The City of San José
Planning Division

Stevens Creek Chrysler Jeep Dodge Ram

4100 Stevens Creek Boulevard
San José, CA 95129

April 2021

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Focused Initial Study
New Showroom Building

Focused Initial Study: New Showroom Building for Stevens Creek Chrysler Jeep Dodge Ram

Prepared for:

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Planning Division
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List of Acronyms and Abbreviations

AB	Assembly Bill
AHM	Acutely Hazardous Material
APN	Assessor's Parcel Number
AST	Aboveground Storage Tank
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standard
CalEEMod	California Emissions Estimator Model®
CAP	Clean Air Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CCAP	Climate Change Action Plan
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CH_4	Methane
CN	Commercial Neighborhood
CNEL	Community Noise Equivalent Level
CO	Carbon Monoxide
CO_2	Carbon Dioxide
CO_2e	Carbon Dioxide Equivalent
CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
dB	Decibel
dBA	A-Weighted Decibel
DPM	Diesel Particulate Matter
FCA	Fiat Chrysler Automobiles
FHWA	Federal Highway Administration
EIR	Environmental Impact Report
GHG	Greenhouse Gas
HNL	Hourly Noise Level
HVAC	Heating, Ventilation, and Air Conditioning
HWCL	Hazardous Waste Control Law
IS	Initial Study
LTS	Less Than Significant
MND	Mitigated Negative Declaration

mph	Miles per Hour
MT	Metric Ton
N/A	Not Applicable
NCC	Neighborhood/Community Commercial
ND	Negative Declaration
N_2O	Nitrous Oxide
NO_x	Oxides of Nitrogen
NPDES	National Pollutant Discharge Elimination System
O_3	Ozone
PG&E	Pacific Gas & Electric Company
$PM_{2.5}$	Fine Particulate Matter (Less Than 2.5 Microns in Size)
PM_{10}	Respirable Particulate Matter (Less Than 10 Microns in Size)
ppmv	Parts per Million by Volume
PV	Peak Particle Velocity
RCRA	Resource Conservation and Recovery Act
ROG	Reactive Organic Gas
RWQCB	Regional Water Quality Control Board
SARA	Superfund Amendments and Reauthorization Act
SB	Senate Bill
sf	Square Foot
SFBAAB	San Francisco Bay Area Air Basin
SIP	State Implementation Plan
SJVAPCD	San Joaquin Valley Air Pollution Control District
SO_2	Sulfur Dioxide
SO_x	Oxides of Sulfur
SP	Service Population
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminant
tpy	Tons per Year
U.S. EPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
ULS	Ultra-Low Sulfur
UST	Underground Storage Tank
$\mu g/m^3$	Micrograms per Cubic Meter
VOC	Volatile Organic Compound

Focused Initial Study: New Showroom Building for Stevens Creek Chrysler Jeep Dodge Ram

1.0 INTRODUCTION

1.1 Purpose of the Focused Initial Study

Yorke Engineering, LLC (Yorke) has prepared this Focused Initial Study (IS) for the Stevens Creek Chrysler Jeep Dodge Ram New Showroom Building in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines [California Code of Regulations (CCR) §15000 et. seq.], and the regulations and policies of the City of San José, CA. The City of San José (City) is the Lead Agency for this proposed project.

The project would demolish the existing 6,500-square-foot single-level showroom building and construct a new, larger automobile sales showroom and office building comprising 27,411 square feet on two levels (main and mezzanine) on a 19,930-square-foot ground floor footprint. In addition, the project would relocate a 7,000-square-foot service entrance canopy.

As viewed from Stevens Creek Boulevard, the new building will be located behind the site of the existing showroom building that will be entirely demolished. The new building will be fully visible from Stevens Creek Boulevard upon completion. The new building footprint will occupy what is presently a parking area and will not impact the active service area, which is approximately 100 feet (30 meters) south of the building site. Appendix A contains a project site plan.

1.1.1 Public Review Period

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

Bethelhem Telahun, Planner
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, California 95113
(408) 535-5624
Bethelhem.Telahun@SanJoseCA.gov

1.1.2 Consideration of the Initial Study and Project

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

2.0 PROJECT INFORMATION

2.1 Project Title

Stevens Creek Chrysler Jeep Dodge Ram – New Showroom Building Project

2.2 Lead Agency Contact

City of San José
Department of Planning, Building and Code Enforcement Planning Division
City Hall, Third Floor
200 East Santa Clara Street
San José, CA 95113

2.2.1 Environmental Review

Bethelhem Telahun, Planner
Environmental Planning, City of San José
Planning, Building and Code Enforcement
Phone: (408) 535-5624
E-mail: Bethelhem.Telahun@SanJoseCA.gov

2.3 Project Applicant

Matt Zaheri
Stevens Creek Chrysler Jeep Dodge Ram
4100 Stevens Creek Boulevard
San José, CA 95129
Phone: (408) 809-3886
E-mail: sfbeetl@aol.com

2.4 Project Location

The project site is located at 4100 Stevens Creek Boulevard, on the southeast corner of the intersection of Stevens Creek Boulevard and Kiely Road, in the City of San José. Figure 2-1 shows the location of the project site and surrounding land uses.

2.5 Project File Number

The Project File Number is H19-055.

2.6 Assessor's Parcel Number

The Assessor's Parcel Number (APN) is 29441003.

2.7 General Plan Designation and Zoning District

The project site has an Envision San José 2040 General Plan (General Plan) land use designation of Neighborhood/Community Commercial (NCC) and is located in the Commercial Neighborhood (CN) zoning district.

Figure 2-1: Project Site and Vicinity

2.8 Habitat Plan Designation

Table 2-1: Habitat Plan Designation

Land Cover Designation:	Urban – Suburban
Fee Zone:	Urban Areas (No Land Cover Fee)
Wildlife Survey Area:	N/A

2.9 Project-Related Approvals, Agreements, and Permits

This project would require the following permits and approvals from the City of San José:

- A Site Development Permit;
- A Demolition Permit;
- A Tree Removal Permit; and
- Other Public Works Clearances.

Permits from other agencies are not required for the proposed project.

3.0 PROJECT DESCRIPTION

3.1 Project Overview

This Focused IS provides project-level CEQA review for the construction of a new, larger Chrysler Jeep Dodge Ram sales showroom and relocation of the service entrance on an approximately 5.28-acre project site (APN 29441003). The new showroom building will be constructed in the currently paved area between the existing showroom building and the service entrance building (see Figures 2-1 and 3-1, also Appendix A). The existing showroom building will be entirely demolished. The new construction and demolition of the existing showroom comprises the project area undergoing redevelopment. The main service building and its associated equipment, including disused underground storage tanks (USTs), active aboveground storage tanks (ASTs), chemical storage areas, and vehicle hoists, are located approximately 100 feet (30 meters) south of the proposed showroom and will not be affected in any way by the proposed project construction activities. While the project will construct a new service entrance canopy for customer use, no vehicle service or repair activities, disused USTs, or active ASTs, will be affected by the project.

3.1.1 Existing Setting

The project site is located in a commercial area and is bordered by commercial buildings. The site also contains landscaped areas, including non-native grasses, shrubs, and trees.

The site is located on a major street, Stevens Creek Boulevard, and a suburban street, Kiely Boulevard. Residential areas are located to the north across Stevens Creek Boulevard and to the southwest across Kiely Boulevard from the project site. There are no sensitive receptors located immediately adjacent to the project site boundaries. However, the closest residences are located approximately 450 feet (140 meters) north of the project site, across Stevens Creek Boulevard, and there are apartment buildings approximately 490 feet (150 meters) southwest of the project site, across Kiely Boulevard.

The project site is located in the CN zoning district and has a General Plan land use designation of NCC.

3.2 Project Description

Stevens Creek Chrysler Jeep Dodge Ram is proposing to construct a new showroom and office building adjacent to the site of the existing showroom building, which will be entirely demolished with no part left standing in order to provide an unobstructed view of the new building from Stevens Creek Boulevard. The goal of the project is for the showroom building to comply with Fiat Chrysler Automobiles (FCA), now Stellantis, corporate brand recognition standards.

The proposed project would not substantially affect the day-to-day operations of the new car dealership, including the service department. Stevens Creek Chrysler Jeep Dodge Ram does not propose increasing staff, increasing the outdoor display area, or increasing the size of the service department at this time. In addition, within the context of existing traffic at Stevens Creek Boulevard, the City of San José does not anticipate an adverse effect on local traffic.

3.2.1 Site Design

The project Applicant proposes to 1) demolish the existing 6,500-square-foot showroom, 2) construct a new two-level showroom and office building on a 19,930-square-foot ground

floor footprint, and 3) relocate a 7,000-square-foot service canopy. The architect's rendering of the proposed building is shown in Figure 3-1.

Three (3) existing trees within the site will be removed, and three new trees will be planted within the project site. The project will be removing existing sidewalk and installing a 20-foot attached sidewalk with new street trees. The project site would continue to be accessed by the two existing driveways along Stevens Creek Boulevard. Existing sidewalks, curbs, and gutters along the roadways would not be modified by the project.

The project will continue to utilize the existing municipal water and wastewater utility connections, including storm water. Electricity and gas would continue to be provided by Pacific Gas & Electric Company (PG&E) and solid waste would continue to be collected by Republic Services via a contract with the City.

3.2.2 Demolition and Construction

To minimize business disruption, the duration of project demolition and construction would be approximately 8 months. The project site is flat, entirely paved, and demolition and construction activities would not involve extensive grading or excavation of native soils. Newer, energy-efficient and low-emission construction equipment will be utilized to the extent practicable.

3.2.3 Project Approval Process

The project would require the following permits from the City of San José:

- A Demolition Permit;
- A Site Development Permit;
- A Grading Permit; and
- Other Public Works clearances, as applicable.

Figure 3-1: Rendering of Proposed Showroom and Office Building

4.0 FOCUSED ENVIRONMENTAL IMPACTS EVALUATION

The environmental impacts evaluation in this IS has been divided into the next three main sections. Section 4.0 presents a focused environmental review of the resource topics from the CEQA Appendix G Checklist where an expanded discussion of the impacts was considered necessary. Section 5.0 presents the discussion on the remaining CEQA Checklist topics where there is not expected to be any impact. Lastly, Section 6.0 provides a summary of the impacts for the Mandatory Findings of Significance.

This section presents the discussion of impacts related to the following environmental focus topics in their respective subsections:

- Air Quality;
- Biological Resources;
- Greenhouse Gases;
- Hazards and Hazardous Materials;
- Noise and Vibration; and
- Transportation/Traffic.

The discussion for each environmental subject in this section includes the following subsections:

- Environmental Setting – A discussion pertinent to the resource topic that provides information on the existing background for the project as context for the impact discussion.
- Environmental Checklist and Impact Discussion – This subsection discusses the project's impact as it relates to the environmental checklist questions. The environmental checklist, as recommended by CEQA in Appendix G of the statute, uses a series of questions to identify environmental impacts that could occur if the proposed project is implemented. The four levels of CEQA environmental impacts are outlined below:
  - **Potentially Significant Impact**. This category is applicable if there is substantial evidence that an effect may be significant and no feasible mitigation measures can be identified to reduce impacts to a less than significant level. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.
  - **Less Than Significant After Mitigation Incorporated**. This category applies where the incorporation of mitigation measures would reduce an effect from a "Potentially Significant Impact" to a "Less Than Significant Impact." The Lead Agency must describe the mitigation measure(s) and briefly explain how they would reduce the effect to a less than significant level. Mitigation measures are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370).
  - **Less Than Significant Impact**. This category is identified when the project would result in impacts below the threshold of significance, and no mitigation measures are required.

- **No Impact**. This category applies when a project would not create an impact in the specific environmental issue area. "No Impact" answers do not require a detailed explanation if they are adequately supported by the information sources cited by the Lead Agency, showing that the impact does not apply to the specific project (e.g., the project falls outside a fault rupture zone).

- Mitigation Measures – If required for the impact to be Less Than Significant, the specific mitigation measures are described.

Important Note to the Reader

The California Supreme Court, in a December 2015 opinion [California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (No. S 213478)], confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project, which are also addressed in this section. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or IS) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, this section will discuss project effects related to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

4.1 Air Quality

This section summarizes the Air Quality section of the 2019 CEQA Appendix G checklist.

4.1.1 Environmental Setting

The City of San José, including the project site, is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin (SFBAAB). The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. The surrounding terrain greatly influences winds in the Santa Clara Valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis. The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency for the SFBAAB.

The Bay Area as a whole does not meet State or federal ambient air quality standards for ground level ozone and fine particulate matter ($PM_{2.5}$), or State standards for respirable particulate matter (PM_{10}). The area is considered attainment or unclassified for all other pollutants (CARB 2017a).

The BAAQMD defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill, and the chronically ill) are likely to be located. These land uses include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, hospitals, and medical clinics. Sensitive receptors near the project site include the residences to the north (approximately 450 feet from the project site) and southwest (approximately 490 feet from the project site).

Odors are generally regarded as an annoyance rather than a health hazard. The ability to detect odors varies considerably among the population, and people may have different reactions to the same odor. The project site is not in the vicinity of any odor-generating facilities such as a wastewater treatment plant, composting facility, food processing facility, or metal smelting plant.

4.1.2 Regulatory Setting Overview

Briefly summarized below are federal, state, and local regulatory policies regarding air quality and air pollution control. More detailed discussions of applicable regulations are contained in the Air Quality significance evaluations (Environmental Checklist Questions).

On the federal level, the Clean Air Act (CAA) of 1970 directed attainment and maintenance of the National Ambient Air Quality Standards (NAAQS). The U.S. Environmental Protection Agency (U.S. EPA) is responsible for implementing the CAA and establishing the NAAQS for criteria air pollutants. The 1990 Amendments to the CAA included updated provisions that established minimum standards for the states to address air pollutant emissions that affect local and regional air quality. Under CAA provisions, the U.S. EPA requires each state that has not attained the NAAQS to prepare an Air Quality Management Plan, which is a separate local plan detailing how to meet the federal standards, which are then incorporated into a State Implementation Plan (SIP).

On the State level, the California Air Resources Board (CARB) is the state agency governing air pollution sources. In 1967, California passed legislation that delegated responsibility for stationary sources to local air districts and CARB retained authority over emissions from mobile sources. CARB establishes the California Ambient Air Quality Standards (CAAQS), which are as stringent as the NAAQS for some air pollutants and more stringent for others. The CARB, in partnership with local California air quality management districts, developed a pollutant-monitoring network to aid attainment of the CAAQS.

The local air district for this project is the Bay Area Air Quality Air Quality Management District (BAAQMD). The BAAQMD develops local air quality rules for stationary sources, and the local air quality permitting program to meet the Clean Air Act standards. The BAAQMD is also required by CARB to develop a plan to achieve and maintain air quality standards by the earliest practicable date. To this end, the BAAQMD prepares Clean Air Plan (CAPs). These local rules and control strategies are submitted to the CARB for approval and submitted the EPA for incorporation into the SIP.

At the municipal level, the Envision San José 2040 General Plan contains Measurable Environmental Sustainability (MS) goals that apply to the proposed project (SJGP 2020):

- MS-10.1 requires assessment of projected air pollutant emissions from new development in conformance with the BAAQMD CEQA Guidelines relative to state and federal standards, along with identification and implementation of feasible emission reduction measures.
- MS-13.1 requires fugitive 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, where permit conditions shall conform to construction mitigation measures recommended in the BAAQMD CEQA Guidelines for the relevant project size and type.
- MS-13.2 requires that 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 toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

The BAAQMD quantitative significance thresholds applicable to the San José area are shown in Table 4-1 (BAAQMD 2017b).

Table 4-1: BAAQMD CEQA Air Quality Thresholds of Significance

Criteria Pollutants, Precursors, Health Risks, and Odors	Construction	Operation	
	lbs/day	lbs/day	tons/year (tpy)
Reactive Organic Gases (ROG)	54	54	10
Nitrogen Oxides (NO_x)	54	54	10
Sulfur Dioxide (SO_2)	None	None	None
PM_{10}	82 (exhaust)	82 (total)	15 (total)
$PM_{2.5}$	54 (exhaust)	54 (total)	10 (total)
$PM_{10}/PM_{2.5}$ (fugitive dust)	BMPs[1]	None	
Local Carbon Monoxide (CO)[2]	None	CAAQS: 9 ppmv (8-hr); 20 ppmv (1-hr)	
Risks & Hazards (individual project within 1,000-foot zone of influence)	Compliance with Community Risk Reduction Plan OR Increased cancer risk >10.0 in a million; Increased non-cancer risk >1.0 Hazard Index (Chronic or Acute); Ambient $PM_{2.5}$ increase >0.3 µg/m^3 annual average		
Risks & Hazards (cumulative threshold within 1,000-foot zone of influence)	Compliance with Community Risk Reduction Plan OR Increased cancer risk of >100.0 in a million; Increased non-cancer risk of >10.0 Hazard Index (Chronic or Acute); Ambient $PM_{2.5}$ increase: >0.8 µg/m^3 annual average		
Accidental Release of Acutely Hazardous Air Pollutants	None	Storage or use of acutely hazardous materials (AHMs) near receptors or new receptors locating near stored or used AHMs are considered significant	
Odors	None	Five confirmed complaints per year averaged over 3 years	

Source: BAAQMD 2017b

Table 4-1 Notes:

[1] BMPs – Best Management Practices for control of fugitive dust (standard building permit conditions).

[2] Not to exceed California Ambient Air Quality Standards (CAAQS) for CO.

4.1.3 Environmental Checklist and Impact Discussion

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. Air Quality. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☑	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☑	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☑	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☑	☐

4.1.3.1 Project Emissions Estimation Methodology

The construction and operation analysis was performed using the California Emissions Estimator Model® (CalEEMod) version 2016.3.2, the official statewide land use computer model designed to provide a uniform platform for estimating potential criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operation of land use projects under CEQA. The model quantifies direct emissions from construction and operation (including vehicle use), as well as indirect emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. The mobile source emission factors used in the model, published by the California Air Resources Board (CARB), include the Pavley standards and Low Carbon Fuel Standards. The model also identifies project design features, regulatory measures, and selectable mitigation measures to reduce criteria pollutant and GHG emissions along with calculating the benefits achieved from the selected measures. CalEEMod was developed by the California Air Pollution Control Officers Association (CAPCOA) in collaboration with the BAAQMD and other California air districts. Default land use data (e.g., emission factors,

trip lengths, meteorology, source inventory, etc.) were provided by the various California air districts to account for local requirements and conditions. As the official assessment methodology for land use projects in California, CalEEMod was relied upon for construction and operation emissions quantification, which forms the basis for the impact analysis.

Land use data are required as an input into the CalEEMod software to complete the emissions analysis. Based on information received from the Applicant, land use data used for CalEEMod input for this project are presented in Table 4-2.

Table 4-2: Land Use Data for CalEEMod Input – Stevens Creek Chrysler Jeep Dodge Ram

Project Element	Land Use Type	Land Use Subtype	Unit Amount	Size Metric	Estimated Lot Footprint	
					Acres	Square Feet (sf)
New Showroom and Office Building	Retail	Automobile Care Center	27.4	1,000 sf	0.63	27,411
				Project Site	**0.63**	**27,411**

Source: Applicant 2020, CalEEMod version 2016.3.1.

Notes:

Utility: PG&E

Climate Zone 5

1 acre = 43,560 sf

4.1.3.2 Criteria Pollutants and TACs from Project Construction

A project's construction phase produces many types of emissions, but fine and respirable particulate matter in fugitive dust and diesel engine exhaust are typically the pollutants of greatest concern. Fugitive dust emissions can result from a variety of construction activities, including excavation, grading, demolition, vehicle travel on paved and unpaved surfaces, and vehicle exhaust. Construction-related emissions can cause substantial increases in localized concentrations of PM_{10}, as well as affecting PM_{10} compliance with ambient air quality standards on a regional basis. Particulate matter emissions from construction activities can lead to adverse health effects as well as nuisance concerns such as reduced visibility and soiling of exposed surfaces. The use of diesel-powered construction equipment emits two ozone precursors, oxides of nitrogen (NO_x) and reactive organic gases (ROGs), as well as diesel particulate matter (DPM), which is a composite of toxic air contaminants (TACs) containing a variety of hazardous substances. Large construction projects using multiple large earthmoving equipment are evaluated to determine if construction activities may exceed the District's daily threshold for NO_x emissions and could temporarily expose area residents to hazardous levels of DPM. Use of architectural coatings and other materials associated with finishing buildings may also emit ROGs and TACs. The BAAQMD CEQA significance thresholds address the impacts of applicable construction activity emissions on local and regional air quality.

The BAAQMD's approach to CEQA analyses of fugitive dust impacts is to require implementation of effective and comprehensive dust control measures rather than to require detailed quantification of emissions. PM_{10} emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. Despite this variability in emissions, experience has shown that there are several feasible control measures that can be reasonably implemented to significantly reduce fugitive dust emissions from construction. For larger projects, the BAAQMD has determined that compliance with an approved fugitive dust control plan comprising Best Management Practices (BMPs) consistent with standard building permit conditions, primarily through frequent water application, constitutes sufficient mitigation to reduce PM_{10} impacts to a level considered less than significant.

4.1.3.3 Criteria Pollutants and TACs from Project Operation

The term "project operations" refers to the full range of activities that can or may generate criteria pollutants, TACs, and GHG emissions when the project is functioning in its intended use. For projects such as automobile sales showrooms, office parks, shopping centers, apartment buildings, residential subdivisions, hotels, and other indirect sources, motor vehicles traveling to and from the project represent the primary source of air pollutant emissions. For industrial projects and some commercial projects, equipment operation and manufacturing processes, i.e., permitted stationary sources, can be of greatest concern from an emissions standpoint. CEQA significance thresholds address the impacts of operational emission sources on local and regional air quality. Thresholds are also provided in Table 4-1 for potential health risk and odor impacts related to project operations.

4.1.3.4 Assumptions

The following basic assumptions were used in developing the construction and operational emissions estimates for the proposed project using CalEEMod:

- Project design features, including parcel dimensions and size of the showroom, office, and service canopy, were defined by the Applicant;
- Default construction equipment horsepower ratings and load factors contained in CalEEMod were applied to the entire construction phase for the project;
- Because CalEEMod does not contain a land use definition for new automobile dealerships, "Automobile Care Center" was chosen as the closest land use option available in CalEEMod for this project type;
- The default operational vehicle trip rates associated with an Automobile Care Center[1] (i.e., high-traffic automotive service and repair establishments) were not considered to be representative of the proposed automobile sales showroom and administrative offices, which would be expected to have fewer daily in and out trips

[1] Per the CalEEMod User's Guide, an automobile care center hosts "numerous businesses that provide automobile-related services, such as repair and servicing; stereo installation; and seat cover upholstering".

compared to the service department associated with the automobile dealership; thus, a conservative 10% reduction was applied to the vehicle trip rates;

- Consumer product usage as applicable to land use type for project operation;
- Energy efficiency and water conservation measures generally required by building codes would be implemented;
- Low-volatile organic compound (VOC) architectural coatings (rule-compliant) would be used; and
- During construction, paved roads will be cleaned as needed to suppress dust.

4.1.3.5 Estimated Emissions Results and Comparison to Significance Thresholds

Based on the assumptions listed above, Table 4-3 shows estimated criteria pollutant construction emissions and evaluates the emissions against BAAQMD significance thresholds applicable to construction. Construction criteria emissions mainly comprise off-road and on-road engine exhaust and VOCs from asphalt paving (parking areas) and architectural coating application (painting).

Table 4-4 shows estimated criteria operational emissions and evaluates the emissions against BAAQMD significance thresholds applicable to operation. Operational criteria emissions for this project reflect mobile source engine exhaust and fugitive dust, natural gas combustion (space and water heating), landscape maintenance (small engines), and ROG emissions from consumer products and architectural coating re-application (maintenance painting).

Table 4-3: Construction Emissions Summary and Significance Evaluation

Criteria Pollutant	Estimated Emissions	Threshold	Significant?
	lbs/day	lbs/day	
ROG	41.06	54	No
NO_x	22.00	54	No
CO	15.41	N/A	No
SO_x	0.04	None	No
Exhaust PM_{10}	0.86	82	No
Exhaust $PM_{2.5}$	0.80	54	No

Sources: BAAQMD 2017b, CalEEMod version 2016.3.2.

Table 4-4: Operational Emissions Summary and Significance Evaluation

Criteria Pollutants	Estimated Emissions	Threshold	Significant?
	lbs/day	lbs/day	
ROG	0.76	54	No
NO_x	0.43	54	No
CO	0.76	N/A	No
SO_x	0.00	None	No
PM_{10}	0.15	82	No
$PM_{2.5}$	0.05	54	No

Sources: BAAQMD 2017b, CalEEMod version 2016.3.2.

Notes: Daily emissions in lbs/day are winter or summer maxima for planned use.

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

Less Than Significant Impact: The SFBAAB is designated nonattainment with respect to State and federal ozone and $PM_{2.5}$ standards and State PM_{10} standards. Due to this nonattainment status, the BAAQMD periodically updates the *Bay Area Clean Air Plan* (CAP) to meet State and federal requirements and/or to incorporate the latest technical information. The CAP is the BAAQMD's contribution to the State Implementation Plan (SIP), which is submitted to the U.S. EPA for approval under the Clean Air Act (CAA).

The *2017 Bay Area Clean Air Plan* (BAAQMD 2017a) provides a regional strategy to protect public health and inhibit climate change. To protect public health, the Plan describes how the District will continue its progress toward attaining all State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. The 2017 CAP, which is related to the SIP, includes a variety of control measures designed to decrease emissions of the air pollutants that are most harmful to residents, such as particulate matter, ozone, and TACs, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion. The CAP is a regional and multi-agency effort of the BAAQMD, CARB, the Association of Bay Area Governments, the Bay Conservation and Development Commission, the Metropolitan Transportation Commission, and the U.S. EPA.

The proposed project would not conflict with BAAQMD air quality planning goals contained in the CAP because project elements would be required to comply with all applicable SIP-approved BAAQMD rules and CARB regulations during construction and operation (e.g., fuel specifications, visible emissions, nuisance, fugitive dust control, etc.). Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan, the impact would be *Less Than Significant*, and mitigation measures would not be required.

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

Less Than Significant Impact: As shown in Table 4-3 and Table 4-4, construction and operational emissions from the proposed project would not exceed applicable Thresholds of Significance (BAAQMD 2017b). Further, construction emissions would permanently

cease upon completion of the new facilities. Any proposed project that would individually have a significant air quality impact would also be considered to have a significant cumulative air quality impact. Therefore, since temporary construction emissions and projected changes in operational emissions would be less than significant, the resultant air quality impact would not be cumulatively considerable and would be *Less Than Significant*, and mitigation measures would not be required.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact: No sensitive receptors (i.e., residences) are within 60 meters (200 feet) of the planned construction zone or completed project. Newer, energy-efficient and low-emission construction equipment will be utilized to the extent practicable. The construction schedule is planned to require less than one year, approximately 8 months overall, and estimated daily impacts would not be expected to increase. This short construction duration, combined with the less than significant level of daily emissions whether construction or operation, and application of BMPs along with use of newer construction equipment, would result in minimal localized air quality impacts. Therefore, a Health Risk Assessment (HRA) is not necessary because sensitive receptors would not be exposed to substantial pollutant concentrations over an extended length of time. The impact would be *Less Than Significant*, and mitigation measures would not be required.

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

Less Than Significant Impact: While odors rarely cause any physical harm, they can be unpleasant, often generating citizen complaints to the BAAQMD. Any project with the potential to frequently expose the public to objectionable odors in violation of Regulation 1, Rule 301: Public Nuisance and Regulation 7: Odorous Substances would be deemed to have a significant impact. Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc., warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas. Specifically, Rule 301 states that "No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property. For purposes of this section, three or more violation notices validly issued in a 30-day period to a facility for public nuisance shall give rise to a rebuttable presumption that the violations resulted from negligent conduct." If the odor is confirmed, an abatement order is issued. Compliance with Rule 301 is intended to prevent a substantial number of people from being adversely affected by emissions from facilities such as the proposed project.

Due to the required use of CARB ultra-low sulfur (ULS) diesel fuel [maximum 15 parts per million (ppm) total sulfur by weight] in all diesel-powered construction equipment and heavier trucks, no substantial concentrations of odorous sulfur compounds would be present in diesel engine exhaust during the construction phase of the proposed project. No odorous substances are expected to be emitted during normal operation of the proposed

project. Therefore, no odorous emissions would be expected to adversely affect a substantial number of people, and the impact would be *Less Than Significant.* Mitigation measures would not be required.

4.1.4 Standard Permit Conditions

For all proposed projects, whether construction emissions are above or below applicable thresholds, the BAAQMD recommends implementation of the following Best management Practices (BMPs) to ensure that construction-related emissions, including fugitive dust, do not exceed applicable Thresholds of Significance. Hence, the BMPs to be implemented for this project are listed below (BAAQMD 2017b):

1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. Watering operations may be curtailed during wet and inclement weather.
2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
4. All vehicle speeds on unpaved roads shall be limited to 15 mph.
5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Although construction impacts are Less Than Significant as shown in Table 4-3, standard construction BMPs will be implemented as identified above. Because all air quality impacts are expected to be *Less Than Significant* with BMPs, no mitigation measures are required.

4.2 Biological Resources

4.2.1 Environmental Setting

The project site is currently set with a showroom and service area canopy. The project will develop a new showroom and office building and relocate the existing service area canopy. Landscaping on the project site is limited to ornamental shrubbery and three individual

trees, including two queen palm (*Syagrus romanzoffiana*) trees and a small evergreen tree. There are no native, sensitive, or wetland habitats on-site or adjacent to the site. Due to the lack of these habitats and the extent of human disturbance and development on the project site, special status plant and animal species are not expected to occur.

4.2.2 Regulatory Setting

4.2.2.1 Santa Clara Valley Habitat Plan

The project site is not located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP). The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 519,000 acres of Santa Clara County. The project site is located on land designated as Urban – Suburban, which is land that has been developed with one structure per 2.5 or fewer acres. The project site is currently in Urban Area Land Cover Fee Zones, which indicate no land cover fees.

4.2.2.2 City of San José Tree Ordinance

The City of San José maintains the urban landscape partly by promoting the health, safety, and welfare of the City by controlling the removal of ordinance trees (with a circumference of more than 38 inches) on private property (San José Municipal Code Section 13.32). A Tree Removal Permit is required for the removal of trees of any size within a commercial property, such as the project site. All three trees are proposed for removal from the existing planter (refer to Figures 2-1 and 3-1). All three trees are estimated to have a circumference of less than 38 inches, i.e., less than 12.1 inches characteristic diameter.

In addition, any tree found by the City Council to have special significance based on factors including, but not limited to, its history, girth, height, species, or unique quality can be designated as a "Heritage tree" (San José Municipal Code Section 13.32). It is unlawful to vandalize, mutilate, remove, or destroy such heritage trees. There are no heritage trees on-site.

4.2.2.3 Applicable Requirements for Nesting Birds

The Migratory Bird Treaty Act (MBTA), first enacted in 1918 and amended many times since, implements a series of treaties that provide international migratory bird protection, and authorizes the Secretary of the Interior to regulate the taking of migratory birds. The MBTA states it shall be unlawful, except as permitted by regulations, "to pursue, take, or kill…any migratory bird, or any part, nest or egg of any such bird, included in the terms of conventions" with certain other countries (16 U.S. Code [USC] 703). The current list of species protected by the MBTA contains several hundred species including native birds, migratory or non-migratory. MBTA protection includes the avoidance of disturbing active nests or relocating active nests without a permit. The MBTA is implemented through regulations promulgated by the U.S. Fish and Wildlife Service (USFWS).

California Fish and Game (CFG) Code Sections 3503 and 3503.5 have protections for native birds and Section 3513 provides for adoption of the MBTA's provisions for migratory birds. These California regulations are implemented by the California Department of Fish and Wildlife (CDFW). Although neither the MBTA nor the CFG Code offers statutory or regulatory mechanisms for obtaining an incidental take permit for the

loss of nongame migratory birds, a Section 10(a) permit issued under the Endangered Species Act may constitute a special purpose permit for the take of a listed species also covered by the MBTA. USFWS and CDFW have discretion whether or not to pursue an MBTA action if some migratory birds would be lost, but often will not pursue action when agencies demonstrate that all reasonable loss avoidance measures have been incorporated into a project.

4.2.3 Environmental Checklist and Impact Discussion

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. Biological Resources. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☑	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	☐	☑
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☑
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☑

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☑
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☑

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

Less Than Significant with Mitigation: Nesting birds are among the species protected under provisions of the Migratory Bird Treaty Act and California Fish and Game Code. The location of the site and the limited types and numbers of ornamental trees on and adjacent to the project site could not sustain a nesting habitat for candidate, sensitive, or special status birds, including migratory birds. The project is *Less Than Significant* with Mitigation Measure **MM BIO – 1.**

> **Impact BIO-1:** Construction activities on the project site could result in the loss of fertile eggs of nesting raptors or other migratory birds or nest abandonment.**MM BIO – 1:** Prior to the issuance of any tree removal, grading, building or demolition permits (whichever occurs first), the project applicant shall schedule all construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.
>
> If construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no active nests shall be disturbed during construction activities. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the latter part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist/biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the construction site for nests.

If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/biologist, in coordination with California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction free buffer zone to be established around the nest (typically 250 feet for raptors and 100 feet for other birds) to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any site disturbance, such as tree removal, or the issuance of any grading, building or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement, or the Director's designee.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact: The project site is located in an urban, residential, and commercial setting with minimal native habitats. There are no riparian habitats or other sensitive natural communities on or adjacent to the site. Thus, the project has *No Impact.*

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

No Impact: The project site is not located on or adjacent to a state or federally protected wetland. Thus, the project has *No Impact.*

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

No Impact: The project site is located in an urban area and is not currently used as a migratory wildlife corridor. The project site does not contain a native wildlife nursery site. As described above, there are no wetlands on or adjacent to the project site, and therefore, the project would not impact the movement of migratory fish. The proposed project would, therefore, not impact the movement of native or migratory wildlife through the project area or impede the use of a native wildlife nursery site. Thus, the project has *No Impact.*

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

Less Than Significant Impact: Development of the proposed project would result in the loss of three trees on the site. Consistent with the General Plan Final Program Environmental Impact Report (General Plan EIR), trees removed as a result of the project would be required to be replaced in accordance with all applicable laws, policies, or guidelines, including:

- City of San José Tree Protection Ordinance;
- San José Municipal Code Section 13.28; and
- General Plan Policies MS-21.4, MS-21.5, and MS-21.6.

The removed trees would be replaced by three 15-gallon trees, consistent with tree replacement ratios required by the City, as shown in Table 4-5. When construction is nearing completion and the actual visual characteristics of the new building are realized, the species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

Table 4-5: Tree Replacement Ratios

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

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

Source: City of San José, 2006.

- Since 3 smaller non-native trees onsite would be removed, the 3 trees would be replaced at a 1:1 ratio. As mentioned previously, there are no native trees on-site. The total number of replacement trees required to be planted would be 3 trees. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.
- In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage.
- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance with the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

As part of the project, the three trees will be replaced or an alternate plan will be implemented. Thus, the project has *Less Than Significant Impact.*

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

No Impact: The project site has a designation of Urban-Suburban and is not located within the SCVHP study area. Thus, the project has *No Impact.*

4.2.4 Standard Permit Conditions

4.2.4.1 Tree Replacement Ratios

Described above in Table 4-5.

4.2.4.2 Santa Clara Valley Habitat Plan

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

4.3 Greenhouse Gas Emissions

4.3.1 Environmental Setting

Greenhouse gases (GHG) include any gas that absorbs infrared radiation in the atmosphere. GHG include, but are not limited to, water vapor, carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorocarbons. The warming potential of different types of GHG varies. The global warming potential is the potential of a gas or aerosol to trap heat in the atmosphere. Since GHG absorb different amounts of heat, a common reference gas, CO_2, is used to relate the amount of heat absorbed by a GHG relative to CO_2, referred to as CO_2 equivalent, or CO_2e.

The increase of GHG emissions has led to the trapping and buildup of heat in the atmosphere near the earth's surface, commonly known as the greenhouse effect. Human activity, including the burning of fossil fuels, is contributing to increased concentrations of GHG in the atmosphere that can lead to adverse changes in global climate.

Global climate change is a change in the average weather of the Earth, measured by wind patterns, storms, precipitation, and temperature. Data have indicated that the current temperature record differs from previous climate changes in both rate and magnitude.

Unlike criteria air pollutants, which are pollutants of regional and local concern, GHG are globally mixed pollutants. The California legislature concluded that global climate change poses significant adverse effects to the environment [Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006].

GHG emissions generated from the project primarily result from generation of electricity (i.e., for lighting, cooling, pumping water), demolition activities, and vehicle trips. A small amount of GHG emissions is generated by the breakdown of solid waste generated by the site.

4.3.2 Regulatory Setting

CARB and other State agencies have been working on regulations and other initiatives to implement a Climate Change Scoping Plan. Senate Bill (SB) 32 was signed into law in September 2016. The SB 32 legislation amends provisions of Assembly Bill (AB) 32, the

California Global Warming Solutions Act of 2006 (Health and Safety Code Division 25.5), to require CARB to reduce statewide GHG emissions to 40% below 1990 levels by 2030.

Consistent with the *2017 Climate Change Scoping Plan* (CARB 2017b), the City has developed local climate change measures in the *San José 2030 Greenhouse Gas Reduction Strategy* (GHGRS 2020)[2]. The BAAQMD quantitative GHG significance thresholds are shown in Table 4-6 (BAAQMD 2017b).

At the municipal level, the Envision San José 2040 General Plan contains Measurable Environmental Sustainability (MS) goals that apply to the proposed project (SJGP 2020):

- MS-2.11: Require new development to incorporate green building policies, 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 effectiveness of passive solar design.).
- 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. As planned, the proposed project is consistent with this policy which is aimed at reducing direct and indirect GHG emissions.

The City has updated its strategy for achieving GHG reductions in alignment with SB 32, which established an interim statewide GHG reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (Executive Order B-55-18). SB 32 expands upon AB 32 and requires a reduction in GHG emissions of at least 40% below the 1990 levels by 2030. The City's 2030 Greenhouse Gas Reduction Strategy (GHGRS 2020) is a comprehensive update to the City's original GHGRS and reflects the plans, policies, and codes as approved by the City Council. The strategy builds on the City's Envision San José 2040 General Plan and Climate Smart San José — these plans expanded the City's Green Vision to advance urban sustainability. Leveraging these existing plans and supporting policy and program frameworks, the 2030 GHGRS provides a set of strategies and additional actions for achieving the 2030 target. Appendix E contains the 2030 GHG Reduction Strategy Compliance Checklist.

Table 4-6: BAAQMD CEQA Greenhouse Gas Significance Thresholds

GHG Emissions	Construction	Operation
GHGs – Stationary Sources	None	10,000 Metric Tons (MT) Carbon Dioxide Equivalents (CO_2e)/year
GHGs – Other Than Stationary Sources (Land Use Projects)	None	Compliance with GHG Reduction Strategy OR 1,100 MT of CO_2e/yr OR 4.6 MT CO_2e/SP/yr (residents + employees)

[2] Note that the 2030 GHGRS has a reference citation of "GHGRS 2020" indicating the 2020 publication year as listed in the References section.

4.3.3 Environmental Checklist and Impact Discussion

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

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

Less Than Significant Impact: CalEEMod was used to also calculate GHG emissions (See Emissions Methodology in Section 4.1.2). **Error! Reference source not found.** shows estimated GHG emissions and evaluates the emissions against BAAQMD significance thresholds discounted by 40% for operational GHG emissions, as discussed below. Operational GHG reduction measures incorporate typical code-required energy and water conservation features. Off-site traffic impacts are included in these emissions estimates.

Table 4-7: Greenhouse Gas Emissions Summary and Significance Evaluation

GHGs	Estimated Emissions	Threshold	Significant?
	MT/yr	MT/yr	
CO_2	151	–	–
CH_4	1.3	–	–
N_2O	0.0	–	–
CO_2e	185	660	No

Sources: BAAQMD 2017b, CalEEMod version 2016.3.2, CARB 2017b.

Notes:

Annual operational GHG emissions comprise direct area + direct stationary + direct mobile + indirect energy + indirect waste + indirect water usage.

The BAAQMD has adopted a stationary source (industrial facility) mass emissions threshold of 10,000 metric tons (MT) carbon dioxide equivalents (CO_2e) per year and a land use project (e.g., residential, commercial, or recreational) mass emissions threshold of 1,100 MT CO_2e per year. Consistent with the *2017 Climate Change Scoping Plan* and

Appendix C of the San José 2030 Greenhouse Gas Reduction Strategy (GHGRS 2020)[3], a 40% reduction in GHG emissions by 2030 is factored into the BAAQMD significance threshold for land use projects, lowering it from 1,100 to 660 MT per year. Alternatively, land use projects can be evaluated against a criterion of 2.76 MT CO_2e per service population (SP = residents + employees) per year. As shown in **Error! Reference source not found.**, direct and indirect operational GHG emissions from the proposed project would not exceed these thresholds. No quantitative GHG thresholds apply to construction activities. Therefore, the project would not directly or indirectly generate GHG emissions that would have a significant impact on the environment. The projected impact would be *Less Than Significant* (BAAQMD 2017b), and mitigation measures would not be required.

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

Less Than Significant Impact: The BAAQMD's 2017 CAP defines an integrated, multipollutant control strategy to reduce interrelated emissions of criteria pollutants and GHGs. To protect the climate, the Plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious GHG reduction targets for 2030 and 2050 and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets.

The CAP contains measures (BMPs) to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term and to decrease emissions of carbon dioxide by reducing fossil fuel combustion. The control strategy is designed to complement efforts to improve air quality and protect the climate which are being implemented by partner agencies at the State, regional, and local levels. For instance, the CAP is a regional and multi-agency effort of the BAAQMD, CARB, the Association of Bay Area Governments, the Bay Conservation and Development Commission, the Metropolitan Transportation Commission, and the U.S. EPA. The strategy encompasses 85 control measures that define specific actions to reduce emissions of pollutants from the full range of emission sources. The control measures are categorized based upon the economic sector framework used by CARB for the AB 32 Scoping Plan Update (BAAQMD 2017a, CARB 2017b).

The San José 2030 Greenhouse Gas Reduction Strategy (GHGRS 2020)[4] coalesces strategies embedded in other City plans to align with the State's 2030 GHG target (SB 32) and with consideration for the State's long-term emissions goal. The City plans the following BMPs:

- Develop an emissions target that is consistent with (i.e., 40% less than) the State's adopted 2030 GHG target and demonstrates San José fair share reductions toward statewide target achievement;
- Analyze and compare the City's prior inventories (2008 and 2014) with the 2017 GHG inventory and emission trends over time and prepare forecasts in comparison to the identified emissions target;

[3] Reference citation for the 2030 GHGRS.

[4] Reference citation for the 2030 GHGRS.

- Identify policies, plans, and programs that will contribute to GHG reductions in the City and achievement of the City's 2030 target, including actions that implement the City's Envision San José 2040 General Plan;
- Provide a roadmap by which the City can reduce its GHG emissions to achieve the identified target by application of a development checklist that identifies clear strategies for GHG reductions that new projects in the City must implement to demonstrate consistency with the 2030 GHGRS; and
- Utilize a GHG reduction plan to streamline GHG emissions analysis of future development and plans within the City, according to CEQA Guidelines Sections 15152, 15183, and 15183.5.

The proposed project would not conflict with City or BAAQMD planning goals contained in the GHGRS or CAP because project elements would be required to comply with all applicable SIP-approved BAAQMD rules and CARB regulations during construction and operation (e.g., equipment registration, fuel specifications, visible emissions, nuisance, fugitive dust control, boilers/heaters, emergency generators, etc.). The proposed project would also be required to comply with all building codes in effect at the time of construction, which include energy conservation measures mandated by Title 24 of the California Building Standards Code – Energy Efficiency Standards (CEC 2019). Since the Title 24 standards require energy conservation features in new construction [e.g., high-efficiency lighting; high-efficiency heating, ventilation, and air conditioning (HVAC) systems; thermal insulation; double-glazed windows; water conserving plumbing fixtures; etc.], they indirectly regulate and reduce GHG emissions. Therefore, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, the projected impact would be *Less Than Significant*, and mitigation measures would not be required.

4.3.4 Best Management Practices

Although GHG impacts are Less Than Significant as shown in Table 4-7, operational BMPs will be implemented as identified above and in Section 4.1.4 for project construction. Because all GHG impacts are expected to be Less Than Significant with BMPs, no mitigation measures are required.

4.4 Hazards and Hazardous Materials

4.4.1 Environmental Setting

The project site was first developed as a new car dealership in 1973 with the current showroom building, and the site has remained a dealership since then. Based on information from the Applicant, the site historically has been generally kept in compliance, and the dealership is currently in compliance with all state requirements pertaining to tank and equipment testing. The service area portion of the dealership site has a disused 1,000-gallon waste oil underground storage tank (UST), a disused 1,000-gallon new motor oil UST, a disused 2,000-gallon gasoline UST, an active 200-gallon double-wall antifreeze aboveground storage tank (AST), one active 500-gallon double-wall waste oil AST, and two active 350-gallon double-wall new motor oil ASTs. The service area portion of the

dealership site is also equipped with a three-stage clarifier, 26 above-ground hoists that replaced original below-ground hoists, and two remaining below-ground hoists.

As provided in Section 3.1, the new construction and demolition of the existing showroom comprises the project area undergoing redevelopment. The service area building and its associated equipment, including disused underground storage tanks (USTs) and the active equipment described in the preceding paragraph, will not be affected by the proposed project area being redeveloped. The service building and is activities are approximately 100 feet (30 meters) south of where the new showroom building will be constructed.

To evaluate the proposed project construction area for possible soil contamination from past activities, soil samples were collected in November 2020 by a geological consultant at three locations on the new building footprint, which is located between the existing showroom building (to be entirely demolished) and the service building (to remain in place). The samples were analyzed by a certified laboratory for organochlorine pesticides, arsenic, and lead.

The City of San José requested that soil samples be collected in the upper 6 to 12 inches below ground surface and analyzed for concentrations of organochlorine pesticides (OCPs), arsenic, and lead. On November 23, 2020, Geo-Logic Associates (GLA) collected three soil samples (ES#1, ES#2, and ES#3) in the vicinity of the proposed new building near the existing service building. These samples were analyzed for lead and arsenic by U.S. EPA Method 60108 and OCPs by U.S. EPA Method 8081A. (GLA 2020)

The laboratory results are summarized in a December 18, 2020 report issued by Geo-Logic, which is provided in Appendix D. Table 4-8 presents the findings, except for "non-detected" constituents (i.e., concentration levels of constituents are below the detection levels of the laboratory equipment used). The results were compared to the following government published screening levels (GLA 2020):

- U.S. EPA Regional Screening Levels (RSLs), November 2020, for industrial soil exposure;
- California Department of Toxic Substances Control (DTSC), Human and Ecological Risk Office (HERO), Note 3, June 2020; and
- San Francisco Bay Regional Water Quality Control Board (RWQCB), Environmental Screening Levels (ESLs), 2019, Revision 2.

As shown in Table 4-8, the measured concentrations of arsenic are above the U.S.EPA RSL of 3 mg/kg for industrial soil, the DTSC HERO screening level of 0.36 mg/kg, and the RWQCB ESL of 0.31 mg/kg. However, as referenced in the Geo-Logic report (Appendix D), these levels are below the natural background level of 11 mg/kg for soils in the San Francisco Bay Area, according to a reference cited by Geo-Logic Associates in their report (GLA 2020) and noted in the footnotes of Table 4-8. The natural background soil concentration of 11 mg/kg for arsenic would apply for impact assessment rather the cited Screening Levels. At the project site, the sample results were less than the background soil concentration. The sample concentrations for lead are below the U.S. EPA RSL for industrial soil, the DTSC HERO screening level, and the RWQCB ESL. The measured concentrations for DDD, DDE, and DDT are below the U.S. EPA RSLs and the

RWQCB ESLs for commercial or industrial land uses. No other pesticides were detected in the three samples (GLA 2020).

Table 4-8: Summary of Analytical Results for Soil Samples at Project Site

Constituent	Screening and Background Levels[2]				SAMPLE I.D.[1]		
	US EPA RSL[3]	DTSC HERO	RWQCB ESL[6]	Regional Back-ground[7]	ES#1	ES#2	ES#3
Arsenic	3	0.36[4]	0.31	11	6.1	8.2	5.6
Lead	800	80[5]	32	–	23	25	22
4,4 DDD	2.5	–	12	–	0.0026	0.0093	0.036
4,4 DDE	9.3	–	0.65	–	0.068	0.09	0.059
4,4 DDT	8.5	–	5.6	–	0.014	0.069	0.19

Source: GLA 2020

Notes:

1. Samples collected on November 23, 2020.
2. All units are in milligrams per kilogram (mg/kg) [parts per million by weight (ppmw)].
3. U.S. Environmental Protection Agency Regional Screening Levels, November 2020.
4. California Department of Toxic Substances Control, Office of Human Health and Ecological Risk Assessments Note 3, June 2020 (commercial/industrial soil, cancer endpoint).
5. DTSC HERO Note 3, June 2020, screening level for residential soil.
6. San Francisco Bay Regional Water Quality Control Board, Environmental Screening Levels, 2019, Revision 2, Table T2-1: Tier 2 ESLs for commercial/industrial land use, minimal vegetation, drinking water resource, MCL priority, discharge to fresh surface water, shallow soil depth (RWQCB 2019).
7. *Establishing Background Arsenic in Soil of the Urbanized San Francisco Bay Region*, a thesis submitted to the faculty of San Francisco State University in partial fulfillment of the requirements for the degree Master of Science in Geosciences, by Dylan Jacques Duverge, December 2011 (GLA 2020).

The GLA soil sampling and analysis results suggest the site is not expected to have had on-site contamination in the near term. Any contamination surrounding the project site which resulted from former releases has been closed by the RWQCB.

4.4.2 Regulatory Setting

The management of hazardous waste and hazardous materials in California is implemented at the federal, state, and local levels.

The Resource Conservation and Recovery Act (RCRA) establishes federal requirements for the management of solid wastes (including hazardous wastes). The statute also addresses program administration, implementation and delegation to states, and enforcement provisions and responsibilities. Provisions are established for the generation, storage, treatment, and disposal of hazardous waste, including requirements addressing generator record keeping, labeling, manifests, emergency response information, training, and contingency plans. The United States Environmental Protection Agency (U.S. EPA) has delegated implementation authority for this program to the State of California, which also provides additional requirements (discussed below).

Hazardous substances are a subclass of hazardous materials regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

(also known as Superfund), and the Superfund Amendments and Reauthorization Act (SARA). Under CERCLA, the U.S. EPA has authority to seek the parties responsible for releases of hazardous substances and ensure their cooperation in site remediation. CERCLA also provides federal funding (the "Superfund") for remediation. SARA Title III, the Emergency Planning and Community Right-to-Know Act, requires companies to declare potential toxic hazards to ensure that local communities can plan for chemical emergencies. U.S. EPA maintains a National Priority List of uncontrolled or abandoned hazardous waste sites identified for priority remediation under the Superfund program. U.S. EPA also maintains the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) database, which contains information on hazardous waste sites, potential hazardous waste sites, and remedial activities across the nation.

California's Hazardous Waste Control Law (HWCL) was passed in 1972, predating RCRA and CERCLA. The HWCL creates the framework under which hazardous wastes must be managed in California. The law provides for the development of a State hazardous waste program that administers and implements the provisions of the Federal RCRA program. It also provides for the designation of California-only hazardous wastes and development of standards (regulations) that are equal to or, in some cases, more stringent than federal requirements. It includes allowable exemptions and requirements for materials that are recycled. The California Department of Toxic Substances Control (DTSC) administers and implements the provisions of the law at the state level pursuant to authorization from the U.S. EPA. Certified Unified Program Agencies (CUPAs) implement some elements of the law at the local level. The CUPA for the City of San José is the Santa Clara County Department of Environmental Health.

The proposed project involves the construction of a new showroom and office building (i.e., retail sales and administration activities) that will physically and functionally replace the original showroom building constructed in the 1973 timeframe. The original showroom building will be entirely demolished.

The proposed project does not affect the existing service area building, equipment, or the automotive service and repair activities conducted within the service department that use hazardous materials and generate hazardous wastes. The only shared feature between the new building and the service area will be the new service entrance canopy.

Because the proposed project area undergoing redevelopment (i.e., the new showroom and demolition of the existing showroom) by itself does not involve the use of hazardous materials or the corresponding generation of hazardous wastes, the requirements of CERCLA, RCRA, and the programs under the HWCL administered by State and Regional Organizations (DTSC and the RWQCB) would not be expected to apply. The only regulated wastes associated with operation of the proposed project are expected to be common Universal Wastes such as batteries, fluorescent lamps, and aerosol cans as defined in Title 40 Code of Federal Regulations Part 273 (40 CFR 273). Santa Clara County operates a Conditionally Exempt Small Quantity Generator program to accommodate businesses that generate small quantities of Universal Wastes (SCC 2020).

The San José 2040 General Plan Goal EC-7 – Environmental Contamination – aims to protect the community and environment from exposure to hazardous soil, soil vapor,

groundwater, and indoor air contamination and hazardous building materials in existing and proposed structures and developments and on public properties, such as parks and trails. General Plan policies that may apply to the proposed project include (SJGP 2020):

- 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-7.3 Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
- 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.
- EC-7.5 On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and state requirements.
- EC-7.6 The City will encourage use of green building practices to reduce exposure to volatile or other hazardous materials in new construction materials.
- 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[5].

[5] Refer to Appendix D for sampling and testing results for residual agricultural chemicals at the construction site.

4.4.3 Environmental Checklist and Impact Discussion

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

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

Less Than Significant Impact: The proposed project could result in accidental chemical releases from hazardous materials use, storage, or transport. However, the storage capacity and use of hazardous materials on the project site, e.g., in service department, would not substantially change from the existing storage and use of materials on the project site. As applicable, current regulations and programs for regulated hazardous materials use would reduce potential impacts to a less than significant level. Thus, the project impact is *Less Than Significant.*

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

c) Less Than Significant Impact: Soils beneath the specific project site, i.e., new building footprint, are not known to be contaminated. Redevelopment of the project site would involve basic demolition and grading of the paved surfaces for construction of the proposed car showroom, business offices, and relocated service canopy. This activity would not impact the existing service building or the disused underground storage tanks (USTs), each approximately 100 feet (30 meters) or more to the south, well away from construction activities. As presented in Section 4.4.1, the City of San José requested that soil samples be collected in the upper 6 to 12 inches below ground surface and analyzed for concentrations of organochlorine pesticides (OCPs), arsenic, and lead. On November 23, 2020, Geo-Logic Associates (GLA) collected three soil samples (ES#1, ES#2, and ES#3) in the vicinity of the proposed new building near the existing service building. These samples were analyzed for lead and arsenic by U.S. EPA Method 60108 and OCPs by U.S. EPA Method 8081A. (GLA 2020) Results soil concentration results were below applicable regulatory thresholds or natural background levels for the geographic region. Therefore, the project is *Less Than Significant.*

d) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact: The nearest schools to the project site are Harker School, approximately 1,100 feet south, and the Child Development Center, approximately 1,100 feet west. The site has been developed and operated as a new car dealership for 50 years. The proposed project does not propose any major changes to the operations of this site. The proposed project shall also comply with local and State regulations regarding operations with hazardous materials. Therefore, the use of hazardous materials would not substantially change at the project site. Additionally, with the implementation of environmental conditions provided in Section 4.1, the project would not result in significant construction emissions. Thus, the project has *Less Than Significant Impact.*

e) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact: The project site is not listed on the California State Water Resources Control Board (SWRCB) GeoTracker Database as a leaking UST (LUST) cleanup site. Thus, the proposed project would not result in a significant hazard to the public or environment due to hazardous materials at the site, and there will be *No Impact.*

f) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact: Norman Y. Mineta San José International Airport is located approximately 5 miles northeast of the project site. The project site is not within the airport influence area or safety zones in the adopted Comprehensive Land Use Plan for the airport. Given the site's distance from the airport, the project is not subject to building height criteria for projects near the San José airport. Thus, the project has *No Impact.*

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact: The project, located within a developed urban area, would not change the local roadway circulation pattern, access, or otherwise physically interfere with local emergency response plans. The project site is within an urbanized area and is not adjacent to wildland areas. According to the California Department of Forestry and Fire Protection, the project site is not within a severe fire hazard zone and does not anticipate being exposed to significant risk of injury or death associated with wildland fires. Thus, the project has *No Impact.*

4.5 Noise

4.5.1 Environmental Setting

4.5.1.1 Noise Description

Noise is typically described as any unwanted or objectionable sound. Sound is technically described in terms of the loudness (amplitude) and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Because the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity, the A-weighted decibel scale (dBA). Table 4-9 lists common sources of sound and their intensities in dBA.

Table 4-9: Typical Sound Level Characteristics

Pressure N/m^2	Level dB	Sound Level Characteristic
2000	160	Rocket Launch
600	150	Military Jet Plane Takeoff
200	140	Threshold of Pain
60	130	Commercial Jet Plane Takeoff
20	120	Industrial Chipper or Punch Press
6	110	Loud Automobile Horn
2	100	Passing Diesel Truck – Curb Line
0.6	90	Factory – Heavy Manufacturing
0.2	80	Factory – Light Manufacturing
0.06	70	Open Floor Office – Cubicles
0.02	60	Conversational Speech
0.006	50	Private Office – Walled
0.002	40	Residence in Daytime
0.0006	30	Bedroom at Night
0.0002	20	Recording or Broadcasting Studio
0.00006	10	Threshold of Good Hearing – Adult
0.00002	0	Threshold of Excellent Hearing – Child

Sources: Broch 1971, Plog 1988.

Notes:

Reference Level $P_0 = 0.00002\ N/m^2 = 0.0002\ \mu bar$.

N/m^2 = Newtons per square meter (the Newton is the unit of force derived in the metric system); it is equal to the amount of net force required to accelerate 1 kilogram of mass at a rate of 1 meter per second squared ($1\ kg \bullet 1\ m/s^2$) in the direction of the applied force.

In most situations, a 3-dBA change in sound pressure is considered a "just detectable" difference. A 5-dBA change (either louder or quieter) is readily noticeable, and a 10-dBA change is a doubling (if louder) or halving (if quieter) of the subjective loudness. Sound from a small, localized source (a "point" source) radiates uniformly outward as it travels away from the source in a spherical pattern. The sound level attenuates (drops off) at a rate of 6 dBA for each doubling of the distance.

The duration of noise and the time period at which it occurs are important factors in determining the impact of noise on sensitive receptors. The equivalent continuous noise level (L_{eq}) may be used to describe sound that is changing in level. It is also used to describe the acoustic range of the noise source being measured, which is accomplished through the maximum L_{eq} (L_{max}) and minimum L_{eq} (L_{min}) indicators.

In determining the daily measure of community noise, it is important to account for the difference in human response to daytime and nighttime noise. Noise is more disturbing at night than during the day, and noise indices have been developed to account for the varying duration of noise events over time, as well as community response to noise events. The Community Noise Equivalent Level (CNEL) adds a 5 dB penalty to the "nighttime" hourly

noise levels (HNLs) (i.e., 7:00 p.m. to 10:00 p.m.) and the Day-Night Average Level (L_{dn}) adds a 10 dB penalty to the evening HNLs (Caltrans 2013, FTA 2006).

4.5.1.2 Vibration Description

Vibration is a unique form of noise because its energy is carried through structures and the earth, whereas noise is carried through the air. Thus, vibration is generally felt rather than heard. Typically, ground-borne vibration generated by manmade activities attenuates rapidly as distance from the source of the vibration increases. Actual human and structural response to different vibration levels is influenced by a combination of factors, including soil type, distance between the source and receptor, duration, and the number of perceived events.

While not a direct health hazard, the energy transmitted through the ground as vibration may result in structural damage, which may be costly to repair and dangerous in the event of structural failure. To assess the potential for structural damage associated with vibration, the vibratory ground motion in the vicinity of the affected structure is measured in terms of point peak velocity/peak particle velocity (PPV) in the vertical and horizontal directions (vector sum). A freight train passing at 100 feet may cause PPVs of 0.1 inch per second, while a strong earthquake may produce PPVs in the range of 10 inches per second. Minor cosmetic damage to buildings may begin in the range of 0.5 inch per second (Caltrans 2013, FTA 2006).

4.5.1.3 Existing Conditions

The project site is in the City of San José, Santa Clara County, in a characteristically urban and densely populated area subject to noise from local traffic on public streets (Stevens Creek Boulevard). The site is located on a busy street with many retail stores, other car dealerships, and a few residential apartments and homes located on Kiely Boulevard and across the street. Common noise in this area includes buses, cars, construction, and small power equipment (e.g., lawn mowers, edger, etc.). The Department of Transportation Federal Highway Administration (FHWA) noise model puts the expected daytime ambient noise from known sources at about 64 dBA at the nearest sensitive receptor to the proposed project. This model is based on traffic from Stevens Creek Boulevard and a general 40 dBA urban background noise.

4.5.1.4 Sensitive Receptors

Some land uses are generally regarded as being more sensitive to noise than others due to the types of population groups or activities involved. Sensitive population groups include children and the elderly. The City of San José Noise Element also includes residential areas as noise-sensitive land uses. Other sensitive land uses generally include hospitals, schools, childcare facilities, senior facilities, libraries, churches, and parks.

The nearest schools to the project site are the Child Development Center located approximately 1,100 feet (335 meters) west of the site and the Harker School approximately 1,100 feet (335 meters) south of the site. Interceding buildings would substantially shield all the schools from construction noise. The nearest residential receptors are north of the site, approximately 440 feet (135 meters) from the central construction zone. All construction activities would be short-term and temporary. All

construction work is planned to be conducted during daylight hours; no nighttime work is planned to be performed. Upon completion of construction, construction-generated noise would permanently cease. Since the proposed project is located in a dense urban area and not within 500 feet of a major freeway, no significant additional long-term traffic is expected, and therefore no additional project-related noise is expected over the long term.

4.5.1.5 Methodology

The screening-level noise analysis for project construction was completed based on methodology developed by the FHWA at the John A. Volpe National Transportation Systems Center and other technical references consistent with CalEEMod outputs (equipment utilization). The FHWA methodology uses actual noise measurement data collected during the Boston "Big Dig" project (1991-2006) as reference levels for a wide variety of construction equipment in common use, such as on the proposed project. This noise analysis did not include field measurements of ambient noise in the vicinity of the project site.

The FHWA noise model provides relatively conservative predictions because it does not account for site-specific geometry, dimensions of nearby structures, and local environmental conditions that can affect sound transmission, reflection, and attenuation. As a result, actual measured sound levels at receptors may vary somewhat from predictions and are typically lower. Additionally, the impacts of noise upon receptors (persons) are subjective because of differences in individual sensitivities and perceptions.

Noise impacts were evaluated against community noise standards contained in the City or County General Plan or other State or federal agency as applicable to the vicinity of the project site. For this project, the City of San José Municipal Code and General Guidance contain the applicable evaluation criteria. Screening-level project-generated noise is evaluated in relation to established thresholds of significance. Additionally, the same methods are used to determine noise impacts on the nearest sensitive receptor. A copy of the environmental noise assessment calculations is attached as Appendix C.

During construction activities, the project would generate noise due to operation of minimal off-road equipment, portable equipment, and vehicles at or near the project site. No significant increase in traffic is expected due to this relatively small project. No strong sources of vibrations are planned to be used during construction activities.

Since the project is near an urban street, the incremental effect of project operation (possible slightly increased traffic) would not be quantifiable against existing traffic noise (background) in the project vicinity (i.e., less than significant impact). Also, since no airport is closer than 2 miles from the project site, evaluation of aircraft noise upon the project is not required.

4.5.2 Regulatory Setting

The site is located at the border of the cities of San José and Santa Clara. Since the site is located in San José, the regulatory requirements of the San José Municipal Code were used.

4.5.2.1 California

The State of California does not promulgate statewide standards for environmental noise but requires each city and county to include a noise element in its general plan [California

Government Code Section 65302(f)]. In addition, CCR Title 4 has guidelines for evaluating the compatibility of various land uses as a function of community noise exposure. In general, the guidelines require that community noise standards:

- Protect residents from the harmful and annoying effects of exposure to excessive noise;
- Prevent incompatible land uses from encroaching upon existing or programmed land uses likely to create significant noise impacts; and
- Encourage the application of state-of-the-art land use planning methodologies in the area of managing and minimizing potential noise conflicts.

Construction vibration is regulated at the State level in accordance with standards established by the *Transportation and Construction-Induced Vibration Guidance Manual* issued by Caltrans in 2004. Continuous sources include the use of vibratory compaction equipment and other construction equipment that creates vibration other than in single events. Transient sources create a single, isolated vibration event, such as blasting. Thresholds for continuous sources are 0.5 and 0.1 inches per second PPV for structural damage and annoyance, respectively. Thresholds for transient sources are 1.0 and 0.9 PPV for structural damage and annoyance, respectively (Caltrans 2013).

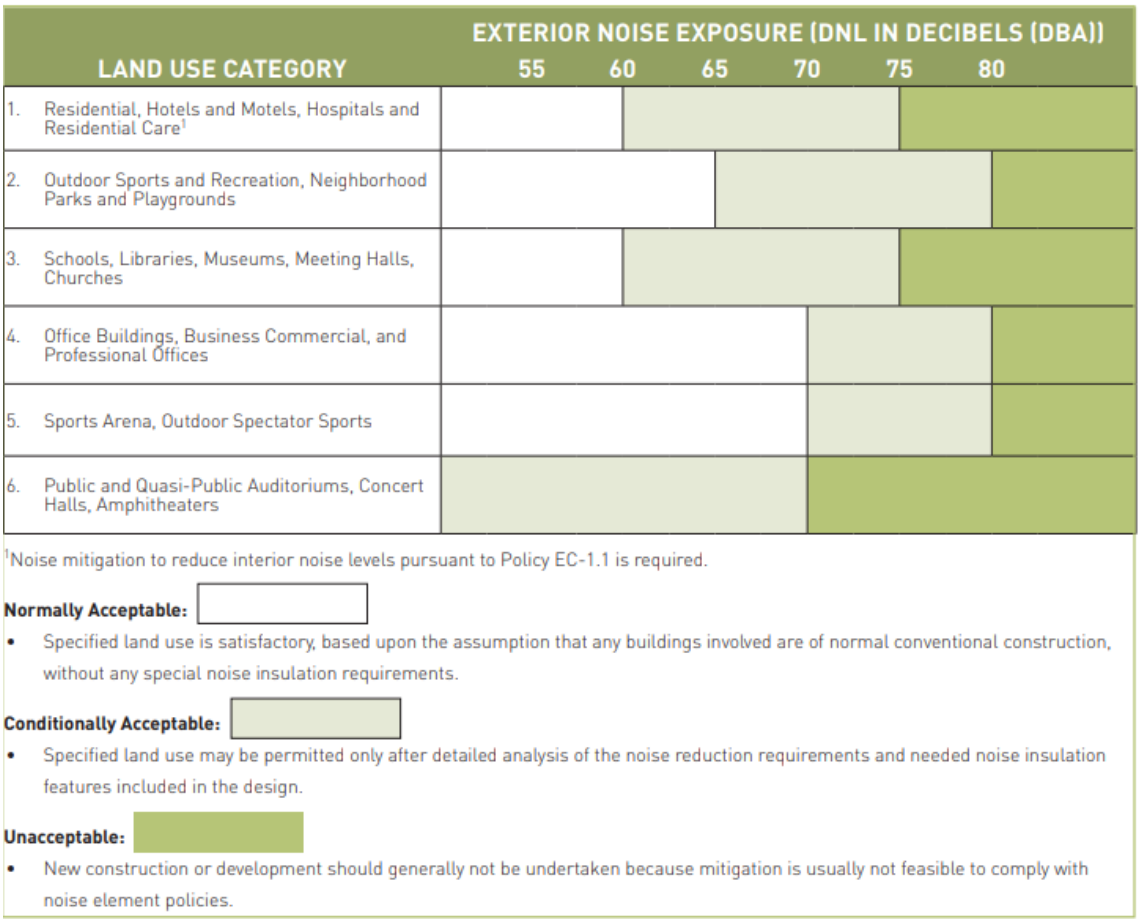
4.5.2.2 City of San José – General Plan Policies

The General Plan establishes policies and standards to mitigate or avoid noise impacts resulting from planned development projects within the City. The following policies establish the quantitative thresholds for noise and vibration impacts for new developments in the City and are applicable to the proposed project. Figure 4-1 shows noise and land use compatibility guidelines for new developments set forth in General Plan Policy EC-1.1. Based on Figure 4-1, an exterior noise exposure limit of 70 dBA (peak) is considered normally acceptable for commercial land uses without any special noise insulation requirements and conditionally acceptable for residential land uses. General Plan noise and vibration policies applicable to the proposed project include (SJGP 2020):

- 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.
- EC-1.2 Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
- 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 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 building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Figure 4-1: General Plan Land Use Compatibility Noise Guidelines



The effects of operational noise are discussed briefly in General Plan Policy EC-1.6, which prescribes regulation of commercial and industrial operational noise levels through application of the City's Municipal Code. The Municipal Code standards are discussed in the following section.

General Plan Policy EC-1.7 requires 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 (7:00 a.m. to 7:00 p.m., Monday through Friday).

4.5.2.3 City of San José Municipal Code

The City's Municipal Code addresses and provides a means for protection of the citizens of San José through both qualitative and quantitative provisions and prohibitions. The Municipal Code serves as an implementation method for the General Plan and enforcement element for establishing the desired character of the City.

The City provides further guidance and regulation on allowable noise levels within Title 20 of the Code of Ordinances, which are specific to land use. The performance standards vary from a maximum (peak) noise level of 55 dBA (e.g., residential) to 70 dBA (e.g., industrial or open space next to industrial uses), unless a conditional use permit is granted.

The project site is within the CN Zoning District. The parcels abutting the project site are designated as commercial, commercial neighborhood, or commercial pedestrian, while other parcels across the street in the immediate vicinity are zoned as Commercial and Residential (R-1-6L). The San José Municipal Code (SJMC 2020) establishes in Section 20.40.600 that for Commercial Zoning Districts or Public/Quasi-Public Districts (PQP), "the sound pressure level generated by any use or combination of uses on a property shall not exceed the decibel levels indicated in Table 20-105 at any property line, except upon issuance and in compliance with a conditional use permit as provided in Chapter 20.100."

Table B11-215 establishes a maximum average noise level not to be exceeded for more than 30 minutes in any hour:

- 60 dBA for commercial land use from 10:00 p.m. to 7:00 a.m., and
- 65 dBA for the time frame of 7:00 a.m. to 10:00 p.m.

This is slightly lower than the peak criteria contained in the General Plan.

4.5.3 Environmental Checklist and Impact Discussion

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

The CEQA Guidelines state that a project will normally be considered to have a significant impact if noise levels conflict with adopted environmental standards or plans or if noise levels generated by the project will substantially increase existing noise levels at

noise-sensitive receivers on a permanent or temporary basis. CEQA does not define what noise level increase would be substantial. Consistent with Appendix G, the following applicable criteria was used to evaluate the significance of environmental noise resulting from the project:

- A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan; and
- A significant impact would be identified if the project would substantially increase noise levels at sensitive receptors in the vicinity. A substantial increase would occur if a) the noise level increase is 5 dBA DNL or greater where the noise levels would remain "Normally Acceptable" or b) the noise level increase is 3 dBA DNL or greater where noise levels would equal or exceed the "Normally Acceptable" level as indicated in Table EC-1 of the General Plan.

4.5.3.1 Results of Screening Noise Analysis

The proposed project is a development of a new showroom building with surface parking. Most noise would occur during the demolition, grading, site preparation, and building construction when heavy equipment would be operating.

During each of the six construction phases there would be a different mix of equipment operating, and cumulative noise levels would vary based on the amount of equipment in operation and the location of each activity at the project site. In general, use of off-road equipment and portable equipment would generate noise due to engine mechanicals, engine exhaust, driveline mechanicals, shaft-driven devices and accessories, hydraulics operation, ground friction and displacement, and gravity drops (dumping, unloading).

Since no intense percussive actions (e.g., hard rock-breaking, large pile-driving) are planned to occur during the site work, no strong ground-borne vibrations are expected to be generated that could affect nearby structures or be noticeable to their occupants.

Types of equipment (FHWA 2006) to be used during the project and noise-emitting characteristics (i.e., usage factors, reference dBA, and percussive source) are shown in

Table 4-10 consistent with CalEEMod outputs (Appendix B).

The project is expected to require up to approximately 8 months of planned work activities (i.e., from mobilization to substantial completion) comprising six construction phases:

1. Demolition;
2. Site Preparation;
3. Grading;
4. Building construction;
5. Paving; and
6. Architectural coating.

Deviations from this schedule would not affect the noise analysis because noise does not persist or accumulate in the environment. Table 4-10 presents the list of modeled equipment per construction phase determined by CalEEMod with the corresponding FHWA Noise Reference Levels and FHWA default usage factors (noise generating

activity levels). None of the equipment that would be used for construction is a percussive source of strong vibrations (FHWA 2006).

Table 4-10: FHWA Noise Reference Levels and Usage Factors for Construction

CalEEMod Construction Detail			FHWA Equipment Type	Ref.	Usage Factor	Ref. Level	Percussive Source
Phase Name	Equipment Description	Qty.			%	dBA	Yes/No
Demolition (1)	Concrete/Industrial Saws	1	Concrete Saw	1	20%	90	No
	Rubber Tired Dozers	1	Tractor (rubber tire)	1	40%	84	No
	Tractors/Loaders/ Backhoes	2	Backhoe (with loader)	1	40%	80	No
Site Preparation (2)	Graders	1	Grader	1	40%	85	No
	Tractors/Loaders/ Backhoes	1	Backhoe (with loader)	1	40%	80	No
Grading (3)	Rubber Tired Dozers	1	Tractor (rubber tire)	1	40%	84	No
	Tractors/Loaders/ Backhoes	2	Backhoe (with loader)	1	40%	80	No
	Concrete/Industrial Saws	1	Concrete saw	1	20%	90	No
Building Construction (4)	Cranes	1	Crane	1	16%	85	No
	Forklifts	2	Forklift	1	40%	80	No
	Tractors/Loaders/ Backhoes	2	Backhoe (with loader)	1	40%	80	No
Paving (5)	Cement and Mortar Mixers	4	All Other Equipment >5 HP	1	50%	85	No
	Pavers	1	Paver (asphalt)	1	50%	85	No
	Rollers	1	Roller	1	20%	85	No
	Tractors/Loaders/ Backhoes	1	Backhoe (with loader)	1	40%	80	No
Architectural Coating (6)	Air Compressors	1	Compressor (air)	1	40%	80	No

Source: CalEEMod version 2016.3.2, FHWA 2006.

Table 4-11 shows the results comparison of screening-level estimated cumulative daytime exterior noise impacts for peak construction activities at the property line of the nearest sensitive receptors, i.e., houses across Stevens Creek Boulevard, and the CEQA thresholds outlined in General Plan Policy EC-1.1, using FHWA attenuation algorithms. If the threshold is not exceeded, then this project should be considered acceptable.

Table 4-11: Estimated Peak Activity Daytime Noise Impacts – Residential Receptors

Construction Phases	Normal Acceptance Criteria – General Plan Policy EC-1.1			
	Modeled Noise Level (L_{eq} dBA)[1]	CalEEMod Duration (days)	Significance Threshold (CNEL dBA)	Exceeds Threshold? (Yes/No)
Background	62	–	–	No
Demolition	65	10	70	No
Site Preparation	64	3	70	No
Grading	65	5	70	No
Building Construction	64	121	70	No
Paving	66	7	70	No
Architectural Coating	63	7	70	No
Long-Term Impact	62	–	–	No

Sources: CalEEMod version 2013.2.2, FHWA 2006, Broch 1971, Plog 1988, SJGP 2020 (EC-1.1).

Notes:

[1] Includes existing street traffic and ambient noise sources (cumulative impacts) at the property line.

4.5.3.2 Noise Impacts Discussion

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

Less Than Significant Impact: The project site is located southwest of the noise-sensitive receptors at residences across Stevens Creek Boulevard. Existing traffic noise levels from Stevens Creek Boulevard dominate the noise environment in the immediate vicinity of the project site. Existing traffic volumes along these roadways would have to double as a result of the project for noise levels to substantially increase (i.e., by a minimum of 3 dBA DNL). Noise from the proposed project would be substantially the same as existing noise levels at the project site. The relatively low volume of additional traffic along roadways serving the site would not measurably increase the ambient noise environment. It is estimated that the full project would not result in a major net increase of new trips during the morning and evening peak traffic hours.

The City's Municipal Code (Chapter 20.100.450) 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. This analysis assumes that construction activities will occur between 7:00 a.m. and 7:00 p.m. Monday through Friday and not on weekends.

Additionally, in accordance with General Plan Policy EC-1.7, the City considers significant construction noise impacts to have occurred if a project located within 200 feet of residential uses would involve substantial noise-generating activities (such as building demolition, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. Construction of the proposed project is estimated at 8 months.

Construction activities generate considerable amounts of noise, especially when heavy equipment is used. As shown in Table 4-10, unattenuated hourly average noise levels generated by construction equipment associated with the project range from 80 to 90 dBA L_{eq} measured at a reference distance of 50 feet (FHWA 2006). When attenuated by distance and obstructions, estimated cumulative noise impacts from project construction, including urban background and street traffic, at the property line of the nearest sensitive receptor (across Stevens Creek Boulevard) are shown in Table 4-11.

Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.

Project construction would be complete in approximately 8 months (less than 1 year), and the nearest residential use is located at a distance greater than 200 feet. Thus, this project would not be considered to have significant noise impacts in accordance with General Plan Policy EC-1.7. With the implementation of the BMPs outlined in Section 4.5.4, the project would not result in construction noise in excess of the City's standards and General Plan policies.

Compliance with the Municipal Code and General Plan requirements would minimize impacts to neighboring properties from temporary increases in ambient noise levels resulting from proposed construction and project operational activities. With implementation of BMPs, the proposed project would not result in a significant short-term noise impact. Thus, the project will create *Less Than Significant Impact.*

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

Less Than Significant Impact: General Plan Policy EC-2.3 requires a vibration limit of 0.20 inches per second PPV to minimize the potential for cosmetic damage at buildings of normal conventional construction.

As shown in Table 4-10, none of the equipment that would be used for construction is a percussive source of strong vibrations (FHWA 2006).

The residential land uses adjacent to the project site include residences approximately 440 feet (135 meters) north and approximately 500 feet (150 meters) southwest of the project boundary. The nearest commercial building is adjacent to the project boundary, about 50 feet (15 meters) east. At these distances, and because the construction equipment used would not produce strong vibrations (FHWA 2006), vibration levels at the three nearest residences or the commercial building would be substantially less than 0.20 inches per second PPV. This impact would be less than significant for construction vibration[6].

[6] If used, a vibratory roller at 25 feet generates approximately 0.21 inches per second PPV (FTA 2006). At 50 feet (double the distance), this would attenuate to approximately 0.05 inches per second PPV (inverse square law). At the nearest residence (440 feet), attenuated vibration would be negligible, 0.0007 inches per second PPV.

Most of the operations on-site would involve vehicle trips in and out of the site. Vehicle trips are not expected to generate substantial vibration impacts. In addition, residential uses are located across the adjacent roadways, which would divide the receptors from trips in and out of the project site by ongoing traffic on the roadways.

These activities are not expected to generate excessive groundborne noise levels and other potential noise generation was demonstrated above to comply with Municipal Code and General Plan requirements. Thus, the project would have *Less Than Significant Impact.*

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

The project site is not located within the 65 dBA CNEL noise contour for aircraft activities near the Mineta San José International Airport established in the City's Mineta San Jose International Airport Master Plan EIR (certified April 2020). The project site is not within 2 miles of a public airport or private airstrip. For these reasons, the project would not expose sensitive receptors to excessive aircraft noise levels. Thus, there is *No Impact.*

4.5.4 Standard Permit Conditions

The project site is in a commercial zone with residential land uses within approximately 440 feet (135 meters) to the north, across Stevens Creek Boulevard. Consistent with General Plan Policy EC-1.7 and the Municipal Code, the project proposes to implement the following BMPs to lessen construction-related noise impacts:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- 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.

4.6 Transportation

4.6.1 Environmental Setting

Regional access to the project site is provided by California State Route (SR) 280 that runs in the east-west direction approximately 0.25 mile south of the site. Local access to the project site is provided by surface streets including Stevens Creek Boulevard, Kiely Boulevard, and Saratoga Avenue.

Pedestrian facilities in the project area include continuous sidewalk along Stevens Creek Boulevard and Kiely Boulevard, pedestrian signals and crosswalks at the intersection of Stevens Creek Boulevard and Kiely Boulevard, and adequate street lighting. The nearest bicycle lanes are located along Stevens Creek Boulevard. There is a bus stop located in front of the project site and additional bus stops located along Kiely Boulevard. These stops are all accessible by existing sidewalks.

The project site currently is accessed by two driveways on Stevens Creek Boulevard. The project will not affect these driveways or the associated sidewalks.

In addition, Stevens Creek Chrysler Jeep Dodge Ram does not anticipate contributing to the existing traffic. Stevens Creek Chrysler Jeep Dodge Ram does not anticipate any increase in employees at the site.

4.6.2 Regulatory Setting

The City's Transportation Impact Policy, Council Policy 5-3 has been replaced with a new Transportation Analysis Policy, Council Policy 5-1. The new transportation policy establishes contemporary thresholds for transportation impacts under CEQA by removing Level of Service (LOS) criteria and replacement with Vehicle Miles Traveled (VMT) criteria. Under Policy 5-1, Transportation Analysis (TA) reports are prepared to determine

whether new development projects comply with applicable transportation policies and regulations. As part of the environmental review process, a TA must be prepared in order to comply with the City's transportation policy, any area development policy, and the Congestion Management Program. A Transportation Analysis identifies the impact of a proposed project on the surrounding transportation network, as well as the specific development impacts and any mitigation measures.

4.6.3 Environmental Checklist and Impacts Discussion

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

Consistent with Policy 5-1, an In-House Analysis was conducted by City staff and determined that the proposed project would not have a significant transportation impact. This is because Stevens Creek Boulevard is an existing busy street and the proposed project, i.e., a new building that physically and functionally replaces an old building, is not expected to generate substantial new traffic in and out of the dealership; thus, the project would not have a significant impact on transportation and traffic in the vicinity.

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

The proposed project would be in conformance with the General Plan's Urban Village Plan by providing sidewalks along Stevens Creek Boulevard that are 20 feet in width. The proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Thus, the project has *No Impact.*

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

The proposed project is consistent with the General Plan land use designation for the project site and is not anticipated to cause an increase of peak hour trips to the site because there is no plan to increase the number of on-site staff in the foreseeable future. It is also consistent with the City's Transportation Analysis Policy (Policy 5-1). Thus, due to the low number of net new project-generated trips, the project would not result in a significant change to traffic volumes in the area and would not adversely affect the transportation system. Thus, this project causes *No Impact.*

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

d) Result in inadequate emergency access?

The proposed project would continue to be consistent with City policies regarding project design features and emergency access. No hazards or design features would hinder emergency vehicles access to the project site. The project would not substantially increase hazards due to a project design features or result in inadequate emergency access. Thus, the project would have *No Impact.*

5.0 OTHER ENVIRONMENTAL IMPACTS REVIEW

Other resource areas/topics are discussed below. These resource topics include aesthetics, agriculture and forestry resources, cultural resources, energy, geology and soils, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, tribal cultural resources, utilities and service systems, and wildfires. Since the proposed project is primarily to replace an existing automobile sales showroom with a new automobile sales showroom, there are not expected to be any impacts related to these topics.

5.1 Aesthetics

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

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

A vista is the visual perception of a region, often from an elevated position. Scenic resources in the City of San José include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the Valley floor, the bay lands, and the urban skyline.

The proposed project site is an existing retail automobile sales and service operation located on a major street in the City of San José, that portion of which is characterized as an "automobile row" hosting several new car dealerships, as can be seen in Figure 2-1.

The proposed project site consists of an automobile sales showroom and other ancillary facilities. The closest scenic corridor, designated in the General Plan, is a rural scenic corridor located along Hicks Road, starting at Camden Avenue (approximately 6 miles south of the project site). The nearest State-designated scenic highway is at SR 9, approximately 7 miles south of the project site.

The proposed project is located in a developed urban area and bounded by existing development on all sides, including several other new car dealerships (i.e., "automobile row"), and is not located in an area considered to be a scenic vista.

The proposed project is a replacement of an existing, dated automobile showroom building with a new contemporary showroom building, which is expected to appear compatible with other new car showroom buildings in the immediate vicinity. Thus, the project is not expected to affect the existing scenic resources.

The proposed project is in an urban area and would not conflict with the existing zoning or regulations regarding scenic quality.

The post-project outdoor area lighting at the facility would remain essentially the same as pre-project (i.e., an automobile sales lot), and no new substantial sources of light or glare would result from the proposed project.

No Impact: a), b), c), and d).

5.2 Agriculture and Forestry Resources

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. Agriculture and Forestry Resources. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☑
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☑
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☑

The project site has a land use designation of NCC and is located in the CN zoning district.

The project site is not zoned or used for agricultural purposes, nor is it the subject of a Williamson Act contract. The site is located within an urban area of San José, and there is no property used for agricultural purposes adjacent to the project site. The project site does not contain any forest land. No forest or timberland is located in the vicinity of the project site. Therefore, the project will not result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

No Impact: a), b), c), d), and e).

5.3 Cultural Resources

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

The project site was first developed as a new car dealership in 1973 with the current showroom building. The site has remained a dealership since then. Prior to that, the project site was an urbanized area with no known historic properties. Prior to urbanization, the project site had agricultural land use. Given the site's past history, subsurface artifacts of prehistoric, historic or cultural significance are not expected. In the event any such artifacts are encountered during construction, as well as the discovery of any human remains, the following standard permit conditions shall apply.

5.3.1 City Standard Permit Conditions

- Subsurface Cultural Resources: If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of

PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

- Human Remains: If any human remains are found during any field investigations, grading, or other construction activities, all provisions of California Health and Safety Code Sections 7054 and 7050.5 and Public Resources Code Sections 5097.9 through 5097.99, as amended per Assembly Bill 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site;
  - The MLD identified fails to make a recommendation; or
  - The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

5.4 Energy

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

The proposed project would be required to comply with all building codes in effect at the time of construction (2021), which include energy conservation measures mandated by Title 24 of the California Building Standards Code – Energy Efficiency Standards (CEC 2019). Since the Title 24 standards require energy conservation features in new construction [e.g., high efficiency lighting; high-efficiency heating, ventilation, and air conditioning (HVAC) systems; thermal insulation; double-glazed windows; water conserving plumbing fixtures; etc.], they directly reduce energy consumption compared to buildings constructed in the 1970s.

The existing showroom building was constructed in 1973 and will be entirely demolished. It will no longer cause wasteful, inefficient, or unnecessary consumption of energy resources often associated with older buildings that lack newer efficiency features such as double-pane glass, thicker wall insulation, and LED lighting. By code, the new building will use less energy per square foot than the old building it is designed to replace. Because the new building will comply with Title 24, the project would not conflict with or obstruct state or local plans for renewable energy or energy efficiency, the projected impact would be *Less Than Significant*, and mitigation measures would not be required.

5.5 Geology and Soils

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

The proposed project site is located within the seismically active San Francisco Bay Region. The project site is about 9 miles northeast of the San Andreas Fault and about 6 miles southwest of the Hayward Fault (also the Calaveras Fault). However, the project site is not located in a defined Alquist-Prolo Earthquake zone, there are no known active faults located beneath the site, and the site is not located within a fault rupture hazard zone.

Due to the presence of active faults in the region, it is anticipated that the project site would experience some level of ground shaking in the event of an earthquake on either the San Andreas or the Hayward/Calaveras faults, which could occur anytime in the future. Ground shaking on the site could damage buildings and other structures and expose people to injury. As disclosed in the General Plan EIR, differential settlement during seismic shaking can be a hazard to buildings, roadways, and hardscape improvements. Incorporation of the building permit conditions, as described below under BMPs, would reduce potential impacts resulting from ground shaking to a *Less Than Significant* level with application of seismic BMPs.

The project site is flat and would not expose adjacent or nearby properties to landslide hazards. Implementation of the project would require minimal ground disturbance during demolition and removal of the existing building and service canopy. The risk of landslide impacts is *Less Than Significant.*

The City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the building permit process. The General Plan EIR concluded that with the regulatory programs currently in place, the probable impacts of accelerated erosion during construction would be minimal for the flat project site. The City would require the project to comply with all applicable City regulatory programs pertaining to construction-related erosion. Since the proposed project would comply with the applicable City regulatory programs related to erosion, implementation of the proposed project would have a *Less Than Significant* erosion impact.

5.5.1 Best Management Practices

Prior to the issuance of any site-specific building permits, a design-level geotechnical investigation shall be prepared and submitted to the City of San José Public Works Department for review and confirmation that the proposed development fully complies with the California Building Code and the requirements of applicable City Ordinance No. 25015 and Building Division Policy No. SJMC 24.02.310-4-94. The report shall determine the project site's surface geotechnical conditions and address potential seismic hazards, such as seismicity, expansive soils, and liquefaction. The report shall identify building techniques appropriate to minimize seismic damage. In addition, the analysis presented in the geotechnical report shall conform to the California Division of Mines and Geology recommendations presented in the "Guidelines for Evaluating Seismic Hazards in California."

5.5.2 City Standard Permit Conditions

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be

reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.
- Paleontological Resources: If vertebrate fossils are discovered during construction, all work on the site shall stop immediately, Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement (PBCE) shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning or Director's designee of the PBCE.

5.6 Hydrology and Water Quality

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. Hydrology and Water Quality. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☑	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☑
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	☑
i) result in a substantial erosion or siltation on- or off-site;	☐	☐	☐	☑
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	☑
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☑
iv) impede or redirect flood flows?	☐	☐	☐	☑
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☑
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	☑

5.6.1 Municipal Regional Storm Water Permit

In 2009 the San Francisco Bay Regional Water Quality Control Board (Water Board) implemented the Municipal Regional Stormwater NPDES Permit (MRP) for the San Francisco Bay Region. The MRP (updated in 2015) replaced the formerly separate countywide municipal stormwater permits with a Stormwater Permit for all 76 Bay Area municipalities in an effort to standardize stormwater requirements throughout the region. The City is required to submit to the Water Board an Annual Report that documents compliance with the MRP. The Annual Report is prepared pursuant to the City's National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharge through the City's storm sewer system to waters of the United States. (RWQCB 2015, SJSM 2010)

Under the MRP, the Industrial and Commercial Inspection program protects the storm sewer system from polluted discharges originating from commercial and industrial facilities. Inspections are prioritized based on a facility's potential to discharge polluted runoff and follows the protocols of the City's revised Watershed Enforcement Response Plan. When issues are identified at a facility, the City uses both enforcement and education to achieve timely compliance and to protect stormwater quality. The City also inspects activities at construction sites to prevent sediment and other pollutants from entering the storm sewer system, pursuant to MRP requirements. Inspectors from Environmental Services, Public Works, and the Building Division coordinate inspections, enforcement, and outreach to builders on BMPs, City policies addressing erosion and sediment control, and Stormwater Permit and State Construction General Permit requirements. (SJSM 2010)

5.6.2 Project Site Compliance

This project proposes to add and/or replace more than 10,000 square feet of impervious surface or 5,000 square feet of specified Special Land Use Categories and must comply with the industrial and commercial provisions of the MRP. Currently, the majority of the flat project site is comprised of impervious surfaces (asphalt paving) for vehicle parking. The proposed project would increase the number of landscaped planter boxes on-site, reducing the amount of impervious surfaces. The project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 for land uses of concern (which include car washes and gas stations). This policy requires the proposed project to include specific source control measures, as stated therein. These measures include the following:

- Industrial uses involving the storage and handling of materials that have the potential to generate polluted storm water runoff shall be conducted indoors or under a permanent cover to prevent contact with rainfall;
- Trash and recycling storage areas shall be enclosed and graded in accordance with City Trash Enclosure Guidelines; when appropriate, trash enclosures will be plumbed to a permitted sanitary sewer connection; and
- Vehicle or equipment fueling areas and loading docks must be covered and paved and the surrounding portions of the site graded to prevent storm water runoff from contacting and conveying gasoline and other vehicle-related pollutants into the storm drain system.

No additional mitigation is required because the design of the proposed project already follows these guidelines and the project will implement Low Impact Development (LID) storm water treatment control measures to treat post-construction storm water runoff. The General Plan EIR

concluded that with the regulatory programs currently in place, storm water runoff from new development would have a *Less Than Significant Impact* on storm water quality. With implementation of a Storm Water Control Plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to storm water runoff, operation of the proposed project would have a *Less Than Significant Impact* on water quality.

Implementation of the proposed project would involve demolition activities at the project site. Construction would temporarily increase the amount of debris on-site that could be carried by runoff into the storm drainage system, which flows into the San Francisco Bay. The following BMPs (based on San Francisco Bay RWCQB recommendations) have been included as environmental conditions to reduce potential construction-related water quality impacts. Thus, the project has *Less Than Significant* impact.

5.6.3 Standard Permit Conditions

Implementation of the following BMPs would reduce the construction impacts on water quality, as applicable:

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains;
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds;
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary;
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered;
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least 2 feet of freeboard;
- All paved access roads, parking areas, staging areas, and residential streets adjacent to the construction sites shall be swept daily (with water sweepers);
- Vegetation in disturbed areas shall be replanted as quickly as possible;
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City; and
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

5.6.4 Additional BMPs

- A Storm Water Permit will be administered by the SWRCB; prior to construction grading for the proposed land uses, the project proponent will file a Notice of Intent to comply with the General Permit and prepare a Storm Water Pollution Prevention Plan (SWPPP) that addresses measures that would be included in the project to

minimize and control construction and post-construction runoff; measures will include, but are not limited to, the aforementioned RWQCB BMPs;

- The SWPPP shall be posted at the project site and updated to reflect current site conditions; and
- When construction is complete, a Notice of Termination for the General Permit for Construction shall be filed with the SWRCB. The Notice of Termination shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction storm water management plan is in place as described in the SWPPP for the site.

5.7 Land Use and Planning

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

5.8 Mineral Resources

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. Mineral Resources. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	☐	☐	☐	☑
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☑

5.9 Population and Housing

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

5.10 Public Services

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. Public Services. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:	☐	☐	☐	☑
Fire protection?	☐	☐	☐	☑
Police protection?	☐	☐	☐	☑
Schools?	☐	☐	☐	☑
Parks?	☐	☐	☐	☑
Other public facilities?	☐	☐	☐	☑

5.11 Recreation

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. Recreation.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☑
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☑

5.12 Tribal Cultural Resources

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

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☑

5.13 Utilities and Service Systems

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. Utilities and Service Systems. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☑
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☑
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☑

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☑
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☑

5.14 Wildfire

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. Wildfire. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☑
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☑
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☑

6.0 MANDATORY FINDINGS OF SIGNIFICANCE

Significance Criteria	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XXI. Mandatory Findings of Significance.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☑	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☑	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☑	☐

6.1 Impact Discussion

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The proposed project was evaluated and is not expected to substantially degrade the quality of the environment, have significant impacts on biological resources, or affect important cultural resources. Further, this Focused IS found that the project would not have significant impacts on air quality due to combustion emissions, odors, or generation of fugitive dust. In particular, the existing paving surrounding the on-site construction area

will substantially reduce fugitive dust generation. The proposed project is expected to have a *Less Than Significant* impact.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

CEQA Guidelines Section 15065(a) states that a Lead Agency shall consider whether the cumulative impact of a project is significant and whether the effects of the project are cumulatively considerable. The assessment of the significance of the cumulative effects of a project must, therefore, be conducted in connection with the effects of past projects, other current projects, and probable future projects. Due to the nature of the project and consistency with environmental policies, incremental contributions to impacts are considered less than cumulatively considerable. The proposed project would not contribute substantially to adverse cumulative conditions or create any substantial indirect impacts (i.e., increase in population could lead to an increase need for housing, increase in traffic, air pollutants, etc.).

As described in the impact analyses in Sections 4 and 5 above, there would be either no impacts or less than significant impacts across all topical areas with applicable BMPs implemented, except for Biological Resources. The mitigation measure presented in Section 4.2, MM BIO-1, would be needed for a less than significant impact.

All other pending, approved, and completed projects in the vicinity of the proposed project would be subject to review in separate environmental documents and required to conform to the Envision San José 2040 General Plan and the City of San José Municipal Code, mitigate for project-specific impacts, and provide appropriate engineering to ensure the development meets all applicable federal, State, and local regulations and codes. As currently designed, and by complying with applicable codes and regulations, the proposed project would not contribute to a cumulative impact. Thus, the cumulative impacts of pending, approved, and completed projects would be less than cumulatively considerable and have a *Less Than Significant* impact.

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

The ways in which people can be subject to adverse effects from the proposed project include possible exposure to engine exhaust emissions and fugitive dust, possible exposure to hazardous materials, and possible exposure to noise and traffic hazards. The analyses of environmental issues contained in this Focused IS indicate that the project is not expected to have probable or substantial impacts on human beings, either directly or indirectly. A *Less Than Significant* impact is predicted for this checklist item.

6.2 Mitigation Measures

As determined in the Sections I through XX impact analyses, with implementation of applicable BMPs, and for Biological Resources, implementation of mitigation measure MM BIO-1, no other mitigation measures would be needed for the proposed project.

7.0 REFERENCES

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APPENDIX A – PROJECT SITE PLAN

APPENDIX B – CALEEMOD OUTPUTS AND SUMMARY

APPENDIX C – NOISE IMPACT CALCULATIONS

APPENDIX D – GEO-LOGIC ASSOCIATES REPORT, DECEMBER 18, 2020

APPENDIX E – GHG REDUCTION STRATEGY COMPLIANCE CHECKLIST