# Focused Initial Study/Addendum

## 645 Horning Street Gas Station, Food, and Storage Project

### File Numbers: PDC16-041, PD16-027, PT16-037,

Prepared By:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation With:

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## February 2021

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# SECTION 1.0 INTRODUCTION AND PURPOSE

An amendment to the approved 645 Horning Street Gas Station, Food, and Storage Project "Horning Street" (File Numbers: PDC16-041, PD16-027, PT16-037) is now proposed by the project applicant.

## 1.1 BACKGROUND

In May 2018, the San José City Council approved the Planned Development Zoning and Permit to allow the demolition of an existing warehouse and other building structures to allow the construction of a new retail store (3,814 square feet), a gasoline service station with six fuel dispensers and canopy (3,870 square feet), a drive-through carwash (1,341 square feet), a restaurant (2,494 square feet) with drive-through, and three mini-storage buildings (total of 92,116 square feet) on an approximately 3.26-gross acre site. An ordinance rezoning certain real property located at the Northwest corner of Horning Street and Oakland Road (645 Horning Street) from the *LI Light Industrial* Zoning District to the *CIC(PD) Planned Development* Zoning District was approved, as was a resolution approving a Tentative Map to subdivide one parcel into three parcels.

The environmental impacts of this project were addressed in the August 2017 645 Horning Street Gas Station, Food, and Storage Project Initial Study (IS) and led to a Mitigated Negative Declaration (MND). The City Council adopted resolutions adopting and approving these documents and the associated Mitigation and Monitoring Report Plan (MMRP).

## 1.2 PURPOSE OF THE ADDENDUM

Instead of constructing the approved mini-storage buildings totaling 92,116 square feet, the project applicant is proposing to build a single three-story storage facility approximately 151,958 square feet in size, which would increase the floor space by 58,515 square feet. All other aspects of the project, including setbacks, lighting and equipment, noise controls, signage, landscaping, site improvements, the amount of commercial development, or site access and circulation remain as proposed and evaluated in the Horning Street IS.

The purpose of this addendum is to document the change in the project and evaluate whether the change would result in a new or more significant environmental impact than what was previously disclosed. The revised project qualifies for an addendum pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15164, which states that "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR (or negative declaration) if some changes or additions are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR (or negative declaration) have occurred." Circumstances which would warrant a subsequent EIR or negative declaration include substantial changes in the project or new information of substantial importance which would require major revisions of the previous EIR (or negative declaration) due to the occurrence of new significant impacts and/or a substantial increase in the severity of previously identified significant effects.

Given the proposed changes and the existing environmental conditions, the City has concluded that the proposed revision to the Horning Street project would not result in any new impacts not previously disclosed in the Horning Street IS or a substantial increase in the severity of previously disclosed impacts. This addendum will not be formally circulated for public review but will be

attached to the Horning Street IS pursuant to CEQA Guidelines Section 15164(c). All documents referenced in this addendum are available for public review in the Department of Planning, Building, and Code Enforcement at San José City Hall, 200 East Santa Clara Street, during normal business hours.

# SECTION 2.0 PROJECT INFORMATION

## 2.1 PROJECT TITLE

645 Horning Street Gas Station, Food, and Storage Project Amendment (File Number: PDA16-027-02)

## 2.2 LEAD AGENCY CONTACT

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## 2.3 PROJECT APPLICANT

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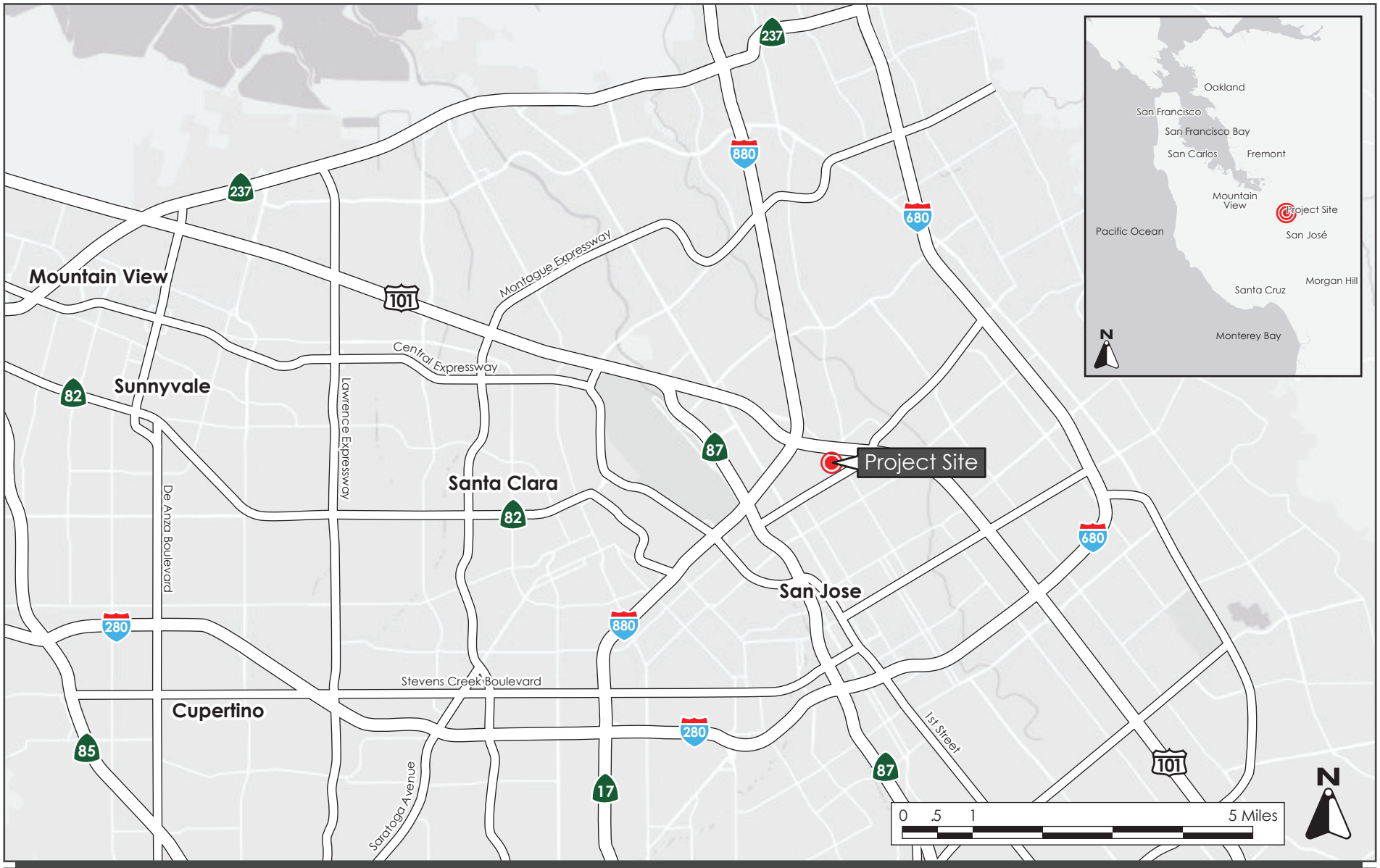
Redondo Beach, CA 90278

## 2.4 PROJECT LOCATION

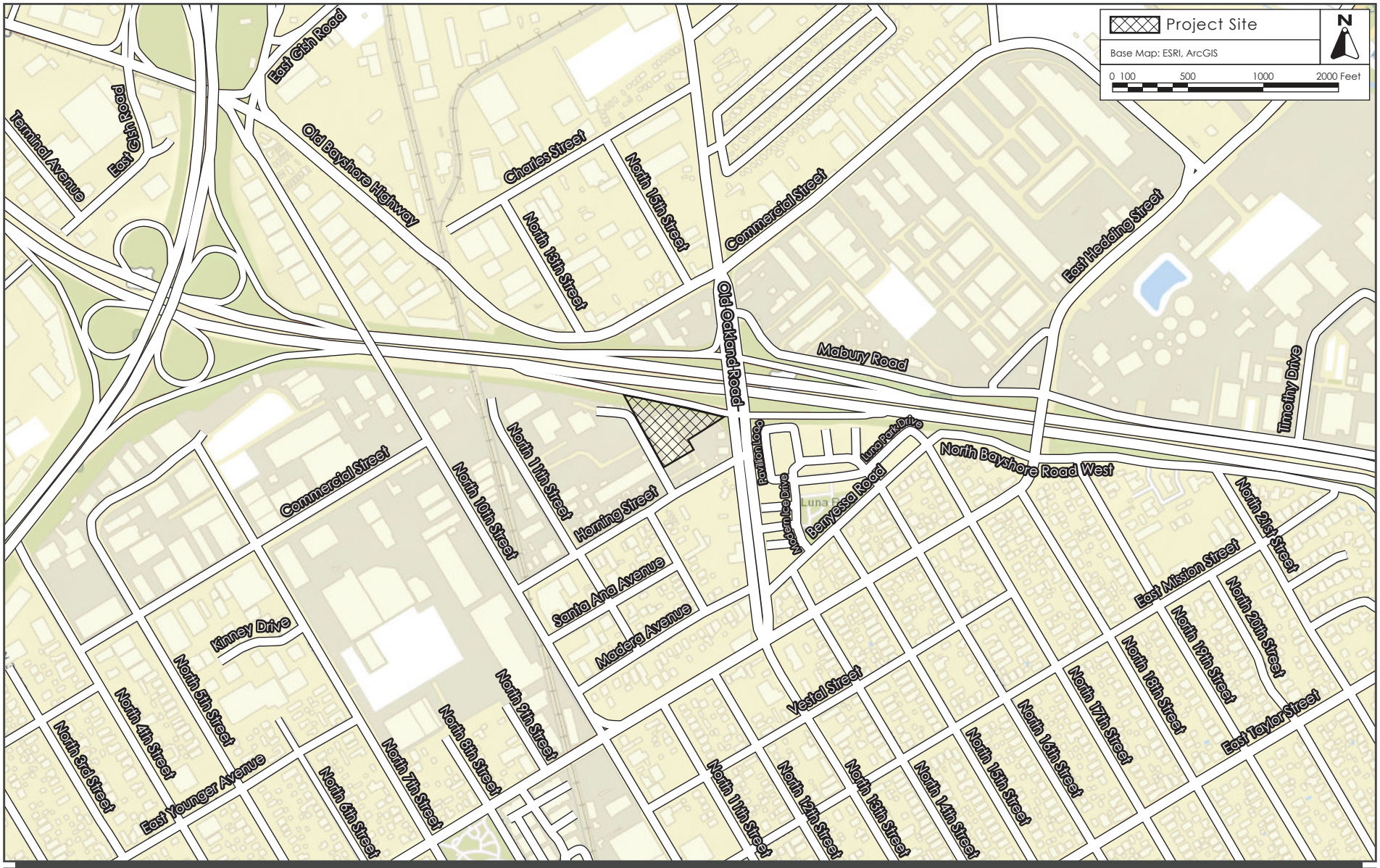
The approximately 3.26-acre project site is located at 645 Horning Street in San Jose, CA 95112 (Assessor's Parcel Number: 235-18-023).[1] The site is situated on the north side of Horning Street at the intersection with Oakland Road. Regional, vicinity, and aerial maps are shown in Figure 2.4-1, Figure 2.4-2, and Figure 2.4-3, respectively.

[1] 645 Horning Street is no longer a valid street address after existing buildings were demolished.



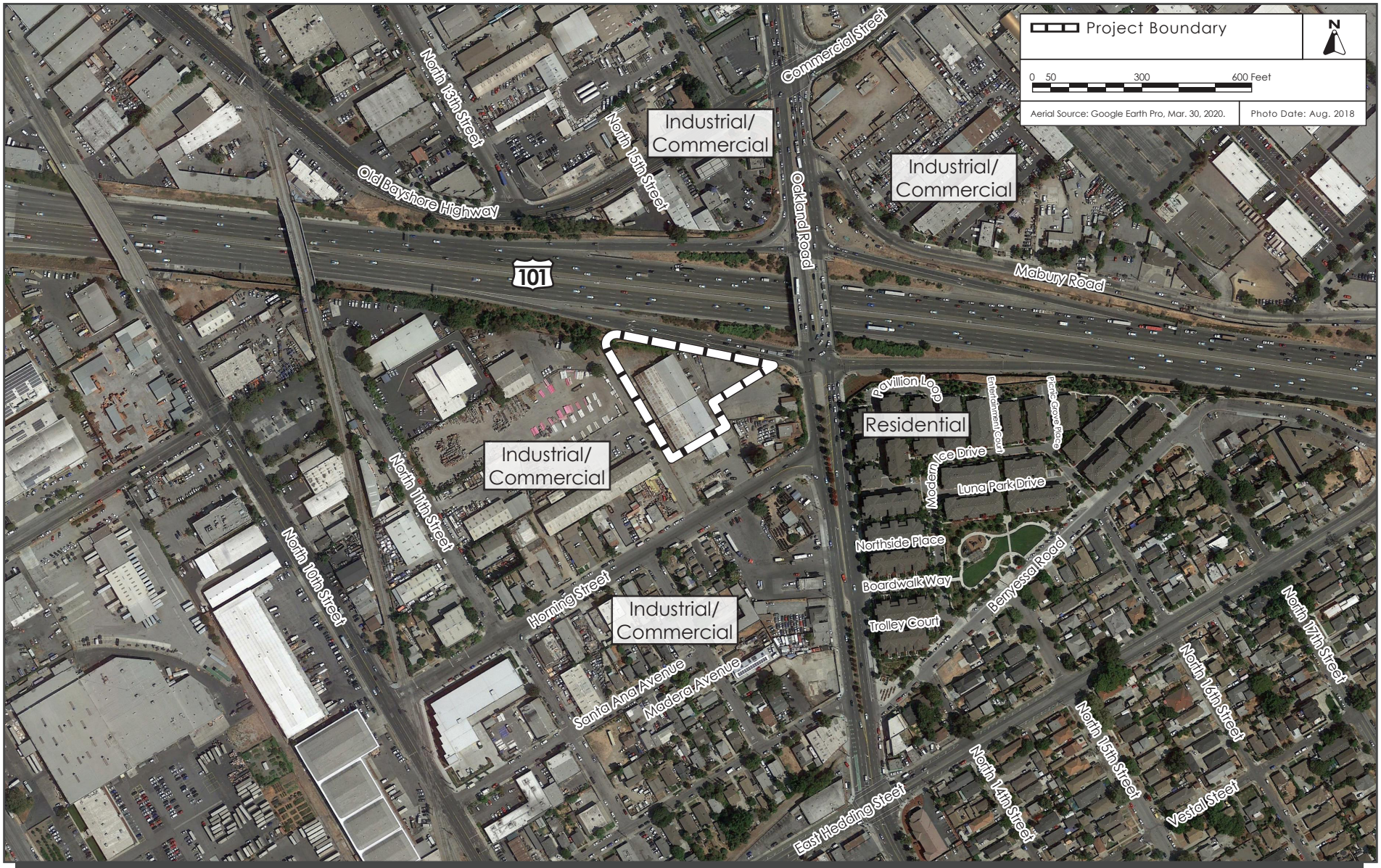

REGIONAL MAP

FIGURE 2.4-1




VICINITY MAP

FIGURE 2.4-2




AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.4-3

## 2.5 ASSESSOR'S PARCEL NUMBER

The project site consists of Assessor's Parcel Number (APN) 235-18-023.

## 2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The project site is General Plan designated *Combined Industrial/Commercial,* and is zoned *Combined Industrial/Commercial-Planned Development CIC(PD).*

## 2.7 HABITAT PLAN DESIGNATION

| | |
|---|---|
| Land Cover Designation: | Urban-Suburban |
| Development Zone: | Urban Development Covered Equal to or Greater than Two Acres |
| Fee Zone: | Urban Areas (No Land Cover Fee) |
| Wildlife Survey Area: | Not Applicable |

## 2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Planned Development Permit Amendment File No: PDA16-027-02
- Tentative Map
- Grading Permit
- Building Permit
- Department of Public Works Permits (i.e., encroachment permits)

# SECTION 3.0 PROJECT DESCRIPTION

## 3.1 SUMMARY OF THE APPROVED PROJECT

The approved 2017 project (File Numbers: PDC16-041, PD16-027, PT16-037) proposed to demolish the six existing buildings and improvements on-site totaling approximately 52,000 square feet and construct a mix of new commercial uses, including a convenience store, six fueling stations (12 total fuel dispensers), automatic carwash, drive-through fast-food restaurant, and a 92,116 square-foot self-storage facility. A rezoning of the project site from *LI – Light Industrial* to *CIC(PD) – Planned Development* and the subdivision of one parcel into three separate parcels was approved to allow for the proposed mix and arrangement of commercial uses. A summary of the approved project is provided below in Table 3.1-1, and the site plan for the approved project is shown in Figure 3.3-1.

**Table 3.1-3.1-1: Proposed Project Square Footage, Heights, and Hours**

| Use | Square Footage | Stories | Height to Parapet or Soffit (feet) | Height to Top of Roof (feet) | Hours of Operation |
|---|---|---|---|---|---|
| Six fueling stations and12 gasoline dispensers (under a canopy) | 3,870 | One | NA | 23 | 24 hours daily |
| Fast-food restaurant with drive-through | 2,494 | One | 20 | 28 | 5:00 a.m. to 12:00 p.m. |
| Convenience store | 3,814 | One | 21 | 28 | 5:00 a.m. to 2:00 a.m. |
| Car wash tunnel (attached to convenience store) | 1,341 | One | NA | 16 | |
| Self-storage Building A | 11,871 | One | 13 | 19 | 6:00 a.m. to 10:00 p.m. |
| Self-storage Building B | 76,445 | Four | 43 | 48 | |
| Self-storage Building C | 3,800 | One | NA | 13 | |

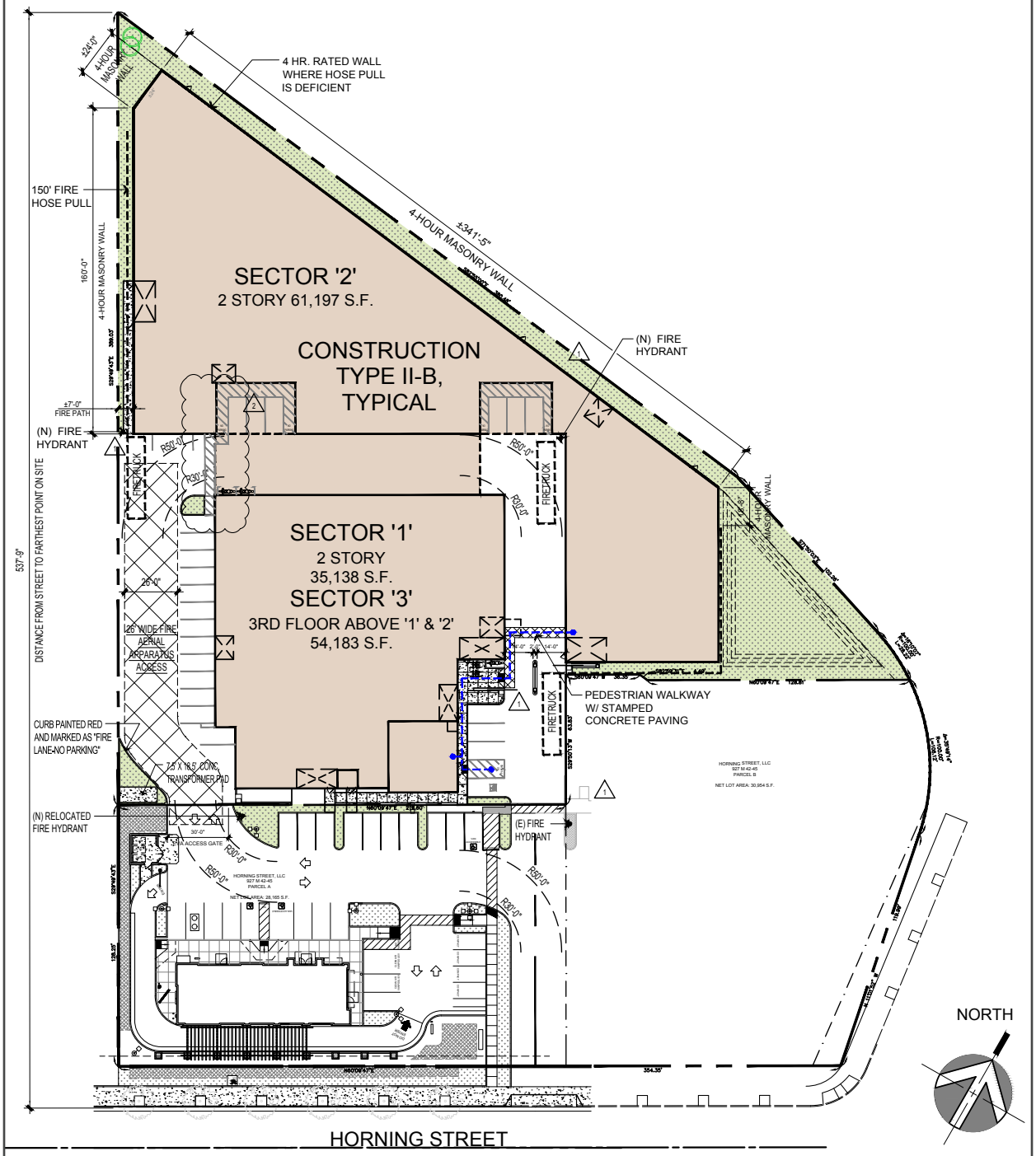
## 3.2 PROPOSED CHANGES TO THE APPROVED PROJECT

The Amended Horning Street project is identical to the approved project described above, with the following revisions:

- Instead of constructing three separate mini-storage buildings of varying heights approximately 92,116 square feet in size, consolidation of this industrial use into a single mini-storage facility approximately 40 feet in height with an attached office and caretaker residence of approximately 152,911 square feet in size is proposed, for a net increase of 60,795 square feet; and,
- 27 additional parking spaces to support City requirements regarding the ratio of square feet to parking spaces is proposed.

## 3.3 CHANGES IN PROJECT CIRCUMSTANCES

In addition to the regulatory changes that have occurred since 2017 that are described in Section 4.0 the sole change in project circumstances has been the removal of the buildings on-site as part of the implementation of the approved 2017 project. No new uses or sensitive receptors that would need to be accounted for have been introduced to the project site or surrounding area.




Source: Jordan Architects, June 30, 2020.

SITE PLAN

FIGURE 3.1-1

# SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

The regulatory framework for the project has not changed substantially since the preparation of the August 2017 Initial Study, with the following exceptions:

1. Questions related to Energy and Wildfire impacts were not included in Appendix G at the time of the 2017 Initial Study and were therefore not discussed. In-depth discussions of these topics are now included below in Section 4.3 and Section 4.8, respectively.
2. The City has adopted a new transportation analysis policy (City Council Policy 5-1) in March of 2018 to address vehicle miles traveled.

This section includes the discussion of areas with no measurable impact in comparison with the approved 645 Horning Street Gas Station, Food, and Storage Project. A more in-depth discussion of impacts related to Air Quality, Energy, Greenhouse Gas Emissions, Noise & Vibration, Transportation, and Wildfire is also included with 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.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related 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 (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

## 4.1 AREAS OF NO MEASURABLE CHANGE IN EXPECTED IMPACT

#### 4.1.1.1 *Aesthetics*

Since the preparation of the 2017 Initial Study, which found that the project would have a less than significant impact on aesthetics, the pre-existing buildings have since been demolished as part of the implementation of the approved project.

The surrounding area is not part of a scenic highway or important viewshed identified in the City's General Plan. The proposed alteration to the mini-storage facilities would decrease the range of approved building heights from one to four stories to a proposed three-story design that retains previously approved design characteristics. Since the proposed change would not increase the visibility of these structures and would be subject to the same design guidelines and sign ordinances

applied during the City's discretionary permitting process, changes to the approved project would not result in a measurable impact to site aesthetics.

#### 4.1.1.2 *Agriculture and Forestry Resources*

The project site was formerly occupied by a variety of light-industrial and commercial uses that have since been demolished as part of implementation of the approved project. The project site and surrounding areas do not have a land use or zoning designation associated with agricultural or forestry; thus, the proposed expansion of mini-storage facilities would not result in impacts to agricultural or forestry resources.

#### 4.1.1.3 *Biological Resources*

The proposed and previously approved project include the removal of the same number of existing trees which could support nesting migratory birds. The 2017 Initial Study included mitigation measures to prevent potential impacts to these species during construction and demolition and the proposed project would still be required to implement them. Furthermore, the existing biological setting (i.e., habitat, proximity to waterways and wetlands) has not changed since preparation of the 2017 Initial Study. As such, the proposed project would result in the same less than significant impacts to biological resources as originally disclosed.

#### 4.1.1.4 *Cultural and Tribal Cultural Resources*

The existing cultural resources setting has not changed since the preparation of the 2017 Initial Study, which found that implementation of standard permitting conditions were sufficient to keep impacts at a less than significant level. These impacts included the demolition of a Structure of Merit (which is now gone from the site) and the potential loss of undiscovered archaeological and paleontological resources. No changes associated with the proposed amendment would increase or reduce impacts to cultural resources. As such, compliance with these standard permitting conditions would result in no measurable impact as a result of the revised project.

#### 4.1.1.5 *Geology and Soils*

No changes to the site's geology or soils have occurred since preparation of the 2017 Initial Study. The described changes in building height and additional 59,842 square feet of building area could not affect site geology. A geotechnical investigation concluded that the soil present on-site was not at risk for ground failure during a seismic event or as a result of project construction. Therefore changes related to the footprint and foundation of the expanded facilities, which would be subject to the previously identified standard permitting conditions and design-level geotechnical recommendations, would not result in a measurable impact related to geology and soils.

#### 4.1.1.6 *Hydrology and Water Quality*

There has been no change in the site's hydrology or water quality setting since the 2017 Initial Study. Expansion of the mini-storage facilities by 59,842 square feet of building area and the additional 17 parking spaces would not lead to the usage of groundwater supplies or introduce structures into a 100-year floodplain or dam failure zone. While the revised project would alter the footprint of the mini-storage facilities and increase the number of parking spaces, the amount of pervious surface

included in the approved project would not be reduced, and therefore impacts previously identified related to site drainage and runoff would not be exacerbated. Implementation of the standard permitting conditions previously identified would lead to no new measurable impacts to hydrology and water quality.

#### 4.1.1.7 *Land Use and Planning*

The project site has a General Plan designation of *Combined Industrial/Commercial* and is zoned *CIC(PD) Planned Development Zoning District*, which is consistent with the proposed commercial/industrial uses. No changes to the land use and planning setting have occurred since preparation of the 2017 Initial Study, as the surrounding area remains a mix of commercial, industrial, and residential uses. Construction of the proposed expansion of the mini-storage facilities would be restricted to the previously approved boundaries with no division of the established community. As there are no changes to the approved commercial uses, which include drive-through windows, car washes, and service stations that generally have the potential to disrupt communities but were found to have a less than significant impact in the approved 2017 Initial Study there are no measurable impacts associated with the proposed changes.

#### 4.1.1.8 *Mineral Resources*

The existing minerals setting has not changed as no mineral resources have been identified since the preparation of the 2017 Initial Study. As such, the mini-storage facility expansion would not lead to the loss of a known mineral resource or mineral excavation site that would constitute a measurable impact to mineral resources.

#### 4.1.1.9 *Population and Housing*

No new housing or populations have been introduced to the project site since the preparation of the 2017 Initial Study, and so no measurable impacts associated with the displacement of housing or population would occur from the proposed changes. The number of workers employed by the Horning Street project would not measurably increase due to the expansion of mini-storage facilities as the majority of workers would be employed by the other commercial uses already approved. As there would be no measurable increase in the number of employees, no measurable inducement of population growth would occur.

#### 4.1.1.10 *Public Services*

No changes in the existing public services setting have occurred since preparation of the 2017 Initial Study. As discussed under Population and Housing, expansion of the mini-storage facilities would not induce population growth that could increase demand on public services. Additionally, no change in the approved commercial uses at the site are proposed that would alter the Horning Street project's demand on public services, in that an additional 59,842 square feet of building area devoted to mini-storage would not require substantial additional public services given mini-storage uses have very low occupancies. Federal, state, and local regulations related to the use, handling, and storage of hazardous materials or the relevant fire and building codes, which relate to the demand on police and fire protection services, would still be applied to the amended project. Accordingly, there is no measurable impact associated with the proposed changes.

#### 4.1.1.11 *Recreation*

As discussed under Population & Housing and Public Services, no population growth or new uses are associated with the proposed changes to the approved project, thus there are no increases in usage of recreational facilities or construction of recreational facilities that could constitute a measurable impact.

#### 4.1.1.12 *Utilities and Service Systems*

There have been no changes to the utility and service systems present on-site and in the surrounding area since the preparation of the 2017 Initial Study. Expansion of the mini-storage facilities by 59,842 square feet of building area would primarily increase storage area, not uses associated with the generation of wastewater, stormwater, or solid waste or with the consumption of water supplies. The other commercial uses on site, which are associated with the generation or consumption of these resources, are not affected by the proposed changes. No extension of utilities and service systems, such as roads, utility lines, or other infrastructure is proposed by the amended project. Therefore there would be no measurable impact as a result of the proposed changes.

## 4.2 AIR QUALITY

The following discussion is based upon a *Community Risk Assessment* prepared by Illingworth & Rodkin, Inc. in March 2020. A copy of this report is included in this report as **Appendix A**.

### 4.2.1 Environmental Setting

#### 4.2.1.1 *Background Information*

**Criteria Pollutants**

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone ($O_3$), nitrogen oxides ($NO_x$), particulate matter (PM), carbon monoxide (CO), sulfur oxides ($SO_x$), and lead.[2] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.2. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

**Table 4.2: Health Effects of Air Pollutants**

| Pollutants | Sources | Primary Effects |
|---|---|---|
| $O_3$ | Atmospheric reaction of organic gases with nitrogen oxides in sunlight | • Aggravation of respiratory and cardiovascular diseases<br>• Irritation of eyes<br>• Cardiopulmonary function impairment |
| Nitrogen Dioxide ($NO_2$) | Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions | • Aggravation of respiratory illness<br>• Reduced visibility |
| Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter ($PM_{10}$) | Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions | • Reduced lung function, especially in children<br>• Aggravation of respiratory and cardiorespiratory diseases<br>• Increased cough and chest discomfort<br>• Reduced visibility |
| Toxic Air Contaminants (TACs) | Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products | • Cancer<br>• Chronic eye, lung, or skin irritation<br>• Neurological and reproductive disorders |

High $O_3$ levels are caused by the cumulative emissions of reactive organic gases (ROG) and $NO_x$. These precursor pollutants react under certain meteorological conditions to form high $O_3$ levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce $O_3$ levels. The highest $O_3$ levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

[2] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

PM is a problematic air pollutant of the Bay Area. PM 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 emissions and localized emissions.

**Toxic Air Contaminants**

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[3] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

**Sensitive Receptors**

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

#### 4.2.1.2 *Regulatory Framework*

**Federal and State**

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, $O_3$, CO, $SO_x$, $NO_x$, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act.

[3] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 16, 2018. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and $NO_X$.

**Regional**

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[4]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

[4] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

Community Air Risk Evaluation Program

Under the Community Air Risk Evaluation (CARE) program, BAAQMD has identified areas with high TAC emissions, and sensitive populations that could be affected by them, and uses this information to establish policies and programs to reduce TAC emissions and exposures. Impacted communities identified to date are located in Concord, Richmond/San Pablo, San José, eastern San Francisco, western Alameda County, Vallejo, San Rafael, and Pittsburg/Antioch. The main objectives of the program are to:

- Evaluate health risks associated with exposure to TACs from stationary and mobile sources;
- Assess potential exposures to sensitive receptors and identify impacted communities;
- Prioritize TAC reduction measures for significant sources in impacted communities; and
- Develop and implement mitigation measures to improve air quality in impacted communities.

**Local**

Envision San José 2040 General Plan

In connection with the implementation of the 2017 CAP, various policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The following air quality-related policies applicable to the project.

| Policy | Description |
|---|---|
| MS-10.1 | Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures. |
| 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. |
| MS-11.5 | Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses. |
| 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. |
| MS-13.3 | Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations. |

#### 4.2.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level $O_3$ and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for $PM_{10}$ under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for $O_3$ and $PM_{10}$, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for $O_3$ precursor pollutants (ROG and $NO_X$), $PM_{10}$, and $PM_{2.5}$, and apply to both construction period and operational period impacts.

U.S. Route 101, Oakland Road, and several stationary sources in the surrounding area are the main contributors to air pollution in the project vicinity. Sensitive receptors are located at the multi-family development opposite the project site on Oakland Road to the east and at the single-family residences opposite the project site on Horning Street to the southwest.

**Changes since 2017 Initial Study**

Since preparation of the 2017 Initial Study, no new sensitive receptors have been introduced within the project vicinity.[5] Two of the stationary sources identified in the 2017 Initial Study (Plant G9902, Plant G10284) are no longer identified by the BAAQMD *Stationary Source Risk and Hazard Analysis Google Earth Tool*. Three new stationary sources, all gas dispensing facilities, were identified in the Community Risk Assessment. Vehicle trips to and from the existing uses have ceased, as those structures have been removed, and some of the construction emissions identified in the 2017 IS have occurred as demolition took place. The analysis of project construction below accounts for the full range of construction activity, including emissions from demolition that have occurred. Additionally, calculations of construction and operational emissions as well as substantial pollutant concentrations have been affected by:

- The 59,842 square foot increase in construction
- The adoption of a new Transportation Analysis Policy (Council Policy 5-1) and revised trip generation rates
- The use of more efficient construction equipment with less overall emissions
- New Office of Environmental Health Hazard Assessment (OEHHA) guidance on calculating community health risk
- Updates to BAAQMD screening and calculation tools
- Changes in the methodology for calculating estimated risk values for maximally exposed individuals (MEI)

[5] Google Earth 7.3. Map data: Google, CNES/Airbus, Maxar Technologies. Time period: 01/15/2017 – 11/03/2019. Accessed March 13, 2020.

### 4.2.2 Impact Discussion

| | New Potentially Significant Impact | New Less than Significant Impact with Mitigation Incorporated | New Less than Significant Impact | Same Impact as Approved Project | Less Impact than Approved Project |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| 1) Conflict with or obstruct implementation of the applicable air quality plan? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 2) 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? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 3) Expose sensitive receptors to substantial pollutant concentrations? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? | ☐ | ☐ | ☐ | ☒ | ☐ |

**Accepted Thresholds**

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San Jose has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.2-1 below.

**Table 4.2-1: BAAQMD Air Quality Significance Thresholds**

| Pollutant | Construction Thresholds | Operation Thresholds | |
|---|---|---|---|
| | Average Daily Emissions (pounds/day) | Annual Daily Emissions (pounds/year) | Annual Average Emissions (tons/year) |
| **Criteria Air Pollutants** | | | |
| ROG, $NO_x$ | 54 | 54 | 10 |
| $PM_{10}$ | 82 (exhaust) | 82 | 15 |
| $PM_{2.5}$ | 54 (exhaust) | 54 | 10 |
| CO | Not Applicable | 9.0 ppm (eight-hour) or 20.0 ppm (one-hour) | |
| Fugitive Dust | Dust Control Measures/Best Management Practices | Not Applicable | |

| Table 4.2-1: BAAQMD Air Quality Significance Thresholds | | | |
|---|---|---|---|
| **Pollutant** | **Construction Thresholds** | **Operation Thresholds** | |
| | **Average Daily Emissions (pounds/day)** | **Annual Daily Emissions (pounds/year)** | **Annual Average Emissions (tons/year)** |
| **Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)** | | | |
| **Health Hazard** | **Single Source** | **Combined Cumulative Sources** | |
| Excess Cancer Risk | 10 per one million | 100 per one million | |
| Hazard Index | 1.0 | 10.0 | |
| Incremental Annual $PM_{2.5}$ | 0.3 $\mu g/m^3$ | 0.8 $\mu g/m^3$ (average) | |

**1) Would the project conflict with or obstruct implementation of the applicable air quality plan?**

The 2017 CAP defines an integrated, multipollutant control strategy to reduce emissions of particulate matter, TACs, ozone precursors, and GHGs. The 2017 CAP includes control measures that are intended to reduce air pollutant emissions in the Bay Area, either directly or indirectly. The control measures are divided into five categories that include:

- Measures to reduce emissions from stationary and area sources;
- Mobile source measures;
- Transportation control measures;
- Land use and local impact measures; and
- Energy and climate measures.

A project is considered consistent with the 2017 CAP if, a) the plan supports the primary goals of the 2017 CAP; b) includes relevant control measures; and c) does not interfere with implementation of 2017 CAP control measures.[6]

The project would support the primary goals of the CAP, which are to attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions and protect the climate. Gasoline dispensing facilities require special permits from the BAAQMD and would be required to comply with BAAQMD emissions regulations and measures associated with the permits. Additionally, exposure of sensitive receptors to TACs and $PM_{2.5}$ emissions from construction and operation of the project is addressed in Impact Discussion C. As noted in this section, the project would result in air quality impacts that are less than significant with the incorporation of BAAQMD best management practices (BMPs) and MM AIR-4.1 and would not conflict with measures in the 2017 CAP to reduce air pollutant emissions.

[6] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines.* May 2017. Pages 9-2 and 9-3.

As shown in Table 4.2-2 below, the proposed project would generally be consistent with the 2017 CAP measures intended to reduce automobile trips, as well as energy and water usage and waste.

**Table 4.2-2: Bay Area 2017 Clean Air Plan Applicable Control Measures**

| Control Measures | Description | Project Consistency |
|---|---|---|
| ***Transportation Measures*** | | |
| Trip Reduction Programs | Encourage trip reduction policies and programs in local plans, e.g., general and specific plans. Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips. | As discussed under Impact TRN-1, neither the industrial or retail uses proposed would have a significant vehicle miles traveled impact. Therefore the project would not interfere with trip reduction control measures. |
| Bicycle and Pedestrian Access and Facilities | Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities. | The project would include bicycle parking consistent with City standards. In addition, the project site is accessible for pedestrians traveling from nearby residential uses. The project is consistent with this measure. |
| Land Use Strategies | Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices. | The project site's General Plan designation and zoning is consistent with the proposed commercial/industrial uses. Additionally, the project would not conflict with any transportation plans or result in a significant VMT impact (see Impact TRN-1). Therefore, the project is consistent with this measure. |
| ***Building Measures*** | | |
| Green Buildings | Identify barriers to effective local implementation of CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/ enforcement. Engage with additional partners to target reducing emissions from specific types of buildings. | The project would comply with Building Energy Efficiency Standards (Title 24) and the City's Green Building Ordinance and the most recent CALGreen requirements. The project is consistent with this measure. |

| Table 4.2-2: Bay Area 2017 Clean Air Plan Applicable Control Measures | | |
|---|---|---|
| **Control Measures** | **Description** | **Project Consistency** |
| Urban Heat Island Mitigation | Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/ roofing upgrades for commercial and residential multifamily housing. | The project would be required to comply with the City's Green Building Ordinance and the most recent CALGreen requirements which would increase building efficiency over standard construction. The negligible amount of parking proposed would not result in a significant urban heat island effect. Therefore, the project is consistent with this control measure. |
| Decrease Electricity Demands | Work with local governments to adopt additional energy efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times. | The proposed building would be constructed in compliance with the San José Green Building Ordinance (Policy 6-32) and the California Green Building Standards Code (Part 11 of Title 24, California Code of Regulations). Therefore, the project is consistent with this control measure. |
| ***Natural and Working Lands Measures*** | | |
| Urban Tree Planting | Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review. | The project would be required to adhere to the City's tree replacement policy. Therefore, the project is consistent with this control measure. |
| ***Waste Management Measures*** | | |
| Recycling and Waste Reduction | Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects. | The City adopted the Zero Waste Strategic Plan which outlines policies to help the City foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. In addition, the project would comply with the City's Construction and |

| Table 4.2-2: Bay Area 2017 Clean Air Plan Applicable Control Measures | | |
|---|---|---|
| **Control Measures** | **Description** | **Project Consistency** |
| | | Demolition Diversion Program during construction which ensures that at least 75 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure. |
| ***Water Conservation Measures*** | | |
| Support Water Conservation | Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance. | The project would comply with CALGreen and reduce potable indoor water consumption and outdoor water use by including water efficient fixtures and planting drought tolerant non-invasive landscaping. The project, therefore, is consistent with this measure. |

Overall, the proposed redevelopment of the project site would not affect employment or population forecasts used for 2017 CAP projections. Neither the approved project or the amended project being considered would directly affect population forecasts through the provision of new housing or substantial job growth. The 2017 Initial Study anticipated six to 10 employees at the site on a daily basis, and although the amended project would result in an additional 59,842 square feet of mini-storage space, this would not result in a corresponding increase in the number of employees as storage facilities are self-service in nature. Finally, as discussed above under Section 4.1.1.12 Utilities and Service Systems, the amended project does not include the extension of new infrastructure and therefore would not indirectly induce substantial population growth through the extension of roads, utility lines, or other infrastructure. Therefore, the revised project would not conflict with implementation of the 2017 CAP. **(Same Impact as Approved Project - Less than Significant Impact)**

**2) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?**

As part of an effort to attain and maintain ambient air quality standards for ozone and PM10, the BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and $NO_x$), $PM_{10}$, and $PM_{2.5}$ and apply to both construction period and operational period impacts.

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

**Construction**

On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. Construction period emissions for both on-site and off-site activities related to the proposed expanded storage facility were modeled based on a construction data worksheet provided by the project applicant, while the construction period emissions for the gas station, market, car wash, and quick service restaurant were modeled based on CalEEMod defaults for a project of those types and sizes.

Construction was assumed to begin March 2021 and last 18 months. As noted above, the existing buildings have been removed from the site, and emissions from demolition have already been emitted. However, the analysis below conservatively assumes they remain to occur, and therefore would be part of the daily emissions results provided below. For construction emissions, the more activity assumed in a given day increases the pounds per day, and so by spreading emissions over a greater period of time, as happened with the demolition having already occurred under the existing 2018 entitlements, the results presented below overstate project emissions. There were an estimated 380 construction workdays. Average daily emissions were computed by dividing the total construction emissions by the number of construction days. Table 4.2-3 shows average daily construction emissions of ROG, $NO_x$, $PM_{10}$ exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 4.2-3: Construction Period Emissions , predicted construction period emissions would not exceed the BAAQMD significance thresholds. This conclusion is consistent with the results depicted in Table 4.3-3 of the 2017 IS for the approved project despite the project growing by 59,842 square feet, as construction equipment is now more efficient and produces less overall emissions due to technological advances.

**Table 4.2-3: Construction Period Emissions**

| Scenario | ROG | $NO_x$ | $PM_{10}$ Exhaust | $PM_{2.5}$ Exhaust |
|---|---|---|---|---|
| Total Construction Emissions (tons) | 1.1 tons | 2.1 tons | 0.1 tons | 0.1 tons |
| Average Daily Emissions (pounds/day)* | 5.9 lbs./day | 11.2 lbs./day | 0.5 lbs./day | 0.4 lbs./day |
| *BAAQMD Thresholds (pounds per day)* | *54 lbs./day* | *54 lbs./day* | *82 lbs./day* | *54 lbs./day* |
| ***Exceed Threshold?*** | ***No*** | ***No*** | ***No*** | ***No*** |
| *Assumes 380 construction workdays | | | | |

Because the proposed project would not exceed the BAAQMD construction period emission thresholds, the revised project would have a less than significant air quality impact. The Standard Conditions of Approval identified on page 31 of the 2017 IS, and repeated below on page 22, would

continue to apply to the project construction program. **(Same Impact as Approved Project - Less than Significant Impact)**

**Operation**

Operational air emissions from the project would be generated primarily from autos accessing the project. The project includes a Gasoline Dispensing Facility that would have ROG emissions. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses.

CalEEMod was used to predict emissions from operation of the proposed project assuming full build-out. Table 4.2-4 reports the predicted emission in terms of annual emissions in tons and average daily operational emissions, assuming 365 days of operation per year. As shown in Table 4.2-4, average daily and annual emissions of ROG, $NO_x$, $PM_{10}$, or $PM_{2.5}$ emissions associated with operation would not exceed the BAAQMD significance thresholds, this conclusion is consistent with the results depicted in Table 4.3-3 of the 2017 IS for the approved project, despite the project growing by 59,842 square feet.

**Table 4.2-4: Operational Emissions[1]**

| Scenario | ROG | $NO_x$ | $PM_{10}$ | $PM_{2.5}$ |
|---|---|---|---|---|
| 2023 Project Operational Emissions (tons/year) | 1.8 tons | 3.4 tons | 1.3 tons | 0.3 tons |
| Gasoline Dispensing Facility (tons/year) | 2.6 tons | – | – | – |
| Net Annual Emissions (tons/year) | 4.4 tons | 3.4 tons | 1.3 tons | 0.3 tons |
| *BAAQMD Thresholds (tons/year)* | *10 tons* | *10 tons* | *15 tons* | *10 tons* |
| ***Exceed Threshold?*** | ***No*** | ***No*** | ***No*** | ***No*** |
| 2023 Project Operational Emissions (lbs./day)* | 22.0 lbs. | 14.5 lbs. | 2.1 lbs. | 0.6 lbs. |
| *BAAQMD Thresholds (lbs./day)* | *54 lbs.* | *54 lbs.* | *82 lbs.* | *54 lbs.* |
| ***Exceed Threshold?*** | ***No*** | ***No*** | ***No*** | ***No*** |

*Assumes 365-day operation.

[1] Operational emission projections have increased in comparison with the 2017 Initial Study due to the additional 59,842 square feet of construction and the revised trip generation rates.

Because the proposed project would not exceed the BAAQMD operational thresholds, the revised project would have a less than significant air quality impact. **(Same Impact as Approved Project - Less than Significant Impact)**

**3) Would the project expose sensitive receptors to substantial pollutant concentrations?**

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. The 2017 project and the revised 2020 version with additional 59,842 square feet would not introduce new sensitive receptors. The approved 2017 project and the current 2020 project includes the development of a fueling station, although no change in that aspect of the project is now proposed. The BAAQMD recommends using a 1,000-foot screening radius around a project site for purposes of identifying community health risk from siting a new sensitive receptor or a new source of TACs.

**Community Health Risk from Construction**

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of $PM_{10}$ and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD *CEQA Air Quality Guidelines* consider these impacts to be less than significant if best management practices are implemented to reduce these emissions.

**Standard Measures:** The following standard measures reflect BAAQMD best management practices and would be implemented by the project to reduce potential impacts from fugitive dust.

- 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 California Code of Regulations). Provide clear signage for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and contact person regarding dust complaints.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute

substantially to existing or projected air quality violations as shown in Table 4.2-3: Construction Period Emissions . Construction exhaust emissions may still pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issue associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. Diesel exhaust poses both a potential health and nuisance impact to nearby receptors. As with the 2017 IS, which evaluated the construction health risk impacts of the original project description and concluded health impacts would be significant and require mitigation (see Table 4.3-5 of the 2017 IS), a health risk assessment of the project construction activities was conducted that evaluated potential health effects to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$. This assessment included dispersion modeling to predict the offsite and onsite concentrations resulting from project construction, so that increased cancer risks and non-cancer health effects could be evaluated.

Construction period emissions were modelled using the CalEEMod model as described under Impact Discussion B, including continuing to account for demolition activity that has already occurred. The CalEEMod model provided total annual $PM_{10}$ exhaust emissions (assumed to be DPM) for the off-road construction equipment and for exhaust emissions from on-road vehicles, with total emissions from all construction stages as 0.0853 tons (171 pounds). The on-road emissions are a result of haul truck travel during demolition and grading activities, worker travel, and vendor deliveries during construction. A trip length of one mile was used to represent vehicle travel while at or near the construction site. It was assumed that these emissions from on-road vehicles traveling at or near the site would occur at the construction site. Fugitive $PM_{2.5}$ dust emissions were calculated by CalEEMod as 0.0149 tons (30 pounds) for the overall construction period.

The maximum-modeled annual DPM and $PM_{2.5}$ concentrations, which includes both the DPM and fugitive $PM_{2.5}$ concentrations, were identified at nearby sensitive receptors to find the maximally exposed individuals (MEI). Using the maximum annual modeled DPM concentrations, the maximum increased cancer risks were calculated using BAAQMD recommended methods and exposure parameters. Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated and identified. Results of this assessment indicated that the cancer risk MEI and the $PM_{2.5}$ concentration MEI were located on the first floors (5 feet above ground) of the multi-family residences to the east of the project site opposite Oakland Road.

**Community Health Risk from Operation**

As with the 2017 IS, which evaluated the operational health risk impacts of the original project description and concluded health impacts would be less than significant, a screening analysis was conducted to predict cancer risks associated with the proposed gasoline dispensing facility (GDF) or gas station. Emissions from the project GDF were computed based on projected annual throughput of gasoline (i.e., 10 million gallons). Emissions of benzene, toluene, and xylenes which are TACs were computed based on recent emission factors developed by CARB. The average daily emissions of each TAC were input to the BAAQMD's Risk and Hazards Screening Calculator to compute community risk impacts in terms of increased cancer risk and non-cancer hazards. The calculator predicts the near source risk levels, which is then entered into BAAQMD's Gasoline Station Distance Multiplier Tool. The MEIs would be approximately 140 feet from the gas station, and with the distance adjustments the cancer risk at the MEI locations were found to be 1.7 in a million. This cancer risk calculations include the latest recommendations from the State's Office of Environmental

Health and hazards (OEHHA). The non-cancer risk (HI) due to the emissions from the gasoline dispensing facility would almost be less than 0.01.

**Summary of Project-Related Health Risks**

The cumulative risk impacts from a project is the combination of construction and operation sources. These sources include on-site construction activity and the proposed gas station. Project-related impacts were computed by adding the construction cancer risk for an infant to the increased cancer risk for the project operational conditions for the gas station at the MEI. The project MEI is identified as the sensitive receptor that is most impacted by the project's construction and operation. The cancer risks from construction and operation of the project were summed together. Unlike, the increased maximum cancer risk, the annual $PM_{2.5}$ concentration and HI risks are not additive but based on an annual maximum risk for the entirety of the project. Impacts from construction and operation on offsite project MEI are shown in Table 4.2-5.

**Table 4.2-5: Construction and Operation Risk Impacts at the Offsite Project MEI**

| Source | | Cancer Risk (per million) | Annual $PM_{2.5}$ ($\mu g/m^3$) | Hazard Index |
|---|---|---|---|---|
| Project Construction (Years 0-2) | Unmitigated | **29.0 (infant)** | 0.19 | 0.03 |
| | Mitigated* | 4.2 (infant) | 0.03 | <0.01 |
| Project Gas Station | | 1.7 | – | <0.01 |
| Unmitigated Total/Maximum Project | | 30.7 | 0.19 | 0.03 |
| Mitigated Total/Maximum Project* | | 5.9 | 0.03 | <0.01 |
| ***BAAQMD Single-Source Threshold*** | | ***>10.0*** | ***>0.3*** | ***>1.0*** |
| *Exceed Threshold?* | Unmitigated | ***Yes*** | *No* | *No* |
| | Mitigated* | *No* | *No* | *No* |

* Construction equipment engines with Tier 3 DPF Level 3 with electric crane mitigation measures.

The unmitigated $PM_{2.5}$ concentration and non-cancer hazards from construction and operation activities would be below their respective single-source significance thresholds as seen in Table 4.2-5. In comparison with the 2017 Initial Study, the new project would actually result in 29 fewer cancer cases per million as a result of project construction despite the additional 59,842 square feet of construction. This is due to the aforementioned technological advances in construction equipment and associated reductions in overall emissions. However, the maximum increased cancer risks from construction still exceeds its respective BAAQMD single-source thresholds of greater than 10.0 per million. Therefore the combined unmitigated maximum cancer risks exceed the BAAQMD single-source thresholds of greater than 10.0 per million.

**Impact AIR-4.1:** Construction of the proposed project would temporarily result in cancer risk exposure at the MEI at levels above the BAAQMD significance threshold based on combined exhaust and fugitive dust emissions. This impact is consistent with the conclusion of the 2017 IS for the original project, and does not reflect 'new information' per Guidelines section 15162, and in fact

incremental cancer risk for infants is now predicted at lower levels (29.0 cases vs. 42.5 cases for the 2017 project).

**MM AIR-3.1:** The project applicant shall ensure construction equipment be selected to minimize emissions to achieve a minimum fleet-wide average 77 percent reduction in particulate matter (PM2.5) exhaust emissions, compared to uncontrolled aggregate statewide emission rates for similar equipment. Such equipment selection shall include, but is not limited to, the following requirements:

- Mobile diesel-powered off-road equipment larger than 25 horsepower and operating on the site for more than two days continuously (or 20 hours in total) shall meet, at a minimum, one of the following:
  - Engines meeting United States EPA particulate matter emissions standards for Tier 4 engines or equivalent;
  - Tier 2 Engines equipped with CARB-certified Level 3 Diesel Particulate Filters;[7]
  - Use of alternatively-fueled equipment (i.e., non-diesel) would meet this requirement; or
  - Other measures may be the use of added exhaust devices, or a combination of measures, provided that these measures are demonstrated to reduce community risk impacts to less than significant.

- The project applicant shall prepare a construction operations plan that includes specifications of the equipment to be used during construction. The plan shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement prior to the issuance of any grading permit. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth in this mitigation measure.

Implementation of the BAAQMD best management practices described above would reduce exhaust emissions by five percent and fugitive dust emissions by over 50 percent. Implementation of MM AIR-4.1 would further reduce on-site diesel exhaust emissions from construction equipment by 85 percent. With mitigation, the computed maximum increased lifetime residential cancer risk from construction at the MEI location, assuming infant exposure, would be 4.2 in one million or less, and when combined with operations TACs from fuel dispensing, would total 5.9 cases per million, which is less than the 2017 project's combined construction plus operation impacts of 7.7 cases per million after mitigation.

[7] See http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm.

### Combined Impact of All TAC Sources on Off-Site MEIs

Community health risk assessments typically look at all substantial sources of TACs located within 1,000 feet of a project site. These sources include rail lines, highways, busy surface streets, and stationary sources identified by BAAQMD. A review of the project area indicates that the Union Pacific Railroad (UPRR) has a rail line that passes through the project influence area. Traffic on U.S. Highway 101 (U.S. 101) and Oakland Road have an average daily traffic (ADT) that exceeds 10,000 vehicles. All other roadways within the area are assumed to have an ADT that is less than 10,000 vehicles. Three stationary sources were identified within the 1,000- foot influence area using BAAQMD's stationary source stationary source website map and Google Earth map.

Table 4.2-6 reports both the project and cumulative community risk impacts on the sensitive receptors most affected by construction and operation of the project (i.e. the MEI). Without mitigation, the project's community risk from project construction and operation would exceed the single-source maximum cancer risk and $PM_{2.5}$ concentration significance thresholds. The combined annual cancer risk, $PM_{2.5}$ concentration, and Hazard risk values, which includes unmitigated and mitigated, would not exceed their respective cumulative thresholds.

**Table 4.2-6: Impacts from Combined Sources on Off-Site Project MEIs**

| Source | | Cancer Risk (per million) | Annual $PM_{2.5}$ ($\mu g/m^3$) | Hazard Index |
|---|---|---|---|---|
| **Project Impacts** | | | | |
| Unmitigated Total/Maximum Project | | 30.7 | 0.19 | 0.03 |
| Mitigated* Total/Maximum Project | | 5.9 | 0.03 | <0.01 |
| **BAAQMD Single-Source Threshold** | | **>10.0** | **>0.3** | **>1.0** |
| *Exceed Threshold?* | Unmitigated | ***Yes*** | *No* | *No* |
| | Mitigated* | *No* | *No* | *No* |
| **Cumulative Sources** | | | | |
| U.S. 101 (Link 568, 6ft Elevation), MEI ~300 feet south | | 42.8 | 0.22 | 0.03 |
| Oakland Road (north-south), MEI 30 feet east, ADT 17,500 | | 9.7 | 0.33 | – |
| Plant #109902 (GDF) at 800 feet | | 0.1 | – | <0.01 |
| Plant #106861 (GDF) at 1,000 feet | | <0.1 | – | <0.01 |
| Plant #108801 (GDF) at 950 feet | | <0.1 | – | <0.01 |
| Cumulative Total | Unmitigated | <83.5 (infant) | 0.74 | <0.09 |
| | Mitigated* | <58.7 (infant) | 0.58 | <0.07 |
| ***BAAQMD Cumulative Source Threshold*** | | ***>100*** | ***>0.8*** | ***>10.0*** |
| Exceed Threshold? | Unmitigated | *No* | *No* | *No* |
| | Mitigated* | *No* | *No* | *No* |

| Table 4.2-6: Impacts from Combined Sources on Off-Site Project MEIs | | | |
|---|---|---|---|
| **Source** | **Cancer Risk (per million)** | **Annual $PM_{2.5}$ ($\mu g/m^3$)** | **Hazard Index** |
| * Construction equipment engines with Tier 3 DPF Level 3 with electric crane mitigation measures. | | | |

With the incorporation of BAAQMD best management practices and MM AIR-4.1, the project's single-source and cumulative-source risks would no longer exceed the significance thresholds, consistent with the finding of the 2017 IS for the approved project. **(Same Impact as Approved Project - Less than Significant Impact with Mitigation Incorporated)**

**4) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?**

Odors from construction equipment (e.g. diesel fumes) would be temporary and localized, and would be minimized through implementation of the BAAQMD best management practices and MM AIR-4.1, including limits on vehicle idling. The 2017 approved and now currently proposed 2020 project include the addition of a convenience store and a fast-food restaurant. Food wastes as a result of these uses could result in localized odor issues if waste is not properly disposed of. A covered trash enclosure is proposed as part of the project and would be located more than 200 feet from the nearest adjacent residential property line. As a result, the project would not create objectionable odors affecting a substantial number of people. This issue would be unaffected by the introduction of the additional 59,842 square feet of mini-storage space now proposed. **(Same Impact as Approved Project - Less than Significant Impact)**

## 4.3 ENERGY

At the time the 2017 Horning Street Initial Study was prepared, questions regarding the impact of a project on energy resources were not included in Appendix G and therefore were not considered in the 2017 Initial Study. In accordance with the 2020 CEQA Guidelines, an evaluation of energy resources as it pertains to the amended project is included below. The following discussion is based in part on the *Community Risk Assessment* prepared by Illingworth & Rodkin, Inc. in March 2020. A copy of this report is included in this report as **Appendix A**.

### 4.3.1 Environmental Setting

#### 4.3.1.1 *Regulatory Framework*

**Federal and State**

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[8] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[9]

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and

[8] California Building Standards Commission. "California Building Standards Code." Accessed January 21, 2020. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[9] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed January 21, 2020. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[10]

## Local

Envision San José 2040 General Plan

The General Plan includes the following policies for the purpose of reducing or avoiding impacts related to energy that would be applicable to the project.

| Policy | Description |
|---|---|
| MS-2.2 | Encourage maximized use of on-site generation of renewable energy for all new and existing buildings. |
| MS-2.3 | Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption. |
| MS-2.11 | Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design). |
| MS-3.1 | Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions. |
| MS-5.5 | Maximize recycling and composting from all residents, businesses, and institutions in the City. |
| 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. |
| MS-6.8 | Maximize reuse, recycling, and composting citywide. |

[10] California Air Resources Board. "The Advanced Clean Cars Program." Accessed April 6, 2018. https://www.arb.ca.gov/msprog/acc/acc.htm.

| Policy | Description |
|---|---|
| MS-14.3 | Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use. |
| 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, and passive solar building design and planting of trees and other landscape materials to reduce energy consumption. |
| MS-14.5 | Consistent with state and federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements. |

City of San José Municipal Code and Building Codes

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance for Private Sector New Construction (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105), and a Construction & Demolition Diversion Program (CDD) that requires recycling of construction and demolition materials (Chapter 9.10).

Climate Smart San José

Climate Smart San José, adopted in February 2018, is a plan to reduce air pollution, save water, and create a healthy community. Climate Smart San José focuses on three pillars and nine key strategies to transform San José into a climate smart city that is substantially decarbonized and meeting requirements of Californian climate change laws.

#### 4.3.1.2 *Existing Conditions*

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available.[11] Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses, and 40 percent (3,175 trillion Btu) for transportation.[12] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

[11] United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed August 1, 2019. https://www.eia.gov/state/?sid=CA#tabs-2.
[12] United States Energy Information Administration. "State Profile and Energy Estimates, 2017." Accessed August 1, 2019. https://www.eia.gov/state/?sid=CA#tabs-2.

## Electricity

San José Clean Energy (SJCE) is the electricity provider for residents and businesses in the City of San José. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent GHG emission-free electricity. Customers can choose to enroll in SJCE's TotalGreen program at any time to receive 100 percent GHG emission-free electricity form entirely renewable sources.

## Natural Gas

PG&E provides natural gas services within the City of San José. In 2017, approximately 1.4 percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada. In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent.[13] transportation accounted for one percent of natural gas use in California. In 2017, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[14]

## Fuel for Motor Vehicles

In 2018, 15.5 billion gallons of gasoline were sold in California.[15] The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 24.9 mpg in 2018.[16] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks model years 2011 through 2020. [17,18]

## Energy Use of Existing Development

The prior buildings on the site that have been recently demolished used approximately 466,011 kWh of electricity per year and approximately 1,388,480 kBTU of natural gas per year.

[13] California Gas and Electric Utilities. 2018 *California Gas Report.* Accessed March 16, 2020. https://www.socalgas.com/regulatory/documents/cgr/2018_California_Gas_Report.pdf.
[14] California Energy Commission. "Natural Gas Consumption by County." Accessed March 16, 2020. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[15] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed February 11, 2020. https://www.cdtfa.ca.gov/dataportal/dataset.htm?url=VehicleTaxableFuelDist.
[16] United States Environmental Protection Agency. "The 2018 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2019.
[17] United States Department of Energy. *Energy Independence & Security Act of 2007.* Accessed March 16, 2020. http://www.afdc.energy.gov/laws/eisa.
[18] Public Law 110–140—December 19, 2007. *Energy Independence & Security Act of 2007.* Accessed March 16, 2020. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.

### 4.3.2 Impact Discussion

| | New Potentially Significant Impact | New Less than Significant Impact with Mitigation Incorporated | New Less than Significant Impact | Same Impact as Approved Project | Less Impact than Approved Project |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| 1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency? | ☐ | ☐ | ☐ | ☒ | ☐ |

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

**Construction**

Construction activities associated with the proposed project are estimated to occur at the site over an approximate 18-month period and would consist of site preparation, trenching, paving, tenant improvements, and installation of the substation. The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully on the site because of the added expense associated with renting the equipment, as well as maintaining and fueling it. While the approved 2017 project with 59,842 less square footage would result in accordingly reduced energy consumption during construction, both the 2017 project description and the current 2020 project with larger mini-storage warehouse use would result in less than significant energy consumption during construction, for the reasons noted above. **(Same Impact as Approved Project - Less than Significant Impact)**

**Operation**

Operation of the project would consume energy for multiple purposes including, but not limited to, building heating and cooling, lighting, appliances, and electronics. Operational energy would also be consumed during each vehicle trip generated by future employees and customers. The proposed 2020 project with an additional 59,842 square feet of mini-storage uses would result in increased intensity of industrial use as compared to the 2017 approved project, as well as the recently demolished structures on the project site. Estimates of future operational energy usage are shown below, in Table 4.3-1.

| Table 4.3-1: Estimated Energy Use of Proposed Development | |
|---|---|
| **Electricity (kWh/year)** | **Natural Gas (kBTU/year)** |
| *Prior Site Development* | |
| 466,011 | 1,388,480 |
| *Proposed Development* | |
| 726,848 | 1,067,136 |
| kWh = kilowatt per hour<br>kBTU = kilo-British Thermal Unit | |

Implementation of the proposed project would increase electricity use by approximately 260,837 kWh per year, and decrease natural gas consumption by approximately 321,344 kBTU per year compared to the prior site uses. The energy use increase takes into account the 2016 Title 24 Building Standards requirements but not the 2019 CalGreen requirements which would improve the efficiency of the overall project and lower the estimated energy use.

As regards the energy usage of project trip generation, the majority of trips associated with the proposed local-serving retail uses (which are already part of the approved 2017 project) are anticipated to be pass-by-trips generated by vehicles traveling between other destinations and would not, on its own, result in significant energy consumption as a result of vehicle trips. Furthermore, local-serving retail projects are presumed to have a less than significant VMT impact. The VMT generated by the proposed light industrial uses (i.e. mini-storage facilities) would be 13.66 VMT per employee, which is below the existing regional average (industrial threshold) of 14.37 VMT per employee and just below the Area VMT of 13.67 per employee. As a result, implementation of the proposed project, including the additional 59,842 square feet of mini-storage use, would not result in a substantial increase of transportation-related energy use.

With the implementation of these construction and operation features, the proposed project would not result in significant energy waste, inefficiency, or unnecessary use. **(Same Impact as Approved Project - Less than Significant Impact)**

**2) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

As discussed in Impact Discussion A, the proposed project would not result in the inefficient use of energy during construction or operation. By conforming to applicable General Plan policies related to renewable energy and energy efficiency, and the CBC and CALGreen, the project would not preclude the City from meeting local or state renewable energy or energy efficiency goals; rather, it would facilitate the City's desires and state RPS requirements to meet these goals. For these reasons, the project would not conflict with or obstruct renewable or energy efficiency plans. **(No Impact)**

## 4.4 GREENHOUSE GAS EMISSIONS

The following discussion is based on the 2030 Greenhouse Gas Reduction Strategy Compliance Checklist included as **Appendix B** in this Addendum.

### 4.4.1 Environmental Setting

#### 4.4.1.1 *Background Information*

Gases that trap heat in the atmosphere, greenhouse gases (GHGs), regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of $CO_2$ equivalents ($CO_2e$). The most common GHGs are carbon dioxide ($CO_2$) and water vapor but there are also several others, most importantly methane ($CH_4$), nitrous oxide ($N_2O$), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride ($SF_6$). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- $CO_2$ and $N_2O$ are byproducts of fossil fuel combustion.
- $N_2O$ is associated with agricultural operations such as fertilization of crops.
- $CH_4$ is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and $SF_6$ emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

#### 4.4.1.2 *Regulatory Framework*

**Federal**

Clean Air Act

The EPA is the federal agency responsible for implementing the Clean Air Act. The U.S. Supreme Court in its 2007 decision in Massachusetts et al. v. Environmental Protection Agency et al., ruled that CO2 is an air pollutant as defined under the Clean Air Act, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

**State**

Assembly Bill 32

AB 32, the Global Warming Solutions Act of 2006, codified the State's GHG emissions target by directing the California Air Resources Board (CARB) to reduce the State's global warming emissions to 1990 levels by 2020. AB 32 was signed and passed into law by Governor Schwarzenegger on September 27, 2006. Since that time, the CARB, CEC, California Public Utilities Commission (CPUC), and Building Standards Commission have all been developing regulations that will help meet the goals of AB 32 and Executive Order S-3-05.

A Scoping Plan for AB 32 was adopted by CARB in December 2008. It contains the State's main strategies to reduce GHGs from business-as-usual emissions projected in 2020 back down to 1990 levels. Business-as-usual (BAU) is the projected emissions in 2020, including increases in emissions caused by growth, without any GHG reduction measures. The Scoping Plan has a range of GHG reduction actions, including direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, and market-based mechanisms such as a cap-and-trade system.

As directed by AB 32, CARB has also approved a statewide GHG emissions limit. On December 6, 2007, CARB staff resolved an amount of 427 million metric tons (MMT) of CO2e as the total statewide GHG 1990 emissions level and 2020 emissions limit. The limit is a cumulative statewide limit, not a sector- or facility-specific limit. CARB updated the future 2020 BAU annual emissions forecast, in light of the economic downturn, to 545 MMT of CO2e. Two GHG emissions reduction measures currently enacted that were not previously included in the 2008 Scoping Plan baseline inventory were included, further reducing the baseline inventory to 507 MMT of CO2e. Thus, an estimated reduction of 80 MMT of CO2e is necessary to reduce statewide emissions to meet the AB 32 target by 2020.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the

San Francisco Bay Area include 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) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Executive Order EO-B-30-15 (2015) and SB 32 GHG Reduction Targets

In April 2015, Governor Brown signed an Executive Order which extended the goals of AB 32, setting a greenhouse gas emissions target at 40 percent of 1990 levels by 2030. On September 8, 2016, Governor Brown signed SB 32, which legislatively established the GHG reduction target of 40 percent of 1990 levels by 2030. In November 2017, CARB issued *California's 2017 Climate Change Scoping Plan*. While the State is on track to exceed the AB 32 scoping plan 2020 targets, this plan is an update to reflect the enacted SB 32 reduction target.

SB 32 was passed in 2016, which codified a 2030 GHG emissions reduction target of 40 percent below 1990 levels. CARB is currently working on a second update to the Scoping Plan to reflect the 2030 target set by Executive Order B-30-15 and codified by SB 32. The proposed Scoping Plan Update was published on January 20, 2017 as directed by SB 32 companion legislation AB 197. The mid-term 2030 target is considered critical by CARB on the path to obtaining an even deeper GHG emissions target of 80 percent below 1990 levels by 2050, as directed in Executive Order S-3-05. The Scoping Plan outlines the suite of policy measures, regulations, planning efforts, and investments in clean technologies and infrastructure, providing a blueprint to continue driving down GHG emissions and obtain the statewide goals.

The new Scoping Plan establishes a strategy that will reduce GHG emissions in California to meet the 2030 target (note that the AB 32 Scoping Plan only addressed 2020 targets and a long-term goal). Key features of this plan are:

- Cap and Trade program places a firm limit on 80 percent of the State's emissions;
- Achieving a 50-percent Renewable Portfolio Standard by 2030 (currently at about 29 percent statewide);
- Increase energy efficiency in existing buildings;
- Develop fuels with an 18-percent reduction in carbon intensity;
- Develop more high-density, transit-oriented housing;
- Develop walkable and bikeable communities;
- Greatly increase the number of electric vehicles on the road and reduce oil demand in half;
- Increase zero-emissions transit so that 100 percent of new buses are zero emissions;
- Reduce freight-related emissions by transitioning to zero emissions where feasible and near-zero emissions with renewable fuels everywhere else; and

- Reduce "super pollutants" by reducing methane and hydrofluorocarbons or HFCs by 40 percent.

In the updated Scoping Plan, CARB recommends statewide targets of no more than 6 metric tons $CO_2e$ per capita (statewide) by 2030 and no more than 2 metric tons $CO_2e$ per capita by 2050. The statewide per capita targets account for all emissions sectors in the State, statewide population forecasts, and the statewide reductions necessary to achieve the 2030 statewide target under SB 32 and the longer-term State emissions reduction goal of 80 percent below 1990 levels by 2050

Executive Order EO B-55-18 (2018)

In 2018, a new statewide goal was established to achieve carbon neutrality as soon as possible, but no later than 2045, and to maintain net negative emissions thereafter. CARB and other relevant state agencies are tasked with establishing sequestration targets and create policies/programs that would meet this goal.

## Regional

Bay Area Air Quality Management District

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

The BAAQMD CEQA *Air Quality Guidelines* are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA *Air Quality Guidelines*, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by BAAQMD. The CEQA *Air Quality Guidelines* include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

## Local

San José 2030 Greenhouse Gas Reduction Strategy

The 2030 Greenhouse Gas Reduction Strategy (GHGRS) is the latest update to the City's GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by Senate Bill 32. As a qualified Climate Action Plan, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies and strategies to be

implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. Projects that comply with the policies and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA.[19]

Envision San José 2040 General Plan

In addition to the 2030 GHGRS, the following General Plan policies are related to GHG emissions and are applicable to the proposed project:

| Policy | Description |
|---|---|
| MS-2.11 | Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g. design to maximize cross ventilation and interior daylight) and through site design techniques (e.g. orienting buildings on sites to maximize the effectiveness of passive solar design). |
| MS-14.3 | Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use. |
| MS-14.4 | Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption. |

City of San José Municipal Code

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

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

[19] City of San José. Greenhouse Gas Reduction Strategy. November 2020. https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy.

San José Transportation Analysis Policy (Council Policy 5-1)

This policy, which was adopted in 2018, changed the methodology for the evaluation of traffic impacts of all projects from a delay-based metric (i.e., level of service) to one based on vehicle-miles-traveled (VMT). The intent of the policy is to reduce the emission GHGs and other pollutants associated with vehicular travel. Please see Section 4.17 Transportation for a detailed discussion of this policy and its applicability to the proposed project.

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones:

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San José Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San José by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

#### 4.4.1.3 *Existing Conditions*

**Changes since 2017 Initial Study**

Since preparation of the 2017 Initial Study, all sources of GHG emissions associated with the project site (operation of the automotive repair and industrial uses, vehicle trips to and from the site) have ceased due to the demolition of the former development. The project site does not currently generate any GHG emissions.

### 4.4.2 Impact Discussion

| | New Potentially Significant Impact | New Less than Significant Impact with Mitigation Incorporated | New Less than Significant Impact | Same Impact as Approved Project | Less Impact than Approved Project |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| 1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs? | ☐ | ☐ | ☐ | ☒ | ☐ |

**a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?**

### Construction Emissions

Construction of the proposed project would result in a minor increase in GHG emissions from on-site equipment and emissions from construction workers' personal vehicles traveling to and from the construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of personnel. Because project construction will be a temporary condition (approximately 18 months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the temporary increase in emissions would be less than significant. **(Same Impact as Approved Project - Less than Significant Impact)**

### Operational Emissions

The approved 2017 project proposed to demolish the six existing buildings and improvements on-site (totaling approximately 52,000 square feet) and construct a mix of new commercial uses, including a convenience store, six fueling stations (12 total fuel dispensers), automatic carwash, drive-through fast-food restaurant, and a 92,116 square-foot self-storage facility. As the approved 2017 project was consistent with the City's 2020 GHGRS, the project was determined to have a less than significant GHG emissions impact.

The amended 2020 project would increase the size of the proposed mini-storage facility by approximately 60,795 square feet, which would result in an increase in GHG emissions in comparison with the approved 2017 project. As discussed under Section 4.4.1.2 Regulatory Framework, in order to be consistent with the City's 2030 GHGRS, the approved 2020 project must complete the GHGRS Project Compliance Checklist (see **Appendix B**) and demonstrate that the project is consistent with the Envision San José 2040 General Plan (Checklist Section A) and the City's Greenhouse Gas Reduction Strategies (Checklist Section B) OR provide alternative project measures and GHG reductions that achieve the same or greater level of greenhouse gas reductions as the 2030 GHGRS.

Section A – General Plan Policy Compliance

The project site has a General Plan designation of *Combined Industrial/Commercial* and is zoned *CIC(PD) Planned Development Zoning District*, which is consistent with the proposed commercial/industrial uses. As discussed under 4.3 , the project would be required to conform with General Plan and Municipal Code policies, and has implemented green building measures to conform with the City's Green Building Ordinance, the CBC, and CALGreen requirements. The project would provide eight bicycle storage spaces, consistent with General Plan policy TR-2.8 and Municipal Code requirements. The project includes water-efficient landscaping as required by General Plan policy MS-3.1 that conforms with the California Model Water Efficient Landscape Ordinance. Based on the above, the project is consistent with the Envision San José 2040 General Plan.

Section B – Greenhouse Gas Reduction Strategies

There are seven categories of GHG emission reduction strategies, and projects must document consistency with the GHGRS reduction strategies listed in Table B of the Project Compliance Checklist or document why the strategies are not applicable or are infeasible. Non-residential projects, such as the amended project proposed herein, are only required to demonstrate consistency with Part Two of Table B, which include renewable energy development, building retrofits, zero waste goals, Caltrain modernization, and water conservation.

Although the project is not proposing to install solar panels, solar hot water, or other clean energy power generation sources, the project design does support the installation of solar panels in the future. Currently, there are no community solar programs. The project would obtain electricity from San José Clean Energy at the Total Green level.

The project proposes to use electric water heaters, consistent with building retrofit measures designed to reduce use of natural gas appliances and equipment, as well as high-efficiency water fixtures, consistent with water conservation measures. Caltrain modernization measures are not applicable, since the project site is not within a half-mile of a Caltrain station. As the previous development has already been demolished, there is no construction waste to divert.

Therefore, as the project is consistent with the City's General Plan and all applicable 2030 GHGRS strategies, project operation would not generate GHG emissions that could, directly or indirectly, have a significant impact on the environment. **(Same Impact as Approved Project - Less than Significant Impact)**

**b) Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?**

**Executive Orders S-3-05 and B-55-18**

As described previously under Section 4.4.1.2 Regulatory Framework, EO S-3-05 sets forth a GHG emissions reduction target of 80 percent below 1990 levels by 2050. The greenhouse gas emission reduction targets established in the 2030 GHGRS are based on the mid-term target of 40 percent below 1990 levels by 2030, which was established to ensure the State of California stays on track to achieve the long-term emission reduction targets of EO S-3-05. As discussed under Checklist Question a), the amended 2020 project is consistent with the 2030 GHGRS and, therefore, would meet the mid-term target for compliance with EO S-3-05. Therefore, the project would not conflict with EO S-3-05. **(Same Impact as Approved Project - Less than Significant Impact)**

**City of San José Greenhouse Gas Reduction Strategy**

As documented under Checklist Question a), the amended 2020 project is consistent with the City of San José 2030 GHGRS. **(Same Impact as Approved Project - Less than Significant Impact)**

## Climate Smart San José

Climate Smart San José has been adopted by the City with the purpose of creating a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings.

As discussed in Section 4.6 Energy, the proposed project would be subject to various state and city regulations governing energy usage, including the City's Green Building Policy, which requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques and inherently reduce GHG emissions. As discussed under Section 4.7 Transportation, as the project would have a less than significant impact in terms of vehicle miles traveled (VMT), the project would be consistent with the City's Transportation Analysis Policy (City Council Policy 5-1), which reduced GHG emissions through reductions in vehicle trips. Accordingly, the project is consistent with the City's climate action goals as set forth in Climate Smart San José. **(Same Impact as Approved Project - Less than Significant Impact)**

## 4.5 HAZARDS AND HAZARDOUS MATERIALS

### 4.5.1 Environmental Setting

#### 4.5.1.1 *Regulatory Framework*

**Overview**

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund, and the Resource Conservation and Recovery Act. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

**Federal and State**

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[20]

[20] CalEPA. "Cortese List Data Resources." Accessed October 22, 2018. https://calepa.ca.gov/sitecleanup/corteselist.

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 the boundaries of a property. 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. The Santa Clara County Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Hazardous Materials Business Plan

California's Health and Safety Code requires that any business that handles hazardous materials prepare a hazardous materials business plan (HMBP), which must include the following:

- Details, including floor plans, of the facility and business conducted at the site;
- An inventory of hazardous materials that are handled or stored on-site;
- An emergency response plan; and
- A safety and emergency response training program for new employees with annual refresher courses.

The goal of the HMBP program is to protect human and environmental health from adverse effects as a result of the storage or possible release of hazardous materials. This is done primarily by documenting significant amounts of hazardous materials so that emergency responders can effectively protect the public.

## Regional

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment protocol methodology for managing materials with PCBs in applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.[21] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. As of July 1, 2019, buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single family homes and wood-frame structures are exempt from these requirements.

## Local

Envision San José 2040 General Plan

The proposed project would be subject to the following hazards and hazardous materials policies of the City's General Plan.

| Policy | Description |
|---|---|
| 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. |
| 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. |
| 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. |

[21] California Regional Water Quality Control Board. *San Francisco Bay Region Municipal Regional Stormwater NPDES Permit.* November 2015.

| | |
|---|---|
| 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. |
| EC-7.9 | Ensure coordination with the County of Santa Clara Department of Environmental Health, RWQCB, DTSC, or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists. |
| 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

An Emergency Operations Plan (EOP) is required for each local government in California. The guidelines for the plan come from the Federal Emergency Management Agency (FEMA), and are modified by the State Office of Emergency Services (OES) for California needs and issues. The purpose of the plan is to provide a legal framework for the management of emergencies and guidance for the conduct of business in the Emergency Operations Center. San José City Council adopted their EOP in August 2004 and addresses emergencies such as floods, heat waves, power outages, terrorism, earthquakes, and fires.[22]

#### 4.5.1.2 *Existing Conditions*

**Site History**

Case Number 06SlE32N05f

As described within the Phase I Environmental Site Assessment (see Appendix E) the project site was formerly equipped with one 7,500-gallon steel gasoline underground storage tank (UST), one 12,000-gallon steel diesel UST, one 10,000-gallon steel diesel UST, and one 2,000-gallon steel waste oil UST; all of which were removed in March 1992 along with their associated piping. During preparations for the removal, a release of diesel fuel was discovered and reported to the Santa Clara Valley Water District (SCVWD), which opened case number 06SlE32N05f. Soil samples collected from beneath each of the tanks during removal activities showed petroleum hydrocarbons had impacted the soil, though groundwater samples taken showed concentrations of contaminants at levels below laboratory reporting limits. As a result, approximately 740 cubic yards of impacted soil was excavated and disposed.

In 1999 and 2001, soil borings were advanced in presumed downgradient locations from the former USTs. Groundwater samples from each of these two borings showed concentrations below the laboratory reporting limits for petroleum hydrocarbons. Regulatory closure was obtained for the four USTs on November 15, 2002.

[22] City of San José. *Emergency Operations Plan*. August 17, 2004.

Case Number 11-049

The subject property was formerly equipped with an additional 10,000-gallon gasoline UST, a 1,000-gallon gasoline UST, and a 5,000-gallon diesel UST; which were removed in November 7, 1991. During removal, the bottom of the gasoline USTs was noted to be severely pitted and a release of gasoline was reported to the SCVWD, which opened case number 11-049. Following tank removal, approximately 600 cubic yards of soil were excavated from the area, stockpiled, aerated, and reused to fill the excavation. Samples collected from the stockpiled soils showed concentrations of petroleum hydrocarbons contaminants in the soil, which was left in place. Six monitoring wells were installed in the area and groundwater monitoring was conducted quarterly until 1995. The final groundwater samples were collected in November 1995 and only one sample from a downgradient well showed any petroleum hydrocarbon impacts to groundwater. Regulatory closure was obtained for the three USTs on May 14, 1996.

## Existing Conditions in 2017

Septic Tank

The subject property is reportedly equipped with a septic tank at the eastern portion of the property. No information was available regarding the location of a leach bed or current or former usage of the septic tank.

Other Potential Contaminants

Due to the age of the existing commercial buildings, construction prior to 1978, lead-based paint and asbestos-containing materials (ACMs) may be present. Construction activities that disturb lead-based paint or ACMs require pre-construction surveys and special handling during remodeling and demolition to avoid their release into the environment.

## Surrounding Properties

The property to the south is identified in the LUST, Historical LUST, Historic CORTESE, and Certified Unified Program Agency (CUPA) listings databases. The property, identified as Haines & Sons Painting, is located approximately 400 feet south of the project site and is hydrologically upgradient. This site reported a release of gasoline on October 23, 1984 during removal of one 9,000-gallon gasoline UST. Approximately 70 cubic yards of soil were excavated for disposal. Three groundwater monitoring wells were installed at the property in 1994 and subsequent groundwater sampling results showed no detectable impacts to groundwater. Regulatory closure was obtained from the SCVWD on October 4, 1994.

## Changes since 2017 Initial Study

Site conditions related to the hazards and hazardous materials previously identified have not changed since preparation of the 2017 Initial Study. Potentially contaminated soil and groundwater is still present on-site. As noted previously the existing structures have been recently removed as part of the implementation of the 2017 project entitlements. There are no new schools within a quarter mile of the project site, and as discussed in Section 4.2, no new sensitive receptors have been introduced.

### 4.5.2 Impact Discussion

| | New Potentially Significant Impact | New Less than Significant Impact with Mitigation Incorporated | New Less than Significant Impact | Same Impact as Approved Project | Less Impact than Approved Project |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| 1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 2) 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? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 4) 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? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 5) 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, result in a safety hazard or excessive noise for people residing or working in the project area? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? | ☐ | ☐ | ☐ | ☒ | ☐ |

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

The expansion of the mini-storage facilities would not involve the routine transport, use, or disposal of hazardous materials not already disclosed in the 2017 Initial Study, which included fuels, oils, solvents, paints, and detergents. As there are no new hazardous materials to disclose, the federal, state, and local handling, storage, and disposal requirements applied to the approved project would be sufficient to ensure that no significant hazards to the public or the environment are created by proposed changes. **(Same Impact as Approved Project - Less than Significant Impact)**

**2) 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?**

**Contaminated Soil and Groundwater**

The 2017 Initial Study concluded that because of the history of past releases from USTs at the project site and at Haines & Sons Painting (400 feet south of and upgradient from the project site), contaminated soil and groundwater could be present on-site. As contaminated soil or groundwater could be encountered during excavation and grading, subsurface utility installation, maintenance, or landscaping, a mitigation measure (MM HAZ-1.1) was prescribed to reduce the potential impact to a less than significant level. The need for this mitigation measure would remain with the 2020 current project and the level of impact would be unaffected by the additional 59,842 square feet of mini-storage construction given the amount of excavation and grading would be unchanged. Therefore, 2020 project and the 2017 approved project would result in the same impact and require the same mitigation.

**Impact HAZ-1:** Hazardous materials contamination on the site, if discovered in soil or groundwater, could pose a risk to construction workers and others on or around the project site. **(Significant Impact)**

**Mitigation Measures:** The following mitigation measures will be implemented prior to the start of ground-disturbing activities to reduce the potential for construction workers or others to encounter hazardous materials contamination.

**MM HAZ-1.1:** Prior to the issuance of a demolition or grading permit, a Site Management Plan (SMP) shall be prepared by a qualified environmental professional to establish management practices for handling contaminated soil or other materials encountered during construction activities. Appropriate soil testing, characterization, storage, transportation, and disposal procedures shall be specified in the SMP. The sampling results shall be compared to San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels (ESLs) for Commercial/Industrial and Construction Worker Safety. The SMP shall identify potential health, safety, and environmental exposure considerations associated with redevelopment activities and shall identify appropriate mitigation measures.

The SMP shall be submitted to the Santa Clara County Department of Environmental Health for review and approval. A copy of the approved SMP shall be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement and Municipal Compliance Officer of the City of San Jose Environmental Services Department for approval prior to the issuance of any grading permits. The SMP shall include, but is not limited to, the following:

- A detailed discussion of the site background;
- Proper mitigation as needed for demolition of existing structures;
- Management of stockpiles, including sampling, disposal, and dust and runoff control including implementation of a stormwater pollution prevention program;
- Management of underground structures encountered, including utilities and/or underground storage tanks;
- Procedures to follow if evidence of an unknown historic release of hazardous materials (e.g., underground storage tanks, polychlorinated biphenyls [PCBs], asbestos containing materials, lead-based paint, etc.) is discovered during excavation or demolition activities.
- A health and safety plan (HSP) for each contractor working at the site that addresses the safety and health hazards of each site operation phase, including the requirements and procedures for employee protection. The HSP shall outline proper soil handling procedures and health and safety requirements to minimize work and public exposure to hazardous materials during construction.

While the proposed changes to the approved project would expand the footprint of the proposed mini-storage facilities, a new SMP that incorporates this change would be prepared by a qualified environmental professional in accordance with the above mitigation measure. Furthermore, this new SMP would need to be submitted to the identified oversight agencies for review and approval prior to demolition and construction. This would ensure that any contaminated soil or groundwater encountered would be handled properly, reducing the risk of exposure to construction workers, future site users, the environment and sensitive receptors to a less than significant level. An additional consideration is that although the building footprint has been amended, the total area to be disturbed is consistent with the approved project. As such, the amount of excavation & grading or landscaping required would not significantly change, and as plans for subsurface utility installation and maintenance have not changed, there is not a significant risk for release of hazardous materials into the environment. **(Same Impact as Approved Project - Less than Significant Impact with Mitigation Incorporated)**

**Asbestos-Containing Materials and Lead-Based Paints**

Based on the construction date of the structures on-site that would be demolished as a result of the project, the 2017 Initial Study determined that materials containing ACMs or lead-based paint (LBP) were potentially present that could be released into the air during demolition activities. The proposed

changes do not alter the scope of demolition the existing buildings have been recently removed, and the Standard Permit Conditions were applied to the approved project to ensure that potential impacts to construction workers and nearby sensitive receptors from implementation of the amended project were less than significant. **(Same Impact as Approved Project - Less than Significant Impact)**

**3) 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?**

As discussed under Existing Conditions, there have been no new or proposed schools introduced within a quarter mile of the project site since 2017. Burnett Academy Middle School is still the nearest school at approximately 0.7 miles southwest of the project site. The two previous sections established that the handling and emission of hazardous materials would be adequately addressed by the federal, state, and local handling, storage, and disposal requirements, mitigation measures, and standard permitting conditions applied to the approved project. Accordingly, there would be no impact to existing or proposed schools from hazardous emissions or materials. **(Same Impact as Approved Project - No Impact)**

**4) 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?**

The 2017 Initial Study determined that the project site was not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Currently, the project site has not been added to any of these lists and therefore the project would not be located on a qualifying site. **(Same Impact as Approved Project - No Impact)**

**5) If 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?**

There have been no changes in the locations affected by airport land use plans in San Jose that are relevant to the site since the preparation of the 2017 Initial Study. The nearest airport to the project site is still the Norman Y. Mineta San José International Airport, which is located approximately 1.2 miles west of the project site. As the Santa Clara County Airport Land Use Commission's CLUP for Norman Y. Mineta San José International Airport has not expanded its airport land use referral area, there would be no safety hazard or excessive noise for people working in the project area.

Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation. For the project site, any proposed structure of a height greater than approximately 70 feet above ground level would trigger FAR Part 77 safety review by the FAA. The maximum building height of the approved project was 48 feet above ground level, and as the proposed changes would reduce building heights, the project would not be subject to FAA review. **(Same Impact as Approved Project - No Impact)**

**6) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?**

New hazard evacuation guidance is currently being developed as part of the City of San Jose's Emergency Operations Plan, which covers the project area. The project is not anticipated to impair or interfere with existing emergency response or evacuation plans during construction or operation. No surrounding surface or access streets would be closed to traffic while construction is ongoing, and as part of the City's encroachment permit process, projects must plan for and maintain access to abutting parcels and access for emergency vehicles. As discussed under Transportation Impact Discussion C, implementation of the amended project has the geometric dimensions to support access by emergency vehicles and would not affect surrounding intersections or alter site access. Emergency access was found to be adequate in Transportation Impact Discussion D. For these reasons, the project would not impair or physically interfere with an adopted emergency plan. **(Same Impact as Approved Project - No Impact)**

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

The project site is not located in or near a state responsibility area (SRA) or lands classified as very high fire hazard severity zones.[23] The nearest SRA is located approximately 4.75 miles due east. The closest land classified as a very high fire hazard severity zone is approximately 4.25 miles northeast of the project site. As the project site and surrounding area is a highly developed urban environment

[23] CAL FIRE. Fire and Resource Assessment Program. FHSZ Viewer. Accessed on March 12, 2020. https://egis.fire.ca.gov/FHSZ/

not adjacent to fire hazard areas, it would not expose people or structures to wildland fires. **(Same Impact as Approved Project - No Impact)**

## 4.6 NOISE

The discussion in this section is based on an Environmental Noise Assessment Report prepared for the project by Extant Acoustical Consulting, LLC on February 27, 2017. This report is provided as Appendix C of this Initial Study.

### 4.6.1 Environmental Setting

#### 4.6.1.1 *Background Information*

**Noise**

Noise is typically defined as unwanted sound. Acceptable levels of noise vary from land use to land use. State and federal standards have been established as guidelines for determining the compatibility of a particular land use with its noise environment.

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Noise guidelines are generally expressed using one of several noise averaging methods, including $L_{eq}$, DNL, or CNEL.[24] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). $L_{max}$ is the maximum A-weighted noise level during a measurement period. The Community Noise Equivalent Level (CNEL) is a measure of the cumulative noise exposure in a community, with a five dB penalty added to evening hours between 7:00 PM and 10:00 PM and a 10 dB addition to nighttime hours between 10:00 PM and 7:00 AM. The Day/Night Average Sound Level, DNL, is the average A-weighted noise level during a 24-hour day, obtained after the addition of 10 dB to noise levels measured in the nighttime between 10:00 PM and 7:00 AM.

**Vibration**

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the

[24] $L_{eq}$ is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour $L_{eq}$.

threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

### 4.6.1.2 *Regulatory Framework*

**State and Local**

California Green Building Standards Code

For commercial uses, CalGreen (Section 5.507.4.1 and 5.507.4.2) requires that wall and roof-ceiling assemblies exposed to the adjacent roadways have a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the commercial property falls within the 65 dBA $L_{dn}$ or greater noise contour for a freeway or expressway, railroad, or industrial or stationary noise source. The state requires interior noise levels to be maintained at 50 dBA $L_{eq(1\text{-}hr)}$ or less during hours of operation at a proposed commercial use.

Envision San José 2040 General Plan

The General Plan includes the following noise policies applicable to the proposed project. The City's noise and land use compatibility guidelines are shown in Table 4.6-1, below.

**Table 4.6-1: Envision San José 2040 General Plan Land Use Compatibility Guidelines**

| Land Use Category | Exterior DNL Value in Decibels | | | | | |
|---|---|---|---|---|---|---|
| | 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, and Churches | | | | | | |
| 4. Office Buildings, Business Commercial, and Professional Offices | | | | | | |
| 5. Sports Arena, Outdoor Spectator Sports | | | | | | |
| 6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters | | | | | | |

Notes: [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 noise mitigation features included in the design.

**Unacceptable:**
New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.

The Environmental Leadership Chapter in the Envision San José 2040 General Plan sets forth policies with the goal of minimizing the impact of noise and vibration on people, residences, and business operations through noise reduction and suppression techniques, and through appropriate land use policies in the City of San José. The following policies are applicable to the proposed project:

| Policy | Description |
|---|---|
| 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:<br>**Interior Noise Levels**<br>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 development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.<br>**Exterior Noise Levels**<br>The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses including schools (Table 4.6-1). Outdoor sports and recreation areas and playgrounds are considered acceptable in noise environments of 65 dBA DNL or less. |
| 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:<br>• Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable;" or<br>• 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. |
| 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. |
| 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. |
| 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:<br>• 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. |
| EC-2.3 | Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Avoid use of impact pile drivers within 25 feet of any buildings, and within 100 feet of a historical building, or building in poor condition. On a project-specific basis, this distance of 100 feet may be reduced to 50 feet where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. |

Municipal Code

The City's Municipal Code limits noise levels at adjacent properties. Chapter 20.30.700 states that sound pressure levels generated by any use or combination of uses on a property shall not exceed 55 dB at any property line shared with land zoned for residential use or 60 dBA at any property line shared with land zoned for commercial use, except upon issuance and in compliance with a Conditional Use Permit. This code is not explicit in terms of the acoustical descriptor associated with the noise level limit.

Chapter 20.100.450 of the Municipal Code establishes allowable hours of construction within 500 feet of a residential unit 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, unless permission is granted with a development permit or other planning approval.

City of San Jose Standards

*Construction Noise*: For temporary construction-related noise to be considered significant, construction noise levels would have to exceed ambient noise levels by five dBA Leq or more and exceed the normally acceptable levels of 60 dBA Leq at the nearest noise-sensitive land uses or 70 dBA Leq at office or commercial land uses for a period of more than 12 months.

*Operational or Permanent Noise:* Development allowed by the General Plan would result in increased traffic volumes along roadway throughout San José. The City of San José considers a significant noise impact to occur where existing noise sensitive land uses would be subject to permanent noise level increases of three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level, or five dBA DNL or more where noise levels would remain "Normally Acceptable".

*Construction Vibration*: The City of San José has concluded that a significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. A conservative vibration limit of 5.0 mm/sec (0.2 inches/sec), PPV has been used for buildings that are found to be structurally sound but structural damage is a major concern. For historic buildings or buildings that are documented be structurally weakened, a conservative limit of 2.0 mm/sec (0.08 inches/sec), PPV is used to provide the highest level of protection.

#### 4.6.1.3 *Existing Conditions*

The existing noise environment in the project area experiences a number of noise influences, which are characteristic of urbanized areas. The dominant noise source in the project area is vehicular traffic on US 101 and Oakland Road. Light-industrial and commercial areas in the general project area contribute to the ambient noise level, though to a lesser extent. The project area experiences occasional aircraft overflights largely associated with Norman Y. Mineta San José International Airport, which is located approximately 1.2 miles west of the project site.

Noise-sensitive land uses included uses where exposure to excessive noise would result in adverse effects, as well as uses where quiet is an essential element of the intended purpose. Residential dwellings are of primary concern due to the potential for increased and prolonged exposure of individuals to excessive interior and exterior noise levels. While there are no noise-sensitive receptors immediately adjacent to the proposed project, there are multi-family residential receptors located approximately 95 feet south (across Horning Street) and approximately 130 feet east of the project (across Oakland Road).

An ambient noise survey was conducted from January 16, 2017 through January 18, 2017 to document the long- and short-term ambient noise levels in the vicinity of the proposed project and at nearby representative noise-sensitive receptors. Two long-term unattended ambient noise measurements (LT-01 and LT-02) were performed and three short-term noise level monitoring measurements (ST-01 to ST-03) were taken. Existing traffic noise levels and noise monitoring locations are shown in Figure 4.6-1.


NOISE MEASUREMENT LOCATIONS | FIGURE 4.6-1

During the long-term monitoring, the primary background noise source affecting the monitoring location was vehicular traffic on the local and regional roadway network (Oakland Road and US 101). The average day-night (DNL) noise level measured during the long-term ambient noise monitoring survey ranged from approximately 71 to 74 dBA DNL. Maximum hourly noise levels (Lmax) documented during the long-term monitoring ranged from approximately 75 to 98 dBA Lmax; with average maximum levels ranging from 79 to 91 dBA Lmax. Maximum noise levels at measurement location LT-01 were found to be influenced by vehicles impacting a steel road plate/trench work cover plate near the measurement site. Noise levels at measurement location LT-02 were not found to be influenced by the road plate; and are therefore considered more representative of typical traffic noise exposure at uses adjacent to Oakland Road.

Noise experienced at the short-term monitoring locations ST-01 through ST-03 was also predominately due to vehicular traffic on the local roadway network. Overall noise levels measured at the short-term environmental noise monitoring locations ranged from approximately 64 to 74 dBA Leq. Maximum noise levels documented during the monitoring survey ranged from approximately 80 to 93 dBA Lmax. Generally, noise level exposure was directly dependent on the distance of the monitoring location from surrounding traffic noise sources. Monitoring location ST-01 was influenced by vehicles traversing the road/trench plates, resulting in maximum (Lmax) noise levels being elevated when the trench plate was impacted. However, the average noise level (Leq) experienced at ST-01 was not significantly affected due to the trench plate.

**Changes since 2017 Initial Study**

No new sensitive receptors have been introduced in the area immediately adjacent to the project site. The closest residential receptors remain those located approximately 95 feet south (across Horning Street) and approximately 130 feet east of the project site (across Oakland Road). Vehicular traffic on US 101 & Oakland Road and the light-industrial and commercial uses within the project vicinity continue to produce ambient noise levels in excess of normally acceptable residential and commercial levels. This statement pertains to baseline conditions prior to the March Shelter in Place Order by Santa Clara County, as temporary conditions are not reflective of normal baseline conditions when traffic levels return to normal. Traffic patterns for the Norman Y. Mineta San José International Airport show that aircraft overflights still occasionally occur over the project site. As with vehicle traffic levels, aircraft levels have dropped substantially since the Shelter Order, but normal baseline conditions will return at some point and include substantial aircraft activity.

### 4.6.2 Impact Discussion

| | New Potentially Significant Impact | New Less than Significant Impact with Mitigation Incorporated | New Less than Significant Impact | Same Impact as Approved Project | Less Impact than Approved Project |
|---|---|---|---|---|---|
| Would the project result in: | | | | | |
| 1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 2) Generation of excessive groundborne vibration or groundborne noise levels? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | ☐ | ☐ | ☐ | ☒ | ☐ |

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

Noise sources associated with the long-term operation of the approved mini-storage facilities included patrons accessing the site, on-site parking, and loading/unloading activities. Expansion of these facilities is not anticipated to introduce new noise sources associated with its operation, but would result in a moderate increase in the number of patrons and therefore the volume associated with operation of the facilities. Based on the revised Project Trip Generation Estimates provided in the *Supplemental Traffic Analysis,* the proposed changes would result in an additional 146 trips per day. There would be 69 new AM peak hour trips (20 inbound and 49 outbound) and 42 new PM peak hour trips (34 inbound and 8 outbound). Thus, the new project would generate 8 additional AM peak hour trips and 16 additional PM peak hour trips compared to the originally proposed project. In comparison with the 2,263 net project trips and the high volume of traffic on US 101 and Oakland Road, the dispersion of 146 additional trips throughout the course of the day would not generate a noticeable or substantial permanent increase in the ambient noise levels. **(Same Impact as Approved Project - Less than Significant Impact)**

**2) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?**

As the project site is located within 500 feet of residential uses and within 200 feet of commercial uses, substantial noise generating activities continuing for more than 12 months could constitute a significant noise or vibration impact. The approved 2017 project was projected to last up to 14 months, but would not have required extended periods of building demolition, grading, excavation, or building framing, nor would it have involved the use of pile driving or impact equipment. Expansion of the mini-storage facilities would result in a minor increase in the time allotted for building framing, but not so substantially that it would qualify as a significant noise or vibration impact. This expansion would not require pile driving or impact equipment and would not increase the amount of building demolition, excavation, or grading necessary to construct the project. As such, the Standard Permit Conditions applied to the approved project, included below, would still be sufficient to ensure that 2020 project implementation would not result in excessive generation of groundborne vibration and noise levels.

**Standard Permit Condition:** Noise minimization measures includes, but is not limited to, the following:

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

disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

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

Implementation of this Standard Permit Condition would avoid potentially significant construction-related noise and vibration impacts to adjacent residential and commercial receptors during demolition and construction activities; therefore, the proposed project would have a less than significant construction noise impact. **(Same Impact as Approved Project - Less than Significant Impact)**

**3) 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 changes have been made to the Norman Y. Mineta San José International Airport Land Use Plan since 2016, and the project site remains outside of the airport's 65 dB CNEL noise contour where residents or workers could be exposed to excessive noise levels. **(Same Impact as Approved Project - No Impact)**

## 4.7 TRANSPORTATION

The following discussion is based in part on two reports prepared by Hexagon Transportation Consultants, Inc.: A *Transportation Impact Analysis* (TIA) dated August 2, 2017 and a *Supplemental Traffic Analysis* dated August 10, 2020. Copies of these report can be found in **Appendix D** and **Appendix E**, respectively.

### 4.7.1 Environmental Setting

#### 4.7.1.1 *Regulatory Framework*

**State**

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions are required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020. San Jose has already met this deadline with adoption of its own VMT policy in 2018.

**Regional and Local**

Regional Transportation Plan

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

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

## Local

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1, Transportation Analysis Policy, the City of San José uses VMT as the metric to assess transportation impacts from new development. According to the policy for industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per capita VMT. Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact.

If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements. The VMT policy does not negate Area Development policies and Transportation Development policies approved prior to adoption of Policy 5-1; however, it does negate the City's Protected Intersection policy as defined in Policy 5-3.

Envision San José 2040 General Plan

The proposed project would be subject to the transportation policies in the General Plan, including the following:

| Policy | Description |
|---|---|
| TR-1.2 | Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects. |
| TR-1.6 | Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards. |
| 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. |
| TR-8.4 | Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use. |

## Drive-Through Lane Policy (Council Policy 6-10)

Council Policy 6-10 provides design guidelines for establishments with drive-through facilities in the City of San Jose. The Policy sets forth criteria (Traffic Criteria A through G) relating to drive-through location, vehicular ingress and egress, and vehicle stacking.

#### 4.7.1.2 *Existing Conditions*

Site Access

Regional access to the project site is provided via US 101, Interstate 880 and Highway 87 (SR 87). Access to the project area is provided via interchanges at Old Bayshore Highway and US 101. Local access to the site is provided on Oakland Road, North 10th Street, North 11th Street, East Hedding Street, East Taylor Street, and Horning Street. The project site is currently accessed via two driveways off Horning Street.

Pedestrian and Bicycle Facilities

Pedestrian facilities surrounding the project site consist of sidewalks along the surrounding streets; however, sidewalks do not exist on the west side of North 10th Street between Hedding Street and Commercial Street, or along the north side of Hedding Street between North 11th Street and North 10th Street. Crosswalks with pedestrian signal heads and push buttons are located at all of the signalized intersections in the study area.

Class II bicycle facilities (striped bike lanes) exist in the project area along the following streets:

Hedding Street
Oakland Road, north of Commercial Street and south of Horning Street
N. 13th Street, south of Hedding Street
North 10th Street
North 11th Street
North Seventh Street, between Commercial Street and Hedding Street
Commercial Street, between North Fourth Street and North 10th Street

Class III bicycle facilities (sharrows) exist in the project vicinity along North Seventh Street south of Hedding Street, and Taylor Street. Sharrows are painted shared lane markings on a road that indicate to motorists that bicyclists may use the full travel lane. Sharrows are most often used on roadways that are too narrow to install a standard striped bike lane.

Transit Facilities

Existing transit services in the study area are provided by VTA. Bus Route 66, which runs along Oakland Road and has a stop just south of Horning Street, provides service to the Civic Center light-rail transit station, approximately one mile southwest of the project site. Additionally, Routes 12 and 62 run along East Hedding Street and also provide service to the Civic Center light-rail station. Light-rail trains stop at this station on 15-minute headways during weekday commute hours and 30-minute headways the remainder of the weekday and weekend.

**Changes since 2017 Initial Study**

The amount of mini-storage square-footage that is now being proposed totals 151,958 square feet, an additional 59,842 square feet. No changes to the amount of commercial development (i.e., convenience store, fuel station, car wash, and fast food restaurant) are being proposed. Project site

access and circulation also would remain unchanged from the previous study. Intersection level of service (LOS) thresholds were used in the 2017 Initial Study to assess the project's transportation impacts. LOS is no longer considered an impact on the environment as of the December 28, 2018 update to the CEQA guidelines, which established vehicle miles traveled (VMT) as the most appropriate measure of transportation impacts.

### 4.7.2 Impact Discussion

| | New Potentially Significant Impact | New Less than Significant Impact with Mitigation Incorporated | New Less than Significant Impact | Same Impact as Approved Project | Less Impact than Approved Project |
|---|---|---|---|---|---|
| Would the project: | | | | | |
| 1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 4) Result in inadequate emergency access? | ☐ | ☐ | ☐ | ☒ | ☐ |

**1) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?**

#### Transportation Analysis Policy (City Council Policy 5-1)

At the time of the 2017 Initial Study, transportation impacts were measured using a level-of-service analysis on selected intersections in the surrounding area. CEQA Guidelines Section 15064.3 established VMT as the most appropriate measure of a project's transportation impact, and the City adopted its own VMT policy in 2018. Accordingly, an analysis of the amended project's impact on transportation in terms of VMT generated is provided below.

#### Light Industrial VMT

The light industrial component of the mixed-use project (i.e., a 151,958 square foot mini-storage facility) does not meet the City's screening criteria because the amount of light industrial development exceeds 30,000 square feet. The City of San Jose's VMT Evaluation Tool was used to calculate the VMT generated by the mini-storage facility. The daily VMT estimated by the evaluation tool is 13.66 VMT per employee, which is below the existing regional average (industrial

threshold) of 14.37 VMT per employee and just below the Area VMT of 13.67 per employee (see Figure 2 of Appendix E). Therefore, the proposed mini-storage facility would have a less-than significant VMT impact. The additional mini-storage square footage now proposed would have no affect on the amount of VMT per employee, i.e. the VMT per employee would be the same for the approved 2017 and proposed 2020 project.

### Retail VMT

The retail components of the proposed mixed-use project (i.e., a 3,814 square foot convenience store with fuel station and car wash, and a 2,494 square foot fast food restaurant with a drive-through) total well under 100,000 square feet but do not meet the City's screening criteria because the retail uses include drive-throughs. The proposed retail components of the project are small, however, and fit the definition of a local-serving retail use. Local-serving retail projects tend to redistribute existing similar retail trips instead of creating new trips. Furthermore, local-serving retail projects typically shorten vehicle trips and reduce VMT by diverting existing shopping trips from established local retail uses to the new local retail project without measurably increasing trips outside of the local area. Thus, it is presumed that local-serving retail projects, both with and without drive-through operations, will have a less-than significant VMT impact. The additional mini-storage square footage now proposed would have no affect on the amount of retail VMT, i.e. the retail VMT would be the same for the approved 2017 and proposed 2020 project.

As the VMT generated by the proposed light-industrial and retail uses is below the established impact thresholds, the project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3.

### Transportation Analysis Policy

In adherence with SB 743 legislation and the City's goals as set forth in the Envision San Jose 2040 General Plan, the City of San Jose has adopted a new Transportation Analysis Policy, Council Policy 5-1. The policy replaces its predecessor (Council Policy 5-3) and establishes the thresholds for transportation impacts under CEQA based on VMT rather than intersection LOS. The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions, and the creation of robust multimodal networks that support integrated land uses. All new projects in the City of San Jose are required to analyze transportation impacts using the VMT metric and conform to Council Policy 5-1. VMT generated by the proposed light-industrial and retail uses was evaluated above and found to be less than significant.

### US 101/Oakland/Mabury Transportation Development Policy

The City of San Jose has identified operational problems along the Oakland Road corridor at the US 101 interchange, which are due primarily to the capacity constraints of the interchange. As a result, the City has identified two key capital improvement projects: 1) modification of the US 101/Oakland Road interchange, including improvements to the Oakland Road/Commercial Street intersection, and 2) construction of a new US 101/Mabury Road interchange. To fund these interchange improvements, the City has developed the US 101/Oakland/Mabury Transportation Development Policy (TDP).

As part of the Policy, a fee to fund the planned interchange improvements has been adopted. Any project that would add traffic to the US 101/Oakland Road interchange is required to participate in the TDP program. The fee for the US 101/Oakland/Mabury TDP is based on the number of PM peak hour vehicular trips that a project would add to the interchange. Note that the signalized intersections of Oakland Road/US 101 (South), Oakland Road/US 101 (North), and Oakland Road/Commercial Street make up the interchange.

Based on the trip generation calculations contained in the August 2, 2017 TIA, the originally proposed project, which included 93,443 square feet of mini-storage space, was estimated to generate 61 new AM peak hour trips and 26 new PM peak hour trips. These trip generation estimates were based on the mini-warehouse trip rates contained in the 9th Edition of the ITE Trip Generation Manual.

The revised trip generation estimates (see Appendix E) show the currently proposed project, which includes 151,958 square feet of mini-storage space, would generate 63 new AM peak hour trips and 28 new PM peak hour trips. These trip generation estimates are based on the mini-warehouse trip rates contained in the current ITE Trip Generation Manual, 10th Edition. Thus, based on applying the most current standard ITE trip rates, the new project (with additional mini-storage space) would generate two additional inbound AM peak hour trips and two additional outbound PM peak hour trips compared to the trip generation estimates contained in the original traffic study.

Based on the trip distribution pattern contained in the original TIA for light industrial land uses, less than one additional PM peak hour vehicle trip would be added to the interchange due to the proposed increase in mini-storage square footage. Thus, the additional mini-storage space would not generate an additional US 101/Oakland/Mabury TDP impact fee.

**Drive-Through Lane Policy (Council Policy 6-10)**

The 2017 Initial Study determined that the local-serving retail components proposed met the requirements of Council Policy 6-10 regarding fast food restaurants and self-service car wash. The effect of the expanded mini-storage facilities was considered in the *Supplemental Traffic Analysis*, which determined that the local-serving retail components were still in compliance with Council Policy 6-10.

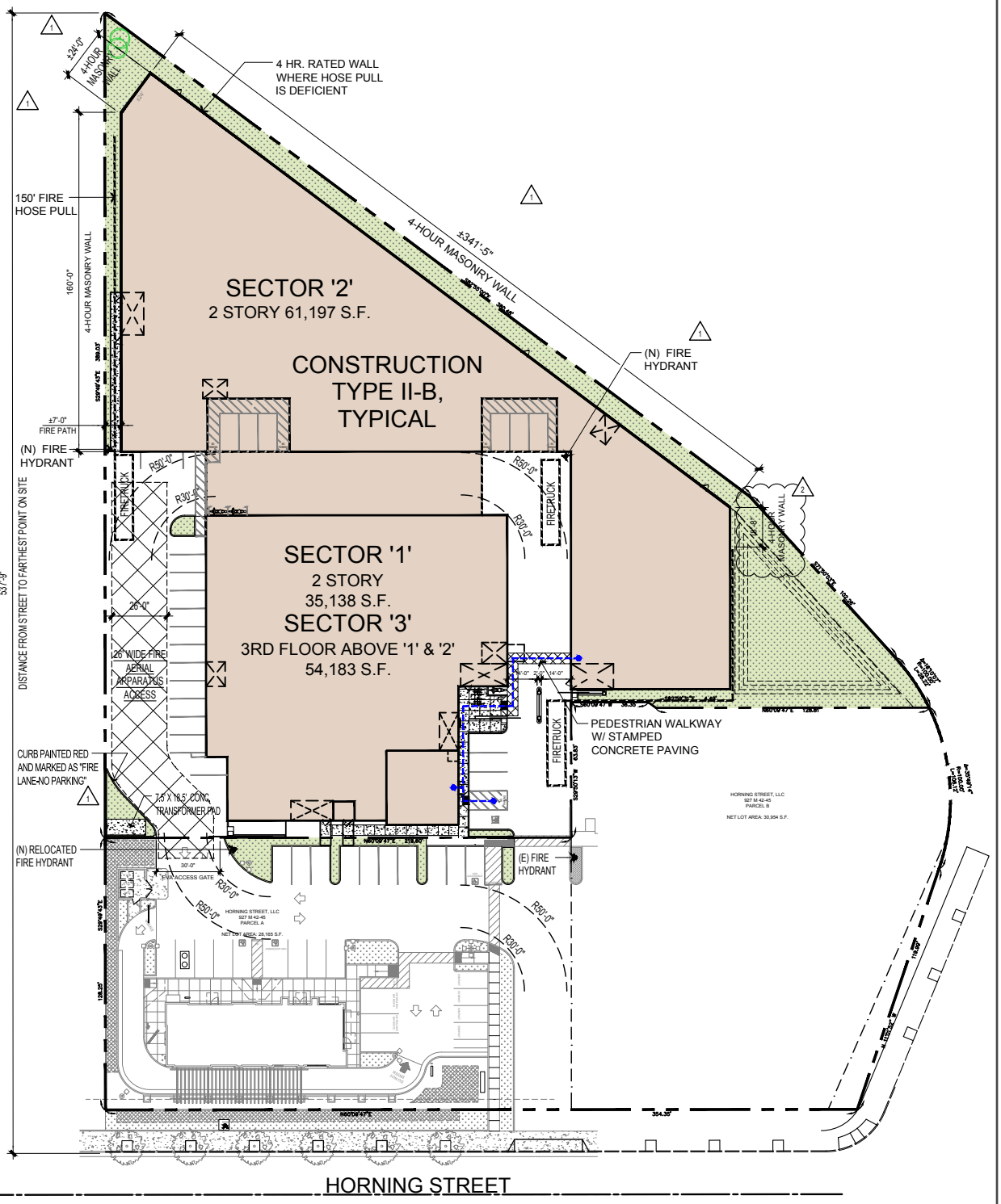
As the proposed changes do not involve the drive-through uses approved as part of the 2017 project, the current project also would not result in conflict with the applicable transportation policies and would comply with the Condition of Approval requiring payment of the increased TDP fee to help fund planned interchange improvements, the amended project would have a less than significant impact on the circulation system. **(Same Impact as Approved Project - Less than Significant Impact)**

**2) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?**

As discussed in Impact TRN-1, the proposed project has been determined to have a less than significant VMT impact; therefore, the project would not conflict with CEQA Guidelines Section 15064.3, subdivision (b)(1). **(Same Impact as Approved Project - Less than Significant Impact)**

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

There would be no changes to the approved uses which were deemed compatible in the 2017 Initial Study. Changes in site circulation would only occur on the parcel dedicated to the mini-storage facilities, with traffic routed in a horseshoe pattern rather than a circular pattern. The geometric dimensions are wide enough to support access by regular traffic and emergency vehicles (e.g. fire truck) as shown in Figure 4.7-1 and therefore would not constitute a hazard. Based on the above discussion, the project would not increase hazards due to a geometric design feature or incompatible use. **(Same Impact as Approved Project - Less than Significant Impact)**




Source: Jordan Architects, June 25, 2020.

FIRE ACCESS PLAN | FIGURE 4.7-1

### 4) Would the project result in inadequate emergency access?

The City of San José Fire Department requires that all portions of the buildings are within 150 feet of a fire department access road, and requires a minimum of six feet clearance from the property line along all sides of the buildings. The expanded mini-storage facilities would still be within 150 feet of a fire department access road despite the changes in building footprint, and would maintain a ten-foot setback from the property line at minimum. As discussed in the previous sections, the geometric dimension support emergency vehicle access and overall site circulation would not be affected. As there is a less than significant impact to site circulation and the study intersections with no proposed changes to site ingress or egress, the proposed project would not interfere with emergency response access on adjacent public roads and would not result in inadequate emergency access or response. **(Same Impact as Approved Project - No Impact)**

## 4.8 WILDFIRE

At the time the 2017 Horning Street Initial Study was prepared, questions regarding emergency and wildfire risks in state responsibility areas or lands classified as a very high fire hazard severity zone were not included in Appendix G and therefore were not considered in the 2017 Initial Study. In accordance with the 2020 CEQA Guidelines, an evaluation of the amended project in relation to these risks is included below.

### 4.8.1 Environmental Setting

#### 4.8.1.1 *Regulatory Framework*

**State**

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands zoned for very high fire hazard are identified within LRAs.

#### 4.8.1.2 *Existing Conditions*

The project site is not located in or near an SRA or lands classified as very high fire hazard severity zones.[25] The nearest SRA is located approximately 4.75 miles due east. The closest land classified as a very high fire hazard severity zone is approximately 4.25 miles northeast of the project site.

### 4.8.2 Impact Discussion

| | New Potentially Significant Impact | New Less than Significant Impact with Mitigation Incorporated | New Less than Significant Impact | Same Impact as Approved Project | Less Impact than Approved Project |
|---|---|---|---|---|---|
| If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | | | |
| 1) Substantially impair an adopted emergency response plan or emergency evacuation plan? | ☐ | ☐ | ☐ | ☒ | ☐ |

[25] CAL FIRE. Fire and Resource Assessment Program. FHSZ Viewer. Accessed on March 12, 2020. https://egis.fire.ca.gov/FHSZ/

| | New Potentially Significant Impact | New Less than Significant Impact with Mitigation Incorporated | New Less than Significant Impact | Same Impact as Approved Project | Less Impact than Approved Project |
|---|---|---|---|---|---|
| If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project: | | | | | |
| 2) 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? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 3) 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? | ☐ | ☐ | ☐ | ☒ | ☐ |
| 4) 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? | ☐ | ☐ | ☐ | ☒ | ☐ |

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(Same Impact as Approved Project - No Impact)**

# SECTION 5.0 REFERENCES

The analysis in this Initial Study is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references: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# SECTION 6.0 LEAD AGENCY AND CONSULTANTS

## 6.1 LEAD AGENCY

**City of San José**
Department of Planning, Building, and Code Enforcement
Rosalynn Hughey, Director
David Keyon, Principal Planner
Thai Chau-Le, Supervising Environmental Planner

## 6.2 CONSULTANTS

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Environmental Consultants and Planners
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Amie Ashton, Senior Project Manager
Tyler Rogers, Associate Project Manager
Matthew Moore, Researcher
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