in less than significant traffic impacts related to potential conflicts with plans, programs, ordinances or policies addressing the local circulation system.

Operation. The proposed Project would be required to comply with General Plan policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The Project would also be required to comply with City Council Policy 5-1, which requires consistency with transportation-related goals and policies in the City's General Plan, the Vision Zero Action Plan, and the San José Bike Plan 2020. The Project's consistency with these plans is described in detail below.

Project Access/Circulation and Parking. Pedestrian access to the project site is provided via sidewalks on both sides of the street along Senter Road, Phelan Avenue and South 10th Street. The project would provide site improvements including concrete sidewalks. The project would maintain the pedestrian crosswalks and ramps at the study intersections consistent with the policies from the

American with Disabilities Act. There would be no other change to the pedestrian system with the development of the project.

The project would maintain Class II bike lanes on Senter Road and South 10th Street, and Class III bike routes on Phelan Avenue west of South 10th Street. Future Class II bike lanes are proposed along Alma Avenue and on Pheland Avenue between South 10th Street and Senter Road.

The Project would not conflict with the Three Creeks Trail Eastern Alignment extension project north of the Project site. The Three Creeks Trail Eastern Alignment extension project proposes to extend the existing Three Creeks Trail from Guadalupe River to Coyote Creek Trail northeast of the Project site. It should be noted that the City's Parks, Recreation & Neighborhood Services does not currently have any plans or funding to develop this extension.

Section 20.90.100 of the City's Municipal Code requires one bicycle-parking stall for every 10 employees. Consistent with the City's bicycle parking requirements, the project would provide seven bicycle-parking stalls to serve the 70 on-site employees per the California Green Building Standards Code.

With relocation and construction of the proposed Project, there would be no changes to the existing transit system and transit stops. The existing transit system is serviced through the VTA and provides one bus route with several transit stops within a 0.5-mile buffer from the project site. Bus Route 73 provides transportation between downtown San José and Senter Road/Monterey Road, and connects residential land uses with employment opportunities in Downtown San José.

In compliance with the City's Municipal Code (Section 20.90.100, Off-street vehicle parking space design standards), parking spaces would be provided by the project (1 parking stall per 1.5 employees, plus 1 per company vehicle). On a typical day of operations, the project site would have 30 SJFD trainees/recruits, 40 EMS/OEM trainees, and 70 staff. The parking area proposed for this project would incorporate the 112 parking spaces displaced from Parcel 1 and provide an additional 176 parking spaces for CSY, fire training, and OEM needs, for a total of 288 parking spaces. As such, the project would provide parking spaces consistent with the City Municipal Code.

Conformance with City Council Policy 5-1 and the General Plan. City Council Policy 5-1 requires development projects to conduct a LTA to analyze conformance with the multimodal transportation strategies, goals, and policies in the General Plan and address adverse impacts to the transportation system. An LTA was prepared for the Project and the findings of the LTA are described below in the Non-CEQA Considerations section.

The proposed Project would be required to comply with transportation related goals and policies in the City's General Plan (refer to Section 4.17.1.1, above, for a list of goals and policies applicable to the proposed Project). As previously stated, the proposed Project would include sidewalk improvements on Senter Road and South 10th Street and would install on-site bicycle parking at the Project site. These improvements would ensure consistency with the City's goal of creating an integrated multi-modal transportation network that promotes pedestrian and bicycle transportation as part of a greater effort to reduce VMT (Goals CD-2 and TR-1, Policy CD-1, Policy CD-2, Policy TR-1.1, Policy TR-1.2, and Policy TR-1.4). In addition, the Project would not result in any disruptions to

existing transit facilities in the area. As such, the Project would be consistent with the City's goal of encouraging the use of public transportation services (Goal TR-3 and Policy TR-3.3). Moreover, the proposed Project would not result in increased congestion on roadways or at intersections near the Project site nor would the Project result in excessive vehicle queuing. Consequently, the Project would be consistent with the City's goal of maintaining safe and efficient street network (Goal TR-5). For the reasons stated above, the proposed Project would not conflict with provisions in the City's General Plan related to bicycle, pedestrian, and transit infrastructure and access.

Conformance with Transportation Development Policies.

Vision Zero Two-Year Action Plan. As stated previously, the Vision Zero program was enacted in order to prioritize street safety and ensure safety for all road users, including those who walk, bicycle, drive, or ride transit. Senter Road has been identified as a Vision Zero Corridor. The project is consistent with the City's goals set for this street. The Senter Road Vision Zero Safety Improvements Plan includes buffered bike lanes on each side of the street between Alma Avenue and Phelan Avenue. With implementation of the proposed Project and a new driveway on Senter Road, the buffered bike lane marking and striping at the new driveway should match those of the opposing driveway for Kelley Park. Staff, recruits and trainees would enter the project site via the project driveway on South 10th Street. All trucks for the training facility would be on site, and only one truck per day would enter the project site via the new driveway along Senter Road from a fire station facility to perform annual training. As such, the project is not forecast to create any adverse effects to the existing operations or safety of this corridor. There are sidewalks and bicycle facilities in the project vicinity that allow for safe circulation for pedestrians and bicyclists.

San José Bike Plan 2020. The San José Bike Plan 2020[90] includes policies for developing and maintaining bike trails and associated facilities within the City. As stated previously, the proposed Project would maintain Class II bike lanes on Senter Road, South 10th Street, and Phelan Avenue. As part of the proposed project, the City would dedicate a 14-foot wide path along the curvature of the northern property line for a landscaped bikeway. Further, the Project would provide would provide 7 bicycle-parking stalls to serve the 70 on-site employees, which would accommodate bicycle commuting. As such, the Project would not conflict with the San José Bike Plan 2020.

Summary. The proposed Project would not conflict with City Council Policy 5-1, transportation-related goals and policies the City's General Plan, the Vision Zero Two-Year Action Plan, and the San José Bike Plan 2020. Therefore, the proposed Project would result in less than significant impacts related to compliance with applicable plans, ordinances, programs, and policies addressing the circulation system in the City.

b. Would the Project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

Less Than Significant Impact. As previously stated, the City of San José has established a new threshold for transportation impacts (City Council Policy 5-1) that is consistent with Senate Bill 743.

90 City of San José. 2009. op. cit.

Under this new threshold, transportation impacts are evaluated under VMT, which looks at project-related effects on the number of VMT per capita or per employee in the City.

According to the City's Transportation Analysis Handbook, a project would not require a detailed VMT analysis if it meets the City's screening criteria. As a local-serving public facility, the project meets the screening criteria presented in the *Transportation Analysis Handbook* and requires only an LTA. Therefore, the Project would not conflict or be inconsistent with *State CEQA Guidelines* Section 15064.3 subdivision (b) and this impact would be less than significant.

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. The proposed Project involves the relocation of the City's fire training and emergency operations center through the renovation and construction of buildings at and adjacent to the existing City CSY facility. Primary vehicle access to the project site would be provided via a new full-access driveway along South 10th Street. The project would also provide a new gated right-in/right-out/left-out driveway along Senter Road on Parcel 2 to provide occasional access for fire trucks and apparatus. The gate would remain closed during typical operations to secure the training grounds and buildings, and would only be used under supervision of SJFD staff. SJFD trainees/recruits and staff would not use this driveway. The project would maintain the two existing driveways on Senter Road and the two existing gated driveways on Phelan Avenue. Visitors and trucks would use the new Senter Road driveway and the existing site driveways on Senter Road and Phelan Avenue.

The proposed Project would rely on and can be accommodated by the existing roadway system in the Project's vicinity. Aside from the new driveway configurations, the Project would not include any improvements to the existing roadways adjacent to the Project site. Due to the proposed Project's compatibility with surrounding land uses, which include other industrial uses, the Project would not substantially increase hazards due to incompatible uses. The proposed Project would not introduce any new roadways or introduce a land use that would conflict with existing urban land uses in the surrounding area. Therefore, the Project would result in less than significant impacts resulted to design hazards and incompatible uses.

d. Result in inadequate emergency access?

Less Than Significant Impact. Construction of the proposed project is anticipated to take place over the course of 16 months. Project construction is estimated to begin in January 2021 and finish by June 2022. Approximately 30 construction workers would be on the project site on a typical day between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Contractors would carpool to the maximum extent possible during the construction phase of the project. With the exception of potential utility improvements and right-of-way improvements (i.e., driveway, curb, and/or gutter), construction activities are not anticipated to take place within the public right of way that could result in temporary sidewalk and bicycle lane closures and detours. As such, construction activities proposed as part of the Project would not result in inadequate emergency access.

The proposed Project would relocate the City's fire training and emergency operations facilities within and adjacent to the City CSY facility. Following Project implementation, the secondary

northernmost driveway on Snell Avenue would be used for Fire Department emergency access only (no public access will be allowed). Additionally, the Project would not result in traffic impacts that could hinder or obstruct emergency access to the Project site or surrounding areas. Further, the proposed Project would be developed in accordance with the City's emergency access standards and would be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on site for emergency vehicles. Therefore, operation of the proposed Project would result in less than significant impacts related to inadequate emergency access to the site.

4.17.3.2 Other Non-CEQA Transportation and Site Access Considerations

The following discussion analyzes the Project's potential impacts on the roadway network within the vicinity of the Project site. This information has been summarized from the LTA that was prepared for the proposed Project and is intended for informational purposes; this information is not provided for purposes of determining the significance of an environmental impact.

Project Net Trip Generation. The proposed project trips were generated based on the hours of operation of the facility and the number of trainees and staff entering/exiting the project site on a daily basis. The facility would operate from 7:00 a.m. to 5:00 p.m., Monday through Friday, and occasionally Saturday. An SJFD Academy includes an average of 25 (maximum 30) new trainees/recruits for a duration of 5 months each, with a 4-month break duration between the academies. There are two academies every 18 months. Based on the information from the City Public Works Department, on a typical day of operations, the project site would have 30 SJFD trainees/recruits, 40 EMS/OEM trainees, and 70 staff. To conduct a conservative analysis, LSA assumed that all the SJFD trainees/recruits, EMS/OEM trainees, and staff would arrive during the AM peak hour and depart during the PM peak hour. Table 4.17-A shows the trip generation for the project that was reviewed and approved by the City prior to the preparation of this LTA. The project does not have any plans to accommodate more staff. The break duration between the academies could be reduced, but this is not planned at the moment. As shown in Table 4.17-A, the proposed Project would generate a net increase in 280 average daily trips, 140 AM peak-hour trips, and 140 PM peak-hour trips.

Table 4.17-A: Trip Generation Summary

Land Use	Size (No. of Persons)	ADT	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Project Trip Generation								
SJFD Trainees/Recruits	30	60	30	0	30	0	30	30
EMS/OEM Trainees	40	80	40	0	40	0	40	40
Staff	70	140	70	0	70	0	70	70
Total Trip Generation		**280**	**140**	**0**	**140**	**0**	**140**	**140**

Source: Compiled by LSA Associates, Inc. (2020).
Hours of operation would be from 7:00 a.m. to 5:00 p.m., Monday through Friday, and occasionally Saturday.
It is assumed that all trainees/recruits and staff will arrive during the a.m. peak hour and depart during the p.m. peak hour
ADT = average daily trips
EMS = Emergency Management Services
OEM = Office of Emergency Management
SJFD = San José Fire Department

Intersection Level of Service Analysis. Roadway performance is most often controlled by the performance of intersections, specifically during peak traffic periods. This is because traffic control at intersections interrupts traffic flow that could otherwise be relatively unimpeded except for the influences of on-street parking, access to adjacent land uses, or other factors resulting in interaction of vehicles between intersections. For this reason, traffic analyses for individual projects typically focus on peak-hour operating conditions for key intersections rather than roadway segments. Operating conditions at intersections are typically described in terms of level of service (LOS). LOS is a measure of a roadway's operating performance and is a tool used in defining thresholds of significance. LOS is described with a letter designation from A to F, with LOS A representing the best operating conditions (free-flow traffic) and LOS F the worst (traffic jammed).

In order to evaluate the potential for future projects to impact the performance of local roadways, the City's LTA requires a LOS analysis. According to the City's Transportation Analysis Guidelines and consistent with the City's General Plan, LOS at an intersection or roadway is considered to be unsatisfactory when the Highway Capacity Manual (HCM) 2000 delay exceeds 55 seconds per vehicle (i.e., LOS D). It should be noted that for intersections already operating at LOS E or F under baseline conditions, an adverse effect can occur and is defined as: an increase in average critical delay by 4.0 seconds or more AND an increase in the critical volume-to-capacity (v/c) ratio of 0.010 or more; OR a decrease in average critical delay AND an increase in critical v/c ratio of 0.010 or more. Table 4.17-B demonstrates the relationship of HCM 2000 to LOS.

Table 4.17-B: HCM 2000 to LOS

Operation Standard	Descriptions	Average Control Delay (seconds/vehicle)
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle length	10.1–20.0
C	Operations with longer delays due to a combination of unfavorable progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1–35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, and high volume-to-capacity (v/c) ratios. Individual cycle failures are noticeable	35.1–55.0
E	Operations with high delays indicating poor progression, long cycle lengths, and high v/c ratios. Individual cycle failures are frequent occurrences.	55.1–80.0
F	Operations with delays unacceptable to most drivers occurring due to over-saturation, poor progression, or very long cycle lengths.	> 80.0

Source: *Transportation Analysis Handbook* (City of San José 2018).
HCM = Highway Capacity Manual
LOS = Level of Service

The following study area intersections were analyzed as part of the LTA (LOS analysis):

1. South 10th Street/Alma Avenue
2. 10th Street/Phelan Avenue
3. Senter Road/Alma Avenue

4. Senter Road/Phelan Avenue

These study area intersections were selected because they are closest to the Project site and, therefore, have the greatest potential to have an adverse effect related to the Project.

Existing (September 2016 and October 2019) traffic counts for the study area intersections were obtained from the City. A 1 percent per year growth rate was applied to the existing counts to represent 2020 condition conditions. Traffic conditions at the study intersections were analyzed for the weekday AM and PM peak hours of traffic. The AM peak hour is generally between 7:00 a.m. and 9:00 a.m., and the PM peak hour is typically between 4:00 p.m. and 6:00 p.m. The most congested traffic conditions occur during these periods on an average weekday. Table 4.17-C, below, shows a summary of existing intersection LOS.

Table 4.17-C: Existing Intersection Operations Summary'

Intersection		Existing					
		AM Peak Hour			PM Peak Hour		
		Critical V/C	Delay (sec/veh)	LOS	Critical V/C	Delay (sec/veh)	LOS
1	South 10th Street/Alma Avenue	0.509	22.1	C	0.535	19.6	B
2	South 10th Street/Phelan Avenue	0.392	17.0	B	0.482	16.7	B
3	Senter Road/Alma Avenue	0.377	10.0	B	0.362	12.7	B
4	Senter Road/Phelan Avenue	0.358	13.8	B	0.305	21.4	C

Source: *Transportation Analysis* (LSA 2020; Appendix E).
LOS = level of service
sec/veh = seconds per vehicle
V/C = volume-to-capacity

As shown in Table 4.17-C, all study area intersections currently operate at satisfactory LOS during both peak hours.

In addition to evaluating existing intersection conditions, potential adverse effects were analyzed for the traffic volume conditions in the Background Scenario: Background Intersection Operations and the Project Scenario: Background Plus Project Intersection Operations.

Table 4.17-D presents a summary of Background Intersection Operations AM and PM peak-hour analysis for the study area intersections. The Approved Trip Inventory (ATI), a database of vehicle trips of approved but not yet constructed projects, was provided by the City in order to analyze the Background Scenario. As shown in Table 4.17-D, all study area intersections would operate at satisfactory LOS during both peak hours.

Table 4.17-D: Background Intersection Operations Summary

Intersection		Existing Plus Approved Projects					
		AM Peak Hour			PM Peak Hour		
		Critical V/C	Delay (sec/veh)	LOS	Critical V/C	Delay (sec/veh)	LOS
1	South 10th Street/Alma Avenue	0.545	22.5	C	0.561	20.5	C
2	South 10th Street/Phelan Avenue	0.412	17.4	B	0.497	16.7	B
3	Senter Road/Alma Avenue	0.403	11.2	B	0.372	13.0	B
4	Senter Road/Phelan Avenue	0.358	14.0	B	0.305	21.3	C

Source: *Transportation Analysis* (LSA 2020; Appendix E).
LOS = level of service
sec/veh = seconds per vehicle
V/C = volume-to-capacity

Background Plus Project conditions were developed by incorporating existing counts, ATI volumes, and the proposed Project trips. Table 4.17-E provides a summary of Background Plus Project intersection LOS. As shown in Table 4.17-E, study area intersections would continue to operate at satisfactory LOS with the project. Therefore, the project would not result in an adverse effect to an intersection.

Table 4.17-E: Background Plus Project Intersection Operations Summary

Intersection		Existing Plus Approved Projects Plus Project					
		AM Peak Hour			PM Peak Hour		
		Critical V/C	Delay (sec/veh)	LOS	Critical V/C	Delay (sec/veh)	LOS
1	South 10th Street/Alma Avenue	0.556	22.8	C	0.579	20.9	C
2	South 10th Street/Phelan Avenue	0.439	18.1	B	0.517	16.8	B
3	Senter Road/Alma Avenue	0.403	11.2	B	0.372	13.1	B
4	Senter Road/Phelan Avenue	0.358	14.3	B	0.305	21.4	C

Source: *Transportation Analysis* (LSA 2020; Appendix E).
LOS = level of service
sec/veh = seconds per vehicle
V/C = volume-to-capacity

For the reasons stated above, the proposed Project would not result in an unsatisfactory LOS at any of the study area intersections in the Background or Background Plus Project scenarios.

Intersection Queuing Analysis. As part of the LTA, an intersection queuing analysis was also prepared to assess the effectiveness of the storage lengths and queuing, and to identify potential for vehicle spillback out of the turn lanes. The Traffic Analysis concluded that the vehicle queues exceed the storage length at the northbound left turn lane at South 10th Street/Alma Avenue during both peak hours in the Existing, Existing Plus Approved Project, and Existing Plus Approved Projects Plus Project conditions. However, the project would only contribute one vehicle (25 feet) to the queue length in the AM peak hour. Although the project would not add any trips at this location in the AM

peak hour, the queue length is longer in the AM peak hour at this location. Also, this intersection operates at satisfactory LOS during both peak hours in the existing, background, and background plus project conditions. Extending the northbound left-turn pocket does not appear to be feasible without affecting the right-of-way or the bike lanes along 10th Street.

In addition, the vehicle queues exceed the storage length at the eastbound left turn lane at South 10th Street/Phelan Avenue during the PM peak-hour in the existing and background conditions, and both peak hours in the background plus project condition. However, the project would only contribute one vehicle (25 feet) to the queue length in the AM peak hour. Although the project would not add any trips at this location in the PM peak hour, the queue length is longer in the PM peak hour at this location. Also, this intersection operates at satisfactory LOS during both peak hours in the existing, background, and background plus project conditions. Extending the eastbound left-turn pocket does not appear to be feasible without affecting the right-of-way along Phelan Avenue.

The vehicle queues exceed the storage length at the northbound left turn lane at Senter Road/Phelan Avenue during the AM peak-hour in the Existing, Existing Plus Approved Project, and Existing Plus Approved Projects Plus Project conditions. However, the project would only contribute one vehicle (25 feet) to the queue length in the AM peak hour, and would not add any trips at this location in the PM peak hour. Also, this intersection operates at satisfactory LOS during both peak hours in the existing, background, and background plus project conditions.

Therefore, the proposed Project would not contribute significant queues to any of the study area intersections and turn movements.

Neighborhood Traffic Intrusion. The Project involves the relocation of the City fire training and emergency operations facilities within and adjacent to the City CSY facility. It is not a new residential development, employment center, retail center, or recreational use that could potentially create cut-through traffic or induce speeding. The proposed Project would allow for the continued operation of the City CSY and would continue to serve local-area residents. No neighborhood traffic intrusions would be generated by the Project.

Truck Operations. As previously described, primary vehicle access to the project site would be provided via a new full-access driveway along South 10th Street. This is the primary entrance for passenger vehicles for all staff, academy recruits, and visitors for training classes. No fire trucks would enter the Project site via this driveway. The project would also provide a new gated right-in/right-out driveway along Senter Road on Parcel 2 to provide occasional access for visiting fire trucks and apparatus. All trucks for the training facility would be on site, and only one truck per day would enter the project site via the new driveway along Senter Road from a fire station facility to perform annual training. The gate would remain closed during typical operations to secure the training grounds and buildings, and would only be used under supervision of SJFD staff. SJFD trainees/recruits and staff would not use this driveway. The gate would have a no-left-turn sign to prevent trucks from making a left-turn onto Senter Road. The project would maintain the two existing driveways on Senter Road along the Parcel 1 portion of the Project, and the two existing gated driveways on Phelan Avenue. Visitors and trucks, including trash and recycling trucks (once per week), propane trucks (once every 6 months), and daily delivery trucks (i.e., DHL and UPS) would use the existing driveway along Senter Road south of the new Senter Road driveway. Figure 11 in

the LTA (Appendix E) illustrates the truck turning radii for a 41-foot Simon-Duplex truck (Simon LTI, Model QH-100) on the fire training grounds portion of the project site (Parcel 2). As shown on Figure 11, the new driveway along Senter Road would be able to accommodate the largest truck entering/exiting the project site. All trucks would be stored on the Project site, and only one truck per day would come to the Project site from a fire station facility, and enter the Project site via the new driveway along Senter Road. As such, there would not be any conflict between the trucks entering/exiting the driveways along Senter Road.

Construction. Construction of the proposed project is anticipated to take place over the course of 16 months. Project construction is estimated to begin in January 2021 and finish by June 2022. Approximately 30 construction workers would be on the project site on a typical day between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Contractors would carpool to the maximum extent possible during the construction phase of the project. With the exception of potential utility improvements and right-of-way improvements (i.e., driveway, curb, and/or gutter), construction activities are not anticipated to take place within the public right-of-way that could result in temporary sidewalk and bicycle lane closures and detours. As such, off-site pedestrian, bicycle, and transit facilities would not be affected by the proposed Project.

Parking. In compliance with the City's Municipal Code (Section 20.90.100, Off-street vehicle parking space design standards), parking spaces would be provided by the Project (1 parking stall per 1.5 employees, plus 1 per company vehicle). On a typical day of operations, the Project site would have 30 SJFD trainees/recruits, 40 EMS/OEM trainees, and 70 staff. The parking area proposed for this project would incorporate the 112 parking spaces displaced from Parcel 1 and provide an additional 176 parking spaces for central services yard, fire training, and OEM needs, for a total of 288 parking spaces. As such, the project would provide parking spaces consistent with the City Municipal Code.

Section 20.90.100 of the City's Municipal Code also requires one bicycle-parking stall for every 10 employees. Consistent with the City's bicycle parking requirements, the project would provide seven bicycle-parking stalls to serve the 70 on-site employees per the California Green Building Standards Code.

4.17.4 Conclusion

Less Than Significant Impact. Conformance with City Council Policy 5 1, transportation-related goals and policies in the City's General Plan, and the Vision Zero Two-Year Action Plan, and the San José Bike Plan 2020, would ensure that the proposed Project would not result in significant adverse transportation impacts. No mitigation is required.

4.18 TRIBAL CULTURAL RESOURCES

The analysis provided in this section is based on the results of the Assembly Bill (AB) 52 consultation process completed in support of the proposed Project.

4.18.1 Environmental Setting

4.18.1.1 Regulatory Framework

Federal and State Regulations

Native American Heritage Commission

In 1976, the California State Government passed AB 4239, creating the Native American Heritage Commission (NAHC). The NAHC is responsible for identifying and categorizing Native American cultural resources as well as preventing damages to designated sacred sites and associated artifacts and remains. Legislation passed in 1982 authorized the NAHC to identify a Most Likely Descendant (MLD) when Native American remains are found outside of any place other than a designated cemetery. A MLD has the authority to make recommendations regarding the treatment and disposition of the discovered remains.

The Native American Historic Resource Protection Act

The Native American Historic Resource Protection Act, or Assembly Bill (AB 52) defines guidelines for reducing conflicts between Native Americans and development projects and activities. Projects are subject to AB 52 if a notice of preparation for an EIR is filed or a notice of intent to adopt a Negative or Mitigated Negative Declaration is filed on or after July 1, 2016. "Tribal cultural resources" (TCR) are protected under CEQA and are defined as a site, feature, place, cultural landscape (must include the size and scope of landscape), sacred place, and object with a cultural value to a California Native American tribe that is either included or eligible for inclusion in the California Register, or included in a local register of historical resources. At the lead agency's discretion, a resource can be treated as a TCR if a Native American Tribe provides substantial evidence. Additionally, AB 52 allows tribes to engage in consultation with lead agencies and sets guidelines for such consultation.

Health and Safety Code Section 7050.5

Section 7050.5 of the California Health and Safety Code protects Native American burials, remains, and associated grave artifacts in the event that they are discovered in any location other than a designated cemetery. The Code mandates the immediate suspension of excavation in the site as well as any adjacent or overlying area where the remains or associated item is found, and provides for the sensitive disposition of those remains. Should remains be discovered, the County Coroner must determine that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or designee, in the manner provided in Section 5097.98 of the Public Resources Code. The County Coroner shall make the determination within two working days from the time the person responsible for the excavation, or designee, notifies the County Coroner of the discovery or

recognition of the human remains. If the County Coroner identifies the remains to be of Native American origin, or has reason to believe that the remains are those of Native American origin, the County Coroner must contact the California NAHC within 24 hours. The NAHC representative will then alert a Native American MLD to conduct an inspection of the site and to determine the following course of treatment and action. Additionally, *State CEQA Guidelines* Section 15064.5 sets forth a procedure if human remains are found on land outside of federal jurisdiction.

Local Regulations

Envision San José 2040 General Plan

The Environmental Resources (ER) and Land Use/Transportation (LU) sections of the City of San José's (City) General Plan include the following goals and policies related to recreation that are applicable to the proposed Project.

Goal ER-10 **Archaeology and Paleontology:** Preserve and conserve archaeologically significant structures, sites, districts, and artifacts in order to promote a greater sense of historic awareness and community identity.

Policy ER-10.1 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.

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.

4.18.1.2 Existing Conditions

Tribal cultural resources are defined as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe." Additionally, a lead agency can, at its discretion and supported by substantial evidence, choose to treat a resource as a tribal resource. Assembly Bill (AB) 52 requires lead agencies to conduct 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. At the time of preparation of this IS/MND, no Native American tribes that are or have been traditionally culturally affiliated with the Project vicinity have requested notification from the City under AB 52 regarding projects in the area and their effects on a tribal cultural resource. No known tribal resources occur on the site.

4.18.2 Checklist and Discussion of Impacts

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or	☐	☐	☐	☒
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

4.18.3 Impact Analysis

a. Would the project be 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. Would the project be a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No Impact. The following responses address the thresholds in Questions 4.18.2(a) and 4.18.2(b), above.

Chapter 532, Statutes of 2014 (i.e., AB 52), requires that Lead Agencies evaluate a project's potential to impact "tribal cultural resources." Such resources include "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are eligible for inclusion in the California Register of Historical Resources (California Register) or included in a local register of historical resources." AB 52 also gives Lead Agencies the discretion to determine, supported by substantial evidence, whether a resource qualifies as a "tribal cultural resource."

In addition, per AB 52 (specifically Public Resources Code [PRC] 21080.3.1), Native American consultation is required upon request by any California Native American tribe that has previously requested that the City provide it with notice of projects that the City is undertaking.

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 September 2020, the City provided formal notification to those California Native American tribes that have requested notification of all new potential Negative Declarations and Environmental Impact Reports within the City of San José pursuant to the consultation requirements of AB 52. At the time of preparation of this Initial Study, the City of San José had yet to receive any requests for consultation from tribes. As discussed in Section 4.5, Cultural Resources, and Response 4.5.3(a), the property does not meet any of the California Register criteria and the existing buildings on the Project site do not qualify as "historical resources" as defined by CEQA. Therefore, the proposed Project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the *State CEQA Guidelines* or PRC 5020.1(k).

Also discussed in Section 4.5, Cultural Resources, and Response 4.5.3(b), there is little potential for the proposed Project to impact prehistoric resources due to significant prior disturbance from past grading and development activities. In the unlikely event archaeological resources are discovered at any time during construction, those activities would be halted in the vicinity of the find until they can be assessed for significance by a qualified archaeologist (Cultural Resources Standard Permit Conditions). Implementation of Cultural Resources Standard Permit Conditions would reduce any potential impacts to previously undiscovered archaeological and/or tribal cultural resources to a less than significant level.

4.18.4 Conclusion

No Impact. Tribal representatives were notified of the proposed project in September 2020 and did not request consultation or provide evidence indicating that tribal cultural resources were present on the Project Site. Moreover, there is no evidence to suggest that cultural or historic resources are present on the site. Therefore, the proposed Project would not result in impacts to tribal cultural resources.

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 Regulatory Framework

Federal and State Regulations

California Urban Water Management Planning Act

Under the California Water Code and Urban Water Management Planning Act of 1983, all California urban water suppliers are required to prepare and adopt an Urban Water Management Plan (UWMP) every five years, which promotes water conservation and efficiency measures. Urban water suppliers that serve more than 3,000 customers or are supplying more than 3,000 acre-feet of water annually are subject to this Act. This Act requires that the total project water use be compared to water supply sources over the next 20 years in five-year increments. Planning must occur for all drought years and must include a water recycling analysis that incorporates a description of the wastewater collection and treatment system, outlining existing and potential recycled water uses. In September 2014, the Act was amended by SB 1420, which now requires urban water suppliers to provide descriptions of their water demand management measures and similar information.

State Updated Model Landscape Ordinance

The State Updated Model Landscape Ordinance requires the adoption of landscape water conservation ordinances or the adoption of a different ordinance that is at least as stringent as the updated Model Ordinance (MO). The City adopted Water Efficient Landscaping Standards for new and Rehabilitated Landscaping in 2013, as well as the revised SJMC Chapter 15.11.

Water Conservation Act of 2009

The Water Conservation Act of 2009 (SB X7-7) requires all water suppliers to increase water use efficiency by reducing per capita urban water use by 20 percent by December 31, 2020. This bill also set a goal for the state of reducing per capita water use by at least 10 percent by December 31, 2015.

California Integrated Waste Management Act (AB 939)

AB 939 established the California Integrated Waste Management Board under CalRecycle, which required all counties within California to prepare integrated waste management plans. Additionally, it changed the focus of solid waste management from landfill to diversion strategies (e.g., source reduction, recycling, and composting), and required all municipalities to divert 25 percent of their solid waste from landfill disposal by January 1, 1995 and fifty percent by the year 2000. As of 2018, the City of San José generates approximately 1.7 million tons of solid waste annually, and diverts 64

percent of its waste streams by utilizing curbside recycling, yard waste collection, and composting programs.[91]

California Mandatory Commercial Recycling Law (AB 341)

AB 341 was enacted to help meet California's recycling goal of 75 percent by the year 2020. AB 341 requires all commercial businesses and public entities that generate 4 cubic yards or more of waste per week to have a recycling program in place. In addition, multi-family apartments with five or more units are also required to form a recycling program. In addition, each local government jurisdiction will implement a commercial solid waste recycling program that consists of education, outreach and monitoring of businesses, designed to divert commercial solid waste from businesses. Each jurisdiction will report the progress achieved in implementing its commercial recycling program, including education, outreach and monitoring, and if applicable, enforcement efforts and exemptions, by providing updates in its electronic annual report. CalRecycle will review each jurisdiction's commercial recycling program that consists of education, outreach and monitoring.[92]

Mandatory Organics Recycling AB 1826

In October 2014 Governor Brown signed AB 1826, requiring businesses to recycle their organic waste on and after April 1, 2016, depending on the amount of waste they generate per week. This law also requires that on and after January 1, 2016, local jurisdictions across the state implement an organic waste recycling program to divert organic waste generated by businesses, including multifamily residential dwellings that consist of five or more units. Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. This law phases in the mandatory recycling of commercial organics over time, while also offering an exemption process for rural counties. In particular, the minimum threshold of organic waste generation by businesses decreases over time, which means an increasingly greater proportion of the commercial sector will be required to comply.[93]

CALGreen Building Code

CALGreen requires mandatory green standards that all buildings in California must abide by, including: reducing indoor water use, reducing wastewater, recycling and/or salvaging nonhazardous construction and demolition debris, and providing readily accessible areas for recycling by the occupant. The code includes different categories such as energy, water, material, and resource efficiency. These standards include a mandatory set of minimum guidelines, as well as more stringent voluntary measures for new construction projects that local communities can opt into.

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91 City of San José. 2019. City of San José Annual Report on City Services 2018-19. December. Available online: www.sanjoseca.gov/home/showdocument?id=49148 (accessed September 15, 2020).

92 California Department of Resources Recycling and Recovery (CalRecycle). 2020. Website: www.calrecycle.ca.gov/Recycle/Commercial/ (accessed September 15, 2020)

93 CalRecyle. 2020. Website: www.calrecycle.ca.gov/recycle/commercial/organics (accessed September 15, 2020)

As stated in Chapter 24.10, California Green Building Standards Code, of the City of San Jose Municipal Code, the City has adopted the residential mandatory measures and non-residential mandatory measures of CALGreen (2019 edition). In addition, Section 9.10.2480 of the City of San Jose Municipal Code requires all building permit applicants to complete a construction waste management plan in accordance with CALGreen standards, at the following levels:

- For building permit applications filed between January 1, 2011 and December 31, 2011, at a sixty percent level as determined by the director.
- For building permit applications filed between January 1, 2012 and December 31, 2012, at a sixty-five percent level as determined by the Director.
- For building permit applications filed on or after January 1, 2013, at a seventy-five percent level as determined by the director.

Local Regulations

Envision San José 2040 General Plan

The Infrastructure (IN) and the Measurable Environmental Sustainability (MS) sections of the City's General Plan includes the following goals and policies related to recreation that are applicable to the proposed Project:

Goal MS-3 **Water Conservation and Quality:** Maximize the use of green building practices in new and existing development to minimize the use of potable water and to reduce water pollution.

Policy MS-3.1 Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer- installed residential development unless for recreational needs or other area functions.

Policy MS-3.2 Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

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

Policy MS-3.4 Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

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) permit.

Goal MS-6 **Waste Reduction:** Reduce generation of solid and hazardous waste.

Policy MS-6.3 Encourage the use of locally extracted, manufactured or recycled and reused materials, including construction materials and compost.

Policy MS-6.5 Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.

Policy MS-6.12 Promote use of recycled materials, including reuse of existing building shells/ elements, as part of new construction or renovations.

Goal MS-14 **Reduce Consumption and Increase Efficiency:** Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.

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

Goal MS-18 **Water Conservation**: Continuously improve water conservation efforts in order to achieve best in class performance. Double the City's annual water conservation savings by 2040 and achieve half of the Water District's goal for Santa Clara County on an annual basis.

Policy MS-18.4 Retrofit existing development to improve water conservation.

Goal MS-19 **Water Recycling:** Recycle or beneficially reuse 100% of the City's wastewater supply, including the indirect use of recycled water as part of the potable water supply.

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

Zero Waste Resolution

In 2007, the City of San José adopted a Zero Waste Resolution (No. 74077). This resolution set a goal of shifting consumption patterns to achieve 75 percent waste diversion by 2013 and a goal of zero waste by 2022 for the City. Key zero waste objectives that the City included are:

- Improving "downstream" reuse and recycling of end-of-life products and materials to ensure their highest and best use;
- Pursuing "upstream" redesign strategies to reduce the volume and toxicity of discarded products and materials while promoting less wasteful lifestyles;
- Supporting the reuse of discarded products and materials to stimulate and drive local economic workforce development; and
- Preserving land for sustainable development and green industry infrastructure.

Zero Waste Strategic Plan

The Integrated Waste Management Zero Waste Strategic Plan was adopted by the City of San José Environmental Services Department in November 2008. This plan has adopted three phases focusing on education, advocacy, and regulations in order to achieve its goal of diverting 75 percent of waste from landfills. Some aspects that the plan focuses on in the long-term include implementing mixed waste recycling in single-family residential garbage, promoting new energy conversion technologies to convert residual wastes into energy, and strengthening the market for reusable materials.

Private Sector Green Building Policy

The City of San José's Green Building Policy for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

2015 Urban Water Management Plan (UWMP)

Water is provided to the Project site by San José Water Company (SJWC). San José Water adopted a UWMP in 2011 as per SB X7-7 and the Urban Water Management Planning Act (Section 10610 of Division 6 of the California Water Code). These plans are prepared every five years and must address the reliability of water sources within the following 20 years as well as other demand management measures and water shortage contingency plans. Additionally, the UWMP identifies strategies to meet requirements under SB X7-7 by reporting on progress towards meeting a 20 percent reduction for per-capita urban water use by the year 2020. The UWMP also plans for emergencies and times of water shortage.

4.19.1.2 Existing Setting

Wastewater Treatment. The Project site is located within the sewer service area of the City's San José-Santa Clara Regional Wastewater Facility (RWF), which is responsible for the primary, secondary, and tertiary treatment and disposal of treated wastewater. The existing capacity of the RWF is 167 million gallons per day (mgd) and currently treats an average of approximately 110 mgd, about 65 percent of its total capacity.[94] The RWQCB also has established an effluent flow trigger of 120 mgd to minimize the amount of fresh water effluent, which is discharged into the San Francisco Bay.[95] The actual Average Dry Weather Influent flow (ADWIF) in 2019 identified the highest 5-weekday period from June through October at 109.57 mgd as well as the actual Average Dry Weather Effluent flow (ADWEF) at 79.3 mgd occurring through the months of July to September.[96]

The RWF is currently operating under a 120 mgd (dry weather) flow trigger, which is based upon SWRCB and RWQCB concerns over the impacts of additional freshwater discharges from the RWF on saltwater marsh habitat and pollutant loading to the Bay from the RWF. The City has addressed these concerns within the Clean Bay Strategy and the South Bay Action Plan. The Clean Bay Strategy outlines the City's goals towards reducing effluent discharges to the South San Francisco Bay as mandated under NPDES, and encourages an integrated watershed management structure that considers the total water quality and supply issues influencing the South Bay area. The South Bay Action Plan describes conservation activities that aim to reduce effluent flow from the RWF to ensure that it remains below 120 mgd. Additionally, a contingency plan is in place in the event that ADWEF reaches a planning trigger of 115 mgd.

Sanitary Sewer System. The City of San José's Environmental Services Department is the primary agency responsible for sewer facilities in the City. The City maintains approximately 2,294 miles of wastewater collection system pipeline that ranges from six to 90 inches in diameter, including approximately 45,000 manholes and 16 sewage lift stations. Collected wastewater is conveyed to the San José-Santa Clara Regional WPCP by major interceptor pipelines located in the northern portion of San José.[97] The San José-Santa Clara Regional WPCP would receive wastewater generated from the proposed Project. The WPCP treats an average of 110 million gallons of wastewater per day (mgd), with a capacity of up to 167 mgd. Thus, remaining capacity of the plant is approximately 57 mgd.

The SWRCB has issued statewide waste discharge requirements for sanitary sewer systems, which include requirements for development of a Sewer System Management Plan (SSMP). The most recent SSMP was prepared by the City in October 2014. The SSMP describes the City's wastewater

94 City of San José. 2020. San José-Santa Clara Regional Wastewater Facility. Website: https://www.sanjoseca.gov/your-government/environment/water-utilities/regional-wastewater-facility (accessed August 17, 2020).

95 San José – Santa Clara RWF. 2019. Annual Self-Monitoring Report 2019. Website: https://www.sanjoseca.gov/your-government/environment/regulatory-reports/-folder-76 (accessed August 17, 2020).

96 Ibid.

97 City of San José. 2014. Sewer System Management Plan. October. Website: https://www.sanjoseca.gov/home/showdocument?id=32539 (accessed August 17, 2020).

collection system management activities to maintain system infrastructure and minimize the impact of sanitary sewer overflows (SSOs).

The General Plan calls for a level of service (LOS) D for sanitary sewer lines. At LOS D, the sewer main is occasionally running full. New development is required by existing policies to avoid or minimize impacts upon any existing or anticipated LOS E sewer lines by constructing or contributing to the construction of new lines or by waiting for completion of planned sewer line improvements. The City's existing sanitary sewer system operates with approximately 95 percent of the trunk sewer pipelines at LOS D or better, under dry weather conditions.

Water Service and Supply. The City of San José has three water service providers who each serve different regions of the City. SJWC is the water service provider currently serving the Project site. The SJWC's main sources of water supply are from groundwater, imported treated water from the SCVWD, and surface water runoff from the surrounding mountains.[98]

The SCVWD is required to prepare an UWMP every five years to provide long-term water resource planning and to ensure adequate water supplies are available to meet existing and future water demands, in accordance with the UWMP Act. The Final Draft 2015 UWMP was completed in May 2016.[99] Currently, the City has the available water supply to meet projected demands through the year 2040 for the San José Municipal Water System.

Stormwater. As discussed in Section 4.10, Hydrology and Water Quality, stormwater runoff from the Project site is conveyed to City stormdrain systems. The City's stormwater drainage system flows into facilities that are owned, operated, and maintained by the Santa Clara Valley Urban Runoff Pollution Prevention Program, which is an association of thirteen cities and towns in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District. The City of San José Public Works Department operates and maintains the City's storm drain system, which has over 1,150 miles of storm drains and drainage channels as well as 29 stormwater pump stations. City infrastructure such as catch basins and storm drain pipes collect stormwater runoff, which is eventually discharged into the San Francisco Bay. USACE and SCVWD jointly oversee and operate the region's flood control facilities and stream channels. In low-lying areas of the City stormwater pump stations are employed to facilitate drainage when gravity drainage is not feasible.[100] The existing storm drain system drains to existing storm mains in South 10th Street, Senter Road, and East Alma Avenue.

Solid Waste. Waste collection and recycling services for the project site would be provided by GreenTeam of San José, a local San Francisco Bay Area waste management company that provides recycling and garbage services for 48,000 single-family homes in the western and central sections of

98 San José Municipal Water System. 2016. *2015 Urban Water Management Plan, Sources of Supply*. June. Website: https://www.sanjoseca.gov/home/showdocument?id=422 (accessed August 17, 2020).

99 Santa Clara Valley Water District. 2015 Urban Water Management Plan, adopted May 2016, Website: https://www.valleywater.org/sites/default/files/SCVWD%202015%20UWMP-Report%20Only.pdf (accessed September 17, 2020).

100 City of San José. 2011. Envision San José 2040 Draft Environmental Impact Report, June 2011.

San José, all of the multi-family apartments and condominium complexes in the City, as well as City parks and facilities.

GreenTeam of San José, delivers all of this material to a new solid waste processing facility in San José. This facility, operated by GreenWaste Recovery, removes recyclables such as cans, bottles, and clean paper as well as large non-processable items. Remaining materials, consisting largely of organics, are composted at the Z-Best Composting Facility in Gilroy. The City requires GreenWaste Recovery to ensure a minimum diversion rate of 70 percent for City facilities waste collection.[101]

The City of San José currently generates 1.7 million tons of solid waste annually, and diverts 64 percent of its waste streams by utilizing curbside recycling, yard waste collection, and composting programs.[102] Waste collection and recycling services for City facilities, including large venues and parks. are provided by GreenTeam of San José. GreenTeam of San José collects solid waste, green waste (e.g., grass clippings and tree and shrub clippings), and items for recycling.

4.19.2 Checklist and Discussion of Impacts

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

[101] City of San José. 2008. City of San José Environmental Services Department Integrated Waste Management Zero Waste Strategic Plan. November. Available online: www.sanjoseca.gov/home/showdocument?id=32051 (accessed September 15, 2020).

[102] City of San José. 2019. op. cit.

4.19.3 Impact Analysis

a. Would the project 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 of which could cause significant environmental effects?

Less Than Significant Impact. The potential impacts related to the construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas and telecommunications facilities resulting from the proposed Project are described below.

Water. Short-term demand for water may occur during construction activities on site. Water demand for soil watering (fugitive dust control), cleanup, masonry, painting, and other activities would be temporary and would cease at Project build out. Overall, demolition and construction activities would require minimal water use and are not expected to have any adverse impacts on the existing water system or available water supplies. Therefore, potential project impacts associated with short-term construction activities would be less than significant.

As shown in Table 4.19-A, the proposed Project would result in a net increase of 56,393 square feet of industrial uses, which would result in a projected water demand of 10,150.74 gpd, or 11.37 AFY. As is required of all new development in California, the proposed Project would comply with California State law regarding water conservation measures, including pertinent provisions of Title 24 of the California Government Code (Title 24) regarding the use of water-efficient appliances and low-flow plumbing fixtures.

Table 4.19-A: Water Demand and Wastewater Generation Rates

Land Use Type	Generation Rate	Proposed Project (net increase in sf)	Total per Day
Wastewater Generation			
Heavy Industrial	90 percent of water demand	56,393 sf	9,135.67 gpd
Water Generation[1]			
Heavy Industrial	0.18 gallons/sf/day	56,393 sf	10,150.74 gpd

Source: *Program EIR, North San José Development Policies Update* (March 2005).

[1] Wastewater usage estimates were calculated based on the assumption that approximately 90 percent of potable water use is returned to the system as wastewater. Conversely, generation rates provided in the previous section, assuming that approximately 90 percent of water demand results in wastewater generation on site.

gpd = gallons per day
sf = square foot/feet

The estimated increase in water demand associated with new development proposed as part of the Project would represent approximately 0.008 of the SJWC's projected water demand for the years 2020 and 2035 (140,607 AF and 155,479 AF, respectively).[103]

According to SJWC's 2015 UWMP, the City's available water supply will meet the future projected demand because the SJWC has significant water reserves, groundwater supplies, and opportunity to purchase additional imported water from the SCVWD. As per SCVWD's Draft 2015 UWMP, water supplies, with the use of reserves, are sufficient to meet demands during a single dry year through 2035 without temporary reductions of water demands.[104] Additionally, during year 1 of the multiple dry year scenario, no shortage of supply is anticipated.[105] However, during years 2 and 3 of the multiple-dry year period, supplies will be insufficient to meet the projected water demand without the aid of temporary reductions.

In order to ensure the adequate provision of water during a multiple-dry year scenario, a combination of calls for short-term water use reductions, use of reserves, and obtaining additional water supplies through water transfers and exchanges would be employed. Tier One and Tier Two Water Shortage Allocation Plans would also be implemented in the event of a multiple dry year scenario. A Tier One Plan would allow for the voluntary transfer of water allocations between wholesale customers and would also allow for water "banked" by wholesale customers (through reductions in use) to be transferred to other customers in need of additional supplies. The Tier Two Plan would allocate the collective wholesale customer share among the wholesale customers based on supply guarantees, seasonal use of water, and residential per capita use. In other words, as customers change their water use characteristics, the allocation of water to each customer would also change. The Tier 2 Plan would also impose water use restrictions during single- and multiple-year shortages.

With the implementation of water reduction measures as outlined above, the City would have adequate water supplies to meet full service demands following Project implementation, including use of water for fire training exercises. As such, the proposed Project would not necessitate new or expanded water entitlements, and the SJWC would be able to accommodate the increased demand for potable water. Project impacts associated with an increase in potable water demand would be less than significant.

Wastewater. The proposed Project would include the installation of sanitary sewer lines that would connect to the existing 6-inch, on-site sewer lateral, which runs through Parcel 2 and discharges into the existing sewer main (24-inch cured in place [CIPP]) in Senter Road.

As previously stated, the proposed Project is anticipated to generate 9,135.67 gpd of wastewater, which would be approximately 0.02 percent of the remaining daily treatment capacity (57 million

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103 11.37 AFY (project-related increase in water demand)/ 140,607 AF water demand in 2020 = 0.008 percent. 11.37 AFY (project-related increase in water demand)/ 155,479 AF water demand in 2035 = 0.007 percent.

104 San José Municipal Water System. 2016. *2015 Urban Water Management Plan, Single Dry Year Supplies and Demands*. Website: https://www.sanjoseca.gov/home/showdocument?id=422 (accessed August 17, 2020).

105 Ibid.

gpd) at the San José-Santa Clara Regional WPCP.[106] The San José-Santa Clara Regional WPCP is in compliance with the San Francisco Bay RWQCB's wastewater treatment requirements and has the capacity to accommodate the increased wastewater flows from the proposed Project. Therefore, development of the proposed Project would not require, nor would it result in, the construction of new wastewater treatment or collection facilities or expansion of existing facilities other than those facilities to be constructed on site, which could cause significant environmental effects. Project impacts related to the construction of wastewater treatment or collection facilities would be less than significant.

Storm Water and Drainage. As discussed in detail in Section 4.10, Hydrology and Water Quality, stormwater runoff from the Project site is conveyed to City stormdrain systems. The City's stormwater drainage system flows into facilities that are owned, operated, and maintained by the Santa Clara Valley Urban Runoff Pollution Prevention Program, which is an association of thirteen cities and towns in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District. The City is responsible for regulating inflows to and discharges from its municipal storm drainage system.

As discussed, further in Section 4.10, Hydrology and Water Quality, the proposed Project would increase the impervious surface area on the Project site by 1.1 acre compared to existing conditions, which would potentially increase runoff generated on the Project site. An increase in runoff has the potential to exceed the capacity of downstream stormdrain systems. However, the Project would be required to include LID BMPs and HMCs (bioretention, pervious pavement, and flow through planters) to reduce off-site runoff. With implementation of the LID BMPs and HMCs, post-development runoff would not exceed existing conditions and, therefore, the capacity of downstream storm drain systems would not be exceeded. Because the volume runoff from the site would be equal to existing conditions, the proposed Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities beyond the on-site improvements included as part of the proposed Project. Therefore, impacts to stormwater drainage facilities would be less than significant with the inclusion of LID BMPs and HMCs.

Electric Power. Refer to Section 4.6, Energy, for further discussion related to the Project's impacts with respect to existing and projected supplies of electricity. As discussed further in Section 4.6, the Project would not require or result in the relocation or construction of new or expanded electric power facilities, the construction of which could cause significant environmental effects.

Natural Gas. Refer to Section 4.6, Energy, for further discussion related to the Project's impacts with respect to existing and projected supplies of natural gas. As discussed further in Section 4.6, the Project would not require or result in the relocation or construction of new or expanded natural gas facilities, the construction of which could cause significant environmental effects.

Telecommunications. Construction activities associated with the proposed Project would not increase the demand for telecommunications facilities. Operation of the proposed Project would result in an increase of approximately 70 employees at the project site. However, these employees

[106] 9,135.67 gpd (project-related increase in wastewater generated at the site)/ 57,000,000 gpd (available capacity at the San José/Santa Clara WPCP) = 0.02 percent.

are anticipated to be relocated from the City's existing facilities. Further, the Project site is located in an urban area that is currently served by telecommunications infrastructure. The proposed Project would not include any uses that would induce population growth. Therefore, implementation of the proposed Project would not result in impacts related to the construction or relocation of existing telecommunications facilities.

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple years?

Less Than Significant Impact. As previously stated in Response 4.19.3(a), above, the Project-related increase in water use would not necessitate new or expanded water entitlements, and the City would be able to accommodate the increased demand for water. Therefore, the City would have sufficient water supplies available to serve the Project from existing entitlements and would not require new or expanded entitlements. In addition, the proposed Project is consistent with the City's General Plan and the planned land uses for the Project site. Impacts related to water supplies during normal, dry and multiple dry years would be less than significant.

c. Would the project result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. As previously stated in Response 4.19.3(b), the proposed Project would not generate a significant increase in wastewater from the Project site. The increased wastewater flows from the proposed Project can be accommodated within the existing design capacity of the treatment plants that currently serve the City. Therefore, the wastewater treatment providers would have adequate capacity to serve the Project's projected demand in addition to the providers' existing commitments. In addition, the proposed Project is consistent with the City's General Plan and the planned land uses for the Project site. Impacts related to wastewater generation would be less than significant.

d. Would the Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less Than Significant Impact. Construction waste is anticipated to be minimal compared to waste generated throughout the lifetime of the Project during project operation. The proposed Project would generate approximately 0.14 tons of solid waste per day during project operation, assuming 56,393 square feet of new industrial space. Solid waste generation rates are based upon CalRecycle values for industrial generation sources.[107,108] The incremental increase of solid waste generated by the proposed Project would constitute approximately 0.0224 percent of the existing daily disposal (625 tons per day [tpd]) at the Newby Island Sanitary Landfill. Furthermore, permitted maximum tonnage is 4,000 tons per day.[109] Therefore, solid waste generated by the proposed Project would

[107] 5 lbs/1,000 sf/day * 56.393 = 281.965 lbs per day = 0.14 ton per day

[108] Cal Recycle. 2019. Estimated Solid Waste Generation Rates. Waste Characterization. General Info. Website: www2.calrecycle.ca.gov/WasteCharacterization/ (accessed August 17, 2020).

[109] City of San José. 2015. Newby Island Sanitary Landfill. Solid Waste Facility Permit. February 5.

not cause the capacity of the Newby Island Sanitary Landfill to be exceeded. The proposed Project would result in a less than significant impact to the generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

e. Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact. The proposed Project would comply with existing statutes and regulations, including waste diversion programs mandated by City, State, or federal law. In addition, as discussed above, the proposed Project would not result in an excessive production of solid waste that would exceed the capacity of the existing landfill serving the Project site. Therefore, the proposed Project would not result in an impact related to federal, State, and local management and reduction statutes and regulations related to solid wastes.

4.19.4 Conclusion

Less Than Significant Impact. The proposed Project would not require construction of new off-site facilities for wastewater treatment, storm drainage, water, waste disposal, telecommunications, natural gas, or electric power. Impacts to stormwater drainage facilities would be less than significant with adherence to the requirements of the City's Post-Construction Runoff Policy and Provision C.3 of the MRP. Existing facilities have the capacity to serve the anticipated uses, and the Project would not substantially increase demand upon these facilities compared to existing conditions. No mitigation would be required.

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 Regulatory Framework

Federal and State Regulations

California Department of Forestry and Fire Protection

CALFIRE publishes maps that predict the threat of fire for each county within the State. Local Responsibility Areas and State or Federal Responsibility Areas are classified as either very high fire hazard severity zones (VHFHSZ) or non-VHFHSZ based on factors including fuel availability, topography, fire history, and climate. The 2012 Strategic Fire Plan for California was generated by CALFIRE to provide guidelines and objectives in order to account for associated fire impacts.

California Fire Code

Chapter 17.12 of the City of San José Municipal Code adopts the California Fire Code by reference, which is updated every three years. The California Fire Code includes regulations for emergency planning, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Several fire safety requirements include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

California Emergency Management Agency

CalEMA was consolidated as part of the Governor's Office on January 1, 2009, merging the former Governor's Office of Emergency Services with the existing Governor's Office of Homeland Security. CalEMA coordinates all State agency response to major disasters to provide support and hazard mitigation efforts for local governments. The agency also ensures the State has the appropriate resources and plans in order to respond in the event of all natural and human-induced emergencies and disasters.

Executive Order N-05-19

On January 9, 2019, Governor Gavin Newsom announced an Executive Order that requires CALFIRE and other State agencies to compile policy and regulatory recommendations concerning wildfire mitigation, emphasizing environmental sustainability and public health. The Executive Order requires the incorporation of socioeconomic analysis when conducting risk management of wildfires and mandates that agencies identify geographic areas with populations that are more vulnerable to the impacts of wildfires.

Local Regulations

Envision San José 2040 General Plan

The Environmental Considerations/Hazards (EC) and Parks, Open Space, and Recreation (PR) sections of the City's General Plan include the following goals and policies related to wildfire that are applicable to the proposed Project.

Policy EC-8.1 Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

Policy EC-8.2 Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

Policy EC-8.3 For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

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

Action EC-8.5 Periodically assist with revisions and updates of appropriate sections of the County-wide Area Plan that address emergency response to fires at the urban/ wildland interface.

Action EC-8.6 Provide information to the public on fire hazard reduction in cooperation with local, regional, and state agencies, including the County of Santa Clara FireSafe Council.

San José Emergency Operations PlanUnder State law, local governments are required to create and administer an Emergency Operations Plan (EOP) under the guidelines provided by FEMA. The State OES adopts these emergency management guidelines for business activities in the Emergency Operations Center (State EOC). The *City of San José Emergency Operations Plan* was adopted in 2004 and was updated most recently on January 24, 2019.

4.20.1.2 Existing Setting

The Project site and the surrounding areas are developed with urban and suburban uses and do not include brush- and grass-covered areas typically found in areas susceptible to wildfires. Wildland fires occur in geographic areas that contain the types and conditions of vegetation, topography, weather, and structure density susceptible to risks associated with uncontrolled fires that can be started by lightning, improperly managed camp fires, cigarettes, sparks from automobiles, and other

ignition sources. According to the CALFIRE VHFHSZ Map for the Santa Clara County Region, the Project site is not located within a VHFHSZ.[110]

4.20.2 Checklist and Discussion of Impacts

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

4.20.3 Impact Analysis

a. Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The potential impacts to an adopted emergency response plan or emergency evacuation plan resulting from construction and operation of the proposed Project are described below.

Construction. The Project site is not located in or near a VHFHSZ nor is it located in or near a State Responsibility Area, as defined by CALFIRE. The proposed Project is not anticipated to result in any substantial traffic queuing along Senter Road or South 10th Street during short-term construction activities. All large construction vehicles entering and exiting the site would be guided by the use of personnel using signs and flags to direct traffic. With the exception of potential utility improvements and right-of-way improvements (i.e., driveway, curb, and/or gutter), construction activities are not anticipated to take place within the public right-of-way that could result in temporary lane closures or detours. Therefore, the Project does not include any characteristics that would physically impair or otherwise interfere with emergency response or evacuation in the Project vicinity. Since the Project site is not located in or near a VHFHSZ nor is it located in or near a State Responsibility Area, potential impacts described above would not pertain to wildfire. Therefore, construction of the proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

[110] California Department of Forestry and Fire Protection. 2008. op. cit.

Operation. The Santa Clara County Operational Area Emergency Operations Plan[111] establishes emergency organization, assigns tasks, specifies policies and general procedures, and provides for coordination of response in the event of an emergency. The plan does not identify specific emergency response or evacuation routes.

Project implementation would result in the relocation and construction of fire training and emergency operations facilities, consistent with other uses at the City's CSY facility. The Project would not impair or physically interfere with an adopted emergency response plan. Roads that are used as response corridors and evacuation routes usually follow the most direct path to or from various parts of the community. For the Project site, the main corridors utilized would be Senter Road and Phelan Avenue.

The proposed Project would not physically interfere with an adopted emergency response plan or emergency evacuation plan. The proposed Project would be developed in accordance with City of San José emergency access standards. The proposed Project would also be required to comply with all applicable codes and ordinances for emergency vehicle access, which would ensure adequate access to, from, and on site for emergency vehicles.

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?

No Impact. As stated previously, the Project site is not located in or near a VHFHSZ nor is it located in or near a State Responsibility Area. Therefore, the proposed Project would not exacerbate wildfire risks due to slope and prevailing winds, thereby exposing Project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. Utility and infrastructure improvements included as part of the Project are described in Section 3.0, Project Description. The project site would likely be served with existing domestic and fire water, and reclaimed water utilities located on Senter Road and an existing sanitary sewer line on Parcel 2. A new electrical transformer would be installed to serve all new and existing buildings and site improvements with one new electrical service with a separate panel for each building and the site. Utility installations and improvements at the Project site would not exacerbate fire risk due to the location of the Project site in an urban area outside of a designated fire hazard zone. Therefore, the proposed Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that would exacerbate fire risk or result in temporary or ongoing impacts to the environment.

[111] County of Santa Clara. 2017. County of Santa Clara Emergency Operations Plan. January 10. Available online at: https://www.sccgov.org/sites/oes/partners/Documents/emergency-operations-plan-jan-2017.pdf (accessed August 8, 2018).

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?

No Impact. Landslides and other forms of mass wasting, including mud flows, debris flows, and soil slips, occur as soil moves downslope under the influence of gravity. Landslides are frequently triggered by intense rainfall or seismic shaking but can also occur as a result of erosion and downslope runoff caused by rain following a fire. As previously discussed in Section 4.7, Geology and Soils, Response 4.7.(a)(iv), landslides or other forms of natural slope instability do not represent a significant hazard to the Project because the site is located in a relatively flat area, and there is no evidence of landslides in the Project vicinity. Additionally, the Project site does not lie within a designated Landslide Hazard Zone. Further, as stated previously, the Project site is not located in or near a VHFHSZ nor is it located in or near a State Responsibility Area. Therefore, the proposed Project would not 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.

4.20.4 Conclusion

No Impact. Since the Project site is not located in or near a VHFHSV nor is it located in or near a State Responsibility Area, implementation of the proposed Project would not result in impacts related to wildfires in San José. No mitigation would be required.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

4.21.1 Environmental Setting

4.21.1.1 Regulatory Framework

Refer to the Regulatory Framework sections (at the beginning of each environmental section) that are provided in throughout Section 4.0 of this IS/MND.

4.21.1.2 Existing Setting

The Project site is located in an urban area. The majority of the Project site is currently developed with the City's CSY, the remainder of the Project site is currently undeveloped. No portion of the Project site or the immediately surrounding area contains an open body of water that serves as natural habitat in which fish could exist. Likewise, the Project site is not suitable to support special-status species, and no known candidate, sensitive, or special-status species are known to inhabit the site.

The existing Project site is currently developed and has been previously disturbed and significantly altered as a result of past construction activities on the site. One precontact archaeological site, CA-SCL-4, is located approximately 1,200 feet northwest of the Project site. No documentation indicates that the boundary of CA-SCL-4 extends within 600 feet of the Project site. Field surveys conducted for a previous study at the site[112] and conducted by LSA for the proposed Project examined all visible portions of Parcel 2 (northern parcel); the area was found to be disturbed by prior rail line development and utilities installation, and no cultural resources or precontact archaeological indicators were identified.

4.21.2 Checklist and Discussion of Impacts

	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?)	☐	☐	☒	☐

[112] Mooney & Associates. 2000. *Cultural Resources Reconnaissance Survey and Inventory Report for the Metromedia Fiberoptic Cable Project, San Francisco Bay Area and Los Angeles Basin Networks.*

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

4.21.3 Impact Analysis

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 with Mitigation Incorporated. Due to the urban nature of the site and limited on-site landscaping, impacts to candidate, sensitive, or special-status plant and animal species would be less than significant. Based on Section 3.0, Project Description and the preceding responses in Section 4.0, development of the proposed Project does not have the potential to degrade the quality of the natural environment. Implementation of the proposed Project would include the removal of several existing street trees. However, the proposed Project would include the planting of a variety of trees along the perimeter of the Project site, as well as in the interior of the site. The existing on-site trees may, however, provide suitable habitat for nesting birds, some of which are protected by the MBTA. Disturbing or destroying active nests that are protected is a violation of the MBTA. In addition, nests and eggs are protected under California Fish and Game Code Section 3503. Implementation of Mitigation Measures BIO-1 and BIO-2, in Section 4.4, Biological Resources, would ensure that the Project complies with the MBTA and requires nesting bird surveys if vegetation and tree removal occur between February 1 and August 31 to reduce potential project impacts related to migratory birds. Further, the proposed Project would comply with Standard Permit Conditions, also outlined in Section 4.4, Biological Resources, to limit impacts to on-site trees following implementation of the Project and to ensure compliance with the SCVHP. With implementation of Measures BIO-1 and BIO-2 and adherence to Standard Permit Conditions, potential impacts to biological resources would be less than significant.

Although there is little potential for the Project to impact prehistoric resources due to significant prior disturbance from past grading and development activities, Project construction would require grading and excavation activities that may extend into native soils. Standard Permit Conditions outlined in Section 4.5, Cultural Resources, require construction to halt, in the unlikely event archaeological or historic resources are discovered, until a qualified archaeologist can evaluate the find. In the event that human remains are discovered during construction, Standard Permit Conditions, also outlined in Section 4.5, Cultural Resources, require notification of the proper authorities and adherence to standard procedures for the respectful handling of human remains. The potential for paleontological resources on the Project site is considered low because the site contains artificial fill (which has no paleontological sensitivity) at depths to 5 feet bgs and because the site has been heavily disturbed during past construction activities. In the unlikely event that

fossil remains are encountered on the site, compliance with Standard Permit Conditions, outlined in Section 4.7, Geology and Soils, requires construction to halt in the event a paleontological resource is discovered until a qualified paleontologist can evaluate the find. Compliance with Standard Permit Conditions would reduce any potential impacts to previously undiscovered cultural resources, human remains, or paleontological resources to a less than significant level.

Standard Permit Conditions and Mitigation Measures. Refer to Mitigation Measures BIO-1 and BIO-2 in Section 4.4, Biological Resources; and Standard Permit Conditions outlined in Section 4.5, Cultural Resources and Section 4.7, Geology and Soils.

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 Project site is currently developed and is located in an urban area. The proposed Project involves the relocation of the City's fire training and emergency operation center through the construction of new buildings at and adjacent to the existing City CSY. The proposed Project would rely on and can be accommodated by the existing road system, public parks, public services, and utilities. Based on Section 3.0, Project Description and the preceding responses in Section 4.0, impacts related to the proposed Project are less than significant or can be reduced to less than significant levels with incorporation of Standard Permit Conditions and mitigation measures. The proposed Project's contribution to any significant cumulative impacts would be less than cumulatively considerable.

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

Less Than Significant with Mitigation Incorporated. The Project site is currently developed and is located in an urbanized area. The proposed Project involves the relocation of the City's fire training and emergency operation center through the construction of new buildings at and adjacent to the existing City CSY. The proposed Project would be consistent with all applicable zoning regulations. Therefore, the proposed Project would not require or necessitate a Zone Change, a Zoning Variance, or a General Plan Amendment. Furthermore, the proposed Project would result in less than significant impacts with respect to GHG emissions. As stated previously, the Project would also result in less than significant impacts with respect to aesthetics, air quality, and biological, archaeological, paleontological, and tribal cultural resources with implementation of the Standard Permit Conditions listed below. Additionally, the proposed Project would result in less than significant impacts with respect to geological hazards and hazardous materials with implementation of the mitigation measures listed below. Project-related impacts with respect to hydrology and water quality, public services, noise, and traffic would also be less than significant with the incorporation of Standard Permit Conditions and mitigation measure listed below. Based on the Section 3.0, Project Description and the preceding responses in Section 4.0, development of the proposed Project would not cause substantial adverse effects to human beings because all potentially significant impacts of the proposed Project would be reduced to a less than significant

level through the implementation of the Standard Permit Conditions and mitigation measures below.

Standard Permit Conditions and Mitigation Measures. Refer to Standard Permit Conditions in Section 4.3, Air Quality; Standard Permit Conditions and Mitigation Measures BIO-1 and BIO-2 in Section 4.4, Biological Resources; Standard Permit Conditions in Section 4.5, Cultural Resources; Standard Permit Conditions and Mitigation Measure GEO-1 in Section 4.7, Geology and Soils; Mitigation Measure HAZ-1 in Section 4.9, Hazards and Hazardous Materials; Standard Permit Conditions in Section 4.10, Hydrology and Water Quality; and Standard Permit Conditions and Mitigation Measure NOI-1 in Section 4.13, Noise.

4.21.4 Conclusion

Less Than Significant with Mitigation Incorporated. The proposed Project would result in less than significant environmental impacts with implementation of Standard Permit Conditions and mitigation measures outlined in Section 4.3, Air Quality; Section 4.4, Biological Resources; Section 4.5, Cultural Resources; Section 4.7, Geology and Soils; Section 4.9, Hazards and Hazardous Materials; Section 4.10, Hydrology and Water Quality; and Section 4.13, Noise.

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