PUBLIC REVIEW DRAFT

Initial Study/Mitigated Negative Declaration

Granite Expo San José LP
Retail Showroom and Warehouse

File Number CP20-016

August 2021

Prepared For:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

City of San José
200 East Santa Clara Street
San José, California 95113

Prepared By:

TRC

2300 Clayton Road, Suite 610
Concord, CA 94520

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: Granite Expo San José LP, Retail Showroom and Warehouse Project

PROJECT FILE NUMBER: CP20-016

PROJECT DESCRIPTION: Conditional Use Permit to allow a wholesale retail use and to allow the addition of approximately 14,000 square feet of wholesale retail space, and approximately 6,000 square feet of additional warehouse space to an existing 71,608-square foot warehouse building totaling approximately 91,658 square feet of building space and associated site improvements on an approximately 4.12-acre site.

PROJECT LOCATION: 1728 and 1750 Rogers Avenue in an industrial area of the City of San José, northwest of Rogers Avenue, approximately 970 feet southeasterly of East Brokaw Road.

ASSESSORS PARCEL NO.: 237-09-129 and 237-09-130 **COUNCIL DISTRICT:** 3

APPLICANT CONTACT INFORMATION: Jacky Li, GE San José LP, 1750 Rogers Avenue, San José, CA 95112, (510) 507-0999

FINDING

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

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

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

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

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

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Development of the proposed project could result in impacts to nesting birds, if present on the site at the time of construction.

MM-BIO-1: Avoid impacts on nesting birds

Nesting birds and their nests shall be protected during construction by implementation of the following measure.

The project applicant shall not schedule demolition and construction activities, including vegetation removal, shall not occur during the general avian 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). If demolition and construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project construction. 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 late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.

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

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

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

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

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Project construction could expose construction workers and/or nearby residents to contaminated soil from prior industrial and agricultural uses.

MM HAZ-1: Soil Sampling and Risk Management Plan (RMP) Implementation

Prior to the issuance of grading permits, soil samples shall be taken in the near surface soil in the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous regional agricultural operations occur at concentrations above established construction worker safety and commercial/industrial standard environmental screening levels. The results of the soil sampling and testing will be provided to

the Director of Planning, Building and Code Enforcement or Director's designee and the Municipal Environmental Compliance Officer.
If the concentrations of pesticide and pesticide-based metals arsenic and lead are found above regulatory environmental screening levels, the results should be provided to the San Francisco Regional Water Quality Control Board (Water Board) for potential additional inclusion in the Risk Management Plan. A Risk Management Plan (RMP) has been developed and approved by the Water Board to address contamination from previous industrial uses found on the property. The RMP requirements include soil management procedures and construction worker safety requirements such as:

1. Minimize contact with impacted soil and, when appropriate, wear chemical-resistant gloves and other protective clothing.
2. Thoroughly wash/decontaminate hands and other body parts, as necessary, upon leaving the Construction Management Area (CMA) and before eating, drinking, or other activities.
3. Decontaminate equipment and tools used to remove impacted soil and groundwater.
4. Remain upwind of the CMA to the maximum extent practicable to minimize exposure to soil vapors (and activities that release vapors should be minimized) and/or dust.
5. Conduct personal and perimeter air monitoring, as needed, to characterize airborne contaminant levels.
6. Implement dust control mitigation measures during construction activities at the site to minimize the generation of dust. For example, mitigation measures may include wetting of the disturbed soil.

Additionally, prior to the issuance of any grading permits, the applicant shall contact the Water Board to inform them of the proposed development activities. The applicant shall work with the Water Board to ensure compliance with the RMP and to ensure the redevelopment of the property is safe for construction workers and future site occupants and visitors. Evidence of Water Board's notification in the form of a letter or email and subsequent documents developed with the Water Board in relation to the proposed development shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

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

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

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

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

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

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

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

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

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

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

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

U. **MANDATORY FINDINGS OF SIGNIFICANCE**

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on air quality, biological resources, noise, and transportation. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Thursday August 26, 2021** any person may:

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

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

Christopher Burton, Director
Planning, Building and Code Enforcement

8/5/2021

Date

Deputy

Maira Blanco
Environmental Project Manager

Circulation period: August 6, 2021 to August 26, 2021

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List of Acronyms and Abbreviations

Acronym	Name
ABAG	Association of Bay Area Governments
APN	Assessor's Parcel Number
ARB	Air Resources Board
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation
CCR	California Code of Regulations
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CHRIS	California Historical Resources Information System
CMP	Congestion management plan
Cy	Cubic yards
DNL	Day-Night Average Sound Level
DTSC	Department of Toxic Substances and Control
DOC	Department of Conservation
EIA	Energy Information Administration
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
ER	Environmental Resources
EV	Electric Vehicle
FAR	Floor Area Ratio
FMMP	Farmland Mapping and Monitoring Program
GE	Granite Expo
GHG	Greenhouse Gas
GHGRS	Greenhouse Gas Reduction Strategy
GIS	Geographic Information System
GWh	Gigawatt-Hours
HI	Heavy Industrial
HMCs	hydromodification controls
in/sec	inches per second
LID	Low impact development
LTA	Local Transportation Analysis
LU	Land Use/Transportation
MBTA	Migratory Bird Treaty Act
Mgd	Million gallons per day
MLD	Most Likely Descendant
MND	Initial Study/Mitigated Negative Declaration

Acronym	Name
MO	Model Ordinance
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NOD	Notice of Determination
NOx	Oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
OSHA	Occupational Health and Safety Administration
PCB	polychlorinated biphenyls
PD	Planned Development
PG&E	Pacific Gas & Electric
PM	Particulate Matter
PPV	Peak particle velocity
PRC	Public Resources Code
RMP	Risk Management Plan
ROG	reactive organic gases
RPS	Renewable Portfolio Standard
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SCVWD	Santa Clara Valley Water District
SFBAAB	San Francisco Bay Area Air Basin
SJMWS	San José Municipal Water System
SJWC	San José Water Company
SJPD	San José Fire Department
SMARA	Surface Mining and Reclamation Act of 1975
SMP	Soils Management Plan
sq. ft.	Square Feet
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminates
TDM	transportation demand management
Triad	Triad Tool and Engineering, Inc., and their associated affiliate Phoenix Technical Products
UST	Underground Storage Tank
UWMP	Urban Water Management Plan
Velcon	Velcon Filters, Inc.
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VTA	Valley Transportation Authority

1.0 INTRODUCTION AND PURPOSE

1.1 Purpose of the Initial Study

The City of San José , as the Lead Agency, has prepared this Initial Study for the Granite Expo (GE) San José LP Retail Showroom and Warehouse Project (Project) in compliance with the California Environmental Quality Act (CEQA, Public Resources Code §21000 *et seq.*), the CEQA Guidelines (California Code of Regulations [CCR] §15000 *et seq.*) and the regulations and policies of the City of San José. This Initial Study is a factual document, prepared in conformance with CEQA, and written for the purpose of providing the lead agency with information to use as the basis for determining whether the Project has the potential for one or more significant impacts. Furthermore, in accordance with CEQA Guidelines, this Initial Study may also be used by the Applicant to identify Project features that could be modified to avoid or minimize potential significant impacts.

1.2 Public Review Period

Publication of this Initial Study/Mitigated Negative Declaration (IS/MND) marks the beginning of a 20-day public review and comment period. During this period, the IS/MND 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/MND during the 20-day public review period should be sent to:

Maira Blanco, Environmental Project Manager
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, California 95113

Phone: (408) 535-7837
Email: maira.blanco@sanjoseca.gov

1.3 Consideration of the Initial Study and Project

Following the conclusion of the public review period, the City of San José will consider adoption of the Initial Study/Mitigated Negative Declaration (MND) for the proposed Project at a regularly scheduled meeting of the City's Planning Commission. The Planning Commission shall consider the Initial Study/MND together with any comments received during the public review period. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review perios. All written comments will be included as part of the Final MND.

1.4 Notice of Determination

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

2.0 Project Information

2.1 Project Title

Granite Expo (GE) San José LP Retail Showroom and Warehouse Project

2.2 Lead Agency Contact

Maira Blanco, Environmental Project Manager
200 East Santa Clara Street, Third Floor
San José, California 95113

Phone: (408) 535-7837
Email: Maira.Blanco@sanjoseca.gov

2.3 Applicant

GE San José LP
Edwin Li
1750 Rogers Avenue
San José, CA 95112
Phone: (510) 652-0252

2.4 Project Location

The 4.12-acre Project site is located at 1728 and 1750 Rogers Avenue in an industrial area of the City of San José.

2.5 Assessor's Parcel Numbers

237-09-129 and 237-09-130

2.6 General Plan and Zoning District

General Plan Designation: Heavy Industrial
Zoning District: HI Heavy Industrial

2.7 Habitat Plan Designation

Land Cover Designation: Urban – Suburban
Fee Zone: Urban Areas (No Land Cover Fees)

2.8 Project-Related Approvals, Agreements, and Permits

- Conditional Use Permit
- Building Permit
- Demolition Permit
- Tree Removal Permit
- Grading Permit
- Lot Line Adjustment
- Public Works Clearances

3.0 EXISTING ENVIRONMENT

3.1 Project Site Location and Existing Conditions

The Project site consists of a 4.12-acre lot located in an industrial area of the Northern San José California (**Figure 1**: **Regional Location Map**), approximately 3.25 miles north of Downtown San José. The topography of the site is relatively flat with an elevation of approximately 45 feet above mean sea level. The *Envision San José 2040 General Plan* land use designation of the site is Heavy Industrial (HI). The zoning of the property is HI Heavy Industrial Zoning District.

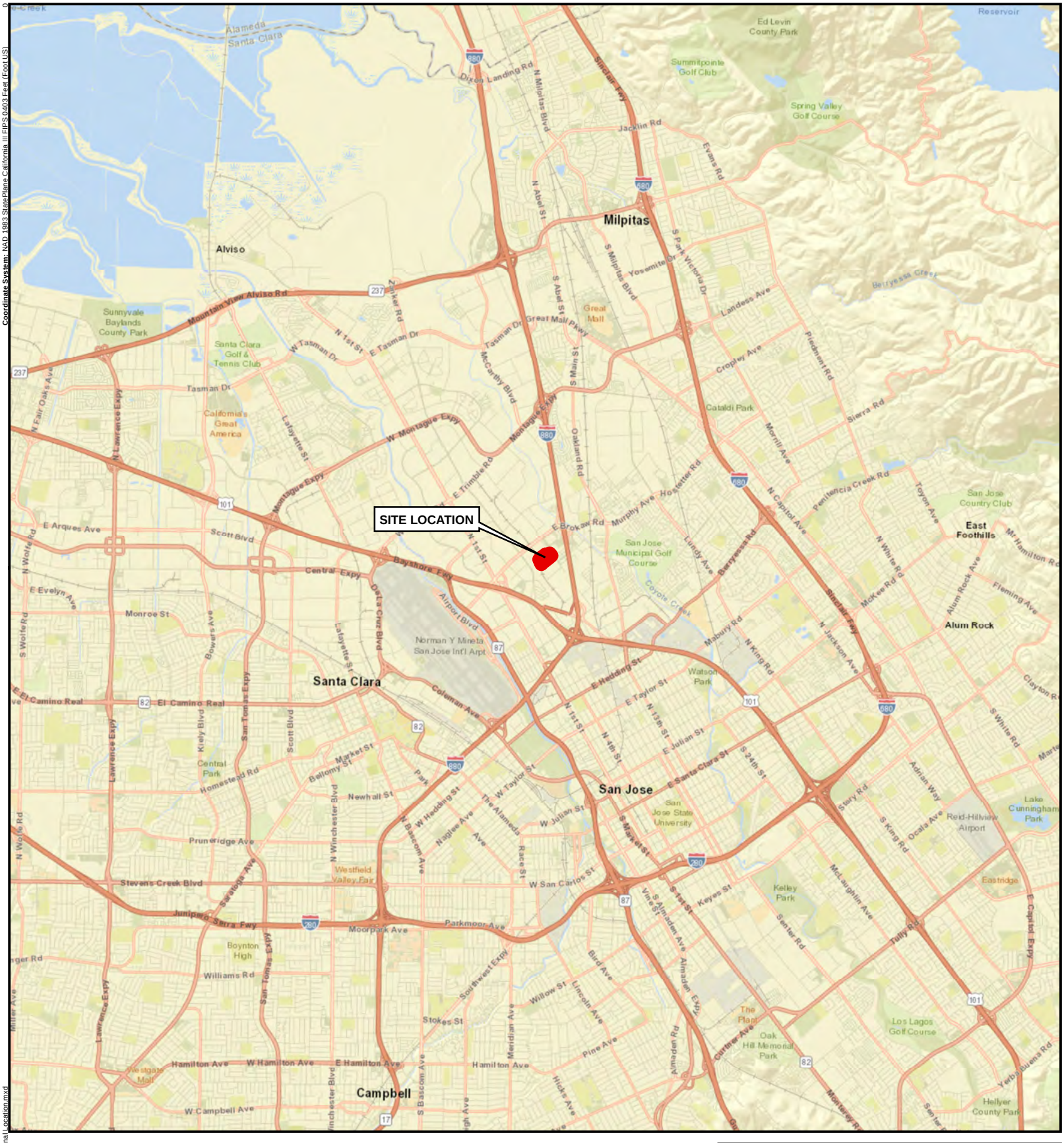
The property consists of a double-frontage lot, with street frontages on Rogers Avenue and Junction Avenue. The existing facilities on the Project site consist of two single-story, side by side warehouse structures with slab-on-grade construction. Both main warehouses are of concrete tilt-up wall construction with wood framing. The structures are located at 1728 Rogers Avenue (Assessor's Parcel No. 237-09-129) and at 1750 Rogers Avenue (Assessor's Parcel No. 237-09-130). Both buildings are currently vacant. The larger warehouse located at 1728 Rogers Avenue and approximately 40,420 square-feet. This structure will be referred to as Warehouse A. The smaller 21,108 square-foot warehouse, and northern of the two, is located at 1750 Rogers Avenue and includes 10,540 square feet of administrative space. This structure will be referred to as Warehouse B. Warehouse B was built immediately adjacent to Warehouse A, and the two structures were joined into a single structure by removing the window and truck door openings along the northern side of Warehouse A. Both warehouses have 17-foot-high ceilings with flat roofs. There is a 460-square-foot rear bay attached to the warehouses on the Junction Avenue side of the property.

The building frontage on Rogers Avenue includes four metal garage doors with ramps, and an office entrance. The site frontage has four driveways that provide access to a concrete and asphalt parking lot that wraps around the western and northern sides of the warehouses. A fifth driveway along this frontage provides access to a loading dock. The parking lot currently has 15 striped automobile parking stalls with black bar metal fencing along the front with two sliding gates for the driveways. There is some landscaping in the form of groundcover along the Rogers Avenue frontage. There are also eight trees within the landscaped planters along this frontage. On the Junction Avenue side of the warehouse, there is a dirt and gravel lot enclosed with chain link fencing. The entire Project site contains 3.31 acres (144,248 square feet) of impervious surfaces.

3.2 Surrounding Land Uses

The project area lies within the southern San Francisco Bay Area (**Figure 2: Project Vicinity Map**). The cities of Santa Clara, Sunnyvale, and Milpitas border San José to the north and the cities of Campbell, Los Gatos and unincorporated areas of Santa Clara County are to the south.

The Project site is located within a developed, commercial and industrial area of the City. The Project site lies between two streets: Junction Avenue is located on the northeastern side of the Project site, and Rogers Avenue is located on the southwestern side of the site. The Project site is located approximately 0.25 mile east of Interstate 880 and approximately 0.5 mile north of U.S. Highway 101. The surrounding properties are industrial and commercial properties that are also zoned HI Heavy Industrial, CIC Combined Industrial/Commercial, and IP Industrial Park. Property zoned PD Planned Development District is located north of the site on the corner of Junction Avenue and East Brokaw Road and has a large commercial development.



CALIFORNIA OVERVIEW

LEGEND

Project Location

1:90,000

1 " = 7,500 '

N

1. BASEMAP ESRI WORLD STREET MAP

0 0.5 1 Miles

PROJECT:

GE SAN JOSE LP
RETAIL SHOWROOM AND WAREHOUSE
CITY OF SAN JOSE, SANTA CLARA COUNTY, CA

TITLE:

REGIONAL LOCATION MAP

DRAWN BY:	R. ANNAND	PROJ NO.:
CHECKED BY:	J. SCHEINER	
APPROVED BY:		**FIGURE 1**
DATE:	DECEMBER 2020	

TRC

2300 CLAYTON RD.
SUITE 610
CONCORD, CA
94520

FILE NO.: Figure 1 Regional Location.mxd

Path: S:\GIS\1-PROJECTS\GE San Jose LP\5-MXD\Deliverable 1 Regional Location.mxd

Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet (Esri US)

LEGEND

Project Site Boundary

GP Land Use

CIC Combined Industrial/Commercial

HI Heavy Industrial

1:1,250

1 " = 104 '

N

1. BASEMAP ESRI WORLD IMAGERY MAP

0 50 100 Feet

PROJECT:

GE SAN JOSE LP
RETAIL SHOWROOM AND WAREHOUSE
CITY OF SAN JOSE, SANTA CLARA COUNTY, CA

TITLE:

PROJECT VICINITY MAP

DRAWN BY:	R. ANNAND	PROJ NO.:
CHECKED BY:	J. SCHEINER	
APPROVED BY:		**FIGURE 2**
DATE:	JANUARY 2021	

TRC
2300 CLAYTON RD.
SUITE 610
CONCORD, CA
94520

FILE NO.: Figure 2 improved.mxd

Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet (Ecol US)

Path: S:\GIS\1-PROJECTS\GE San Jose LP\5-MXDs\Figure 2 improved.mxd

3.3 Site History

The Project site was first developed in the 1960s by a company called Velcon Filters, Inc. (Velcon). Velcon constructed the neighboring existing warehouses and operated an airplane fuel filter manufacturing and testing facility on the site. Triad Tool and Engineering, Inc., and their associated affiliate Phoenix Technical Products (Triad) acquired the property from Velcon in 1993. Triad operated a machining, die casting, and specialty painting facility at the site until early 2020. The northern part of APN 237-09-129, historically known as 1759 Junction Avenue, was previously leased for other business operations. The most recent tenant was Blackwell General Engineering, which used the property for equipment and materials storage. Due to contamination from previous owners, there have been various remediation activities performed on the Project site since the 1990s.

4.0 PROJECT DESCRIPTION

4.1 Project Overview

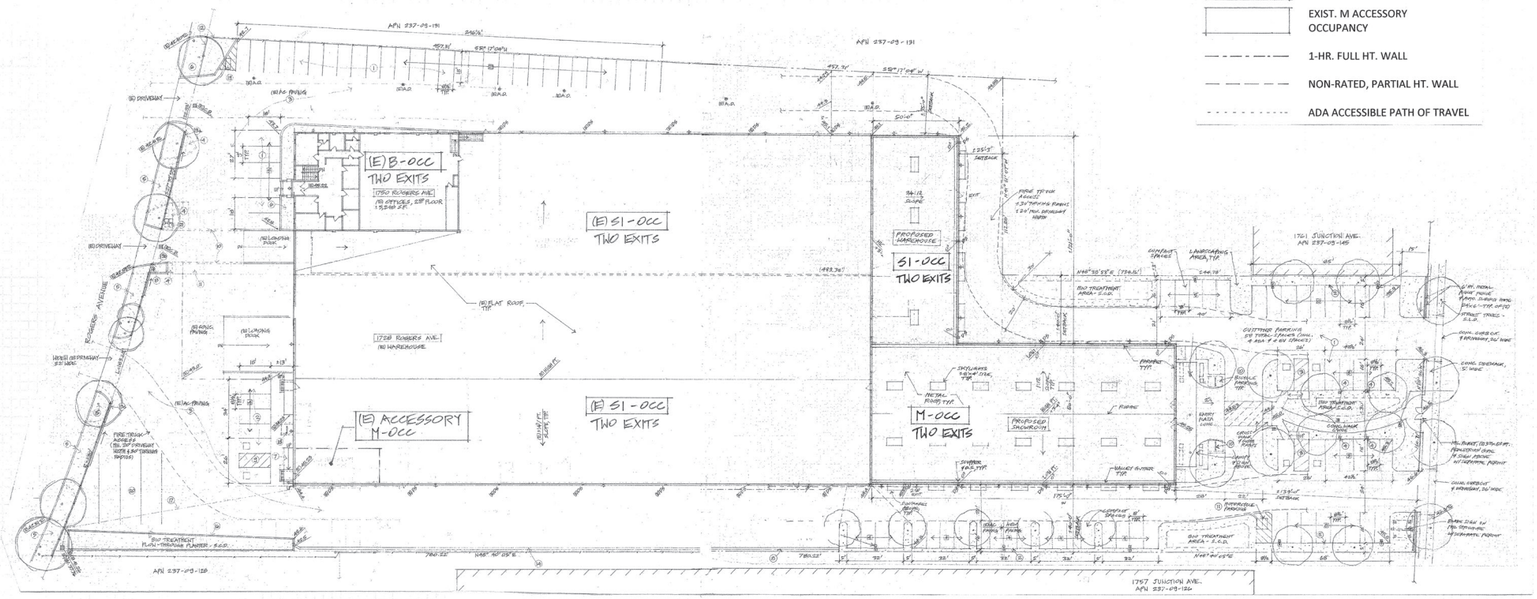
The Proposed Project requires a Conditional Use Permit (CUP) from the City of San José to allow a wholesale retail use and to allow the addition of approximately 14,000-square feet of wholesale retail space, and approximately 6,000-square-feet of additional warehouse space to an existing 71,608 square foot warehouse building totaling approximately 91,658 square-feet of building space and associated site improvements (**Figure 3: Proposed Site Plan**).

The Project site consists of a 4.12-acre lot located in an industrial area of the City of San José. The 72,068 square foot warehouse includes two existing warehouse structures and 450-square foot rear bay warehouse which is not currently in use (**Figure 4: Existing Warehouse Floor Plan**). Proposed development activities would include demolishing the rear bay structure and adding a 14,000 square-foot wholesale retail showroom, a 6,000 square foot warehouse, 58 new vehicle parking spaces (for a total or 97 parking spaces), 15 bicycle spaces, landscaping and associated improvements The total area of disturbance would be approximately 1.29 acres.

The dimensions of the proposed single-story showroom (**Figure 5: Proposed Project Floor Plan**) would be 24-feet 8-inches compared to the existing 17-foot, 6-inch ceiling height of the attached warehouses. The showroom would be accessed via an entry plaza with a storefront steel canopy, a business identification sign, aluminum windows, and two entry doors. Both the showroom and warehouse additions would be connected via doorways to the existing two warehouses. The new warehouse additions would have the same “clean line” contemporary look intended to contrast with the existing onsite buildings. The new warehouse additions are proposed to be pre-engineered structures with shallow pitched metal paneled roofs and short parapet walls. The exterior walls would have a concrete base block with coping on top and vertical metal siding above (**Figure 6: Proposed Elevation Drawings**). The operable clerestory windows would have an aluminum frame and a steel sunshade above.

Entry Point, Parking and Circulation

Existing site access includes four driveways along Rogers Avenue to provide truck and loading access. Under the proposed Project, one of the driveways would be widened to 32 feet, two driveways would be widened to the City’s standard 26-feet, and the fourth would be removed. The project includes construction of two additional 26-foot driveways along Rogers Avenue. A 28-foot interior drive aisle would connect the proposed and existing parking lots. Both drive aisles would allow two-way circulation (Figure 3, above). Modified curb cuts at the Junction Avenue driveway entrances would allow more visibility between automobile, pedestrian and bicycle traffic entering and exiting the proposed site. A 10-foot wide sidewalk along the Junction Avenue frontage would be constructed, with five-foot red curbs installed along both sides of the proposed driveways to comply with design standards. A 28-foot interior isle for north-south traffic would be designed with widened turns for emergency and fire service access. The interior aise would flow east and west of the project site (**Figure 7a-b: Preliminary Grading and Drainage Plan**) . A circular plaza with a pedestrian walkway at the proposed Junction Avenue commercial parking area would feature landscaping with outdoor seating and Class I bicycle parking spaces. Landscaping would incorporate bioretentation drainage areas using a variety of drought-resistant vegetation. Two picket fence sliding gates located along the northern and southern fire access roads will be utilized during business hours to deter customers from the warehousing portion of the project site, with current access from Rogers Avenue to remain as secondary entry for staff and for major deliveries and pickups.



OVERALL SITE PLAN / CODE ANALYSIS
1"= 40'-0"

NOTES: 1. EXISTING BUILDINGS ARE SPRINKLERED AND SPRINKLERS WILL BE EXTENDED TO BUILDING ADDITION.

LEGEND

- M OCCUPANCY, EXIST. B OCCUPANCY
- S-1 OCCUPANCY
- EXIST. S-1 OCCUPANCY
- EXIST. M ACCESSORY OCCUPANCY
- 1-HR. FULL HT. WALL
- NON-RATED, PARTIAL HT. WALL
- ADA ACCESSIBLE PATH OF TRAVEL

BUILDING CODE REVIEW:

1728 & 1750 Rogers Avenue

OCCUPANCY CLASSIFICATION, FLOOR AREAS & CONSTRUCTION TYPES

WHOLESALE USE "GRANITE EXPO"	M OCC.	14,000 SF	II-B (SPRINKLERED)
WAREHOUSE	S-1 OCC.	6,050 SF	II-B (SPRINKLERED)
(E) WAREHOUSE	S-1 OCC.	38,720 SF	II-B (SPRINKLERED)
(E) SALES SHOWROOM	M ACCESSORY OCC.	1,240 SF	II-B (SPRINKLERED)
(E) WAREHOUSE	S-1 OCC.	21,108 SF	II-B (SPRINKLERED)
(E) OFFICES	B OCC.	10,540 SF	II-B (SPRINKLERED)
TOTAL		+/-91,658 SF	II-B (SPRINKLERED)

ALLOWABLE AREAS (TABLE 506.2)

	TYPE II-B
OCCUPANCY M	50,000 SF (S1)
OCCUPANCY B	69,000 SF (SM)
OCCUPANCY S-1	70,000 SF (S1)
OCCUPANCY S-2	104,000 SF (S1)

MIXED USE & OCCUPANCY – SECTION 508

OCCUPANCY SEPARATIONS (TABLE 508.4)

OCCUPANCY	REQUIRED SEPARATION
S-1 / M	NONE
S-1 / B	NONE
S-2 / S-1	1-HR. S
S-2 / M	1-HR. S
S-2 / B	1-HR. S

INCIDENTIAL USES (TABLE 509) - NOT APPLICABLE.

CONSTRUCTION TYPE & FIRE RESISTANCE RATING FOR BUILDING ELEMENTS (TABLE 601)

ADDITION & (E) BUILDING: TYPE II-B — NO FIRE RSISTANCE RATINGS ARE REQUIRED FOR PRIMARY STRUCTURAL FRAME, EXTERIOR & INTERIOR BEARING & NON-WALLS, FLOOR CONSTRUCTION & SECONDARY MEMBERS & ROOF CONSTRCTION & SECONDARY MEMBERS.

FIRE RESISTANCE FOR EXTERIOR WALLS BASED ON DISTANCE TO PROPERTY LINE (TABLE 602)

OCC. GROUPS	CONSTR. TYPE	EXT. WALL, BEARING & NON-BEARING	
M, B, S-2, S-1	II-B	0 HR.	10 FT - 30 FT

COMBUSTIBLE MATERIALS IN TYPE I & II CONSTRUCTION – SECTION 603

SEE SECTIONS 603.1 & 603.1.1 THROUGH 603.1.3.

EXTERIOR WALL OPENINGS BASED ON FIRE SEPARATION DISTANCE (TABLE 705.8)

FIRE SEPARATION DISTANCE	DEGREE OF OPENING PROTECTION	ALLOWABLE AREA
20 FT - 25 FT	UNPROTECTED, SPRINKLERED	NO LIMIT

MEANS OF EGRESS - OCCUPANT LOAD (TABLE 1004.1.2)

WHOLESALE SHOWROM	MERCANTILE	60 SF PER OCCUPANT
	BUSINESS	100 SF PER OCCUPANT
STORAGE	WAREHOUSE	500 SF PER OCCUPANT

NUMBER OF EXITS – SECTION 1006, TABLE 1006.2.1.

"GRANITE EXPO" SHOWROOM	14,000 SF / 60 = 234 OCCUPANTS	TWO EXITS
WAREHOUSE	6,050 SF / 500 = 13 OCCUPANTS	TWO EXITS
(E) WAREHOUSE	38,720 SF / 500 = 78 OCCUPANTS	TWO EXITS
(E) WAREHOUSE	21,108 SF / 500 = 43 OCCUPANTS	TWO EXITS

EXIT WIDTH (1005) AND DOORS (1010)

WHOLESALE SPACES	234 OCCUPANTS TOTAL / 2 EXITS = 117 OCCUPANTS 117 x 0.2 = 23.4" MIN. REQ'D. EXIT WIDTH
WAREHOUSE AREAS	13 OCCUPANTS TOTAL / 2 EXITS = 7 OCCUPANTS 7 x 0.2 = 1.4" MIN. REQ'D. EXIT WIDTH

ALL EXIT DOORS ARE REQ'D. FOR TO SWING IN DIRECTION OF TRAVEL PER CBC 1010.1.2.1 BECAUSE BUILDING'S TOTAL OCCUPANT LOAD EXCEEDS 50. PANIC BARS ARE NOT REQ'D. PER 1010.1.10.

EXIT & EXIT ACCESS DOORWAY CONFIGURATION - SECTION 1007

PROPOSED EXITS SHALL BE PLACED A DISTANCE APART EQUAL AND NOT LESS THAN ONE THIRD OF THE LENGTH OF THE MAXIMUM OVERALL DIAGONAL DIMENSION OF THE AREA SERVED MEASURED IN A STRAIGHT LINE PER CBC 1007.1.1 – SEE FLOOR PLANS.

EXIT SIGNS – PER SECTION 1013

EXIT ACCESS – SECTION 1016

EXITS ARE ALLOWED THROUGH INTERVENING SPACES PER CBC 1016.2.2 - SEE FLOOR PLANS.

EXIT ACCESS & TRAVEL DISTANCE (TABLE 1017.2)

	SPRINKLERED
OCCUPANCY M	250 FT
OCCUPANCY S-1	250 FT
OCCUPANCY B	300 FT
OCCUPANCY S-2	400 FT

MAX. TRAVEL DISTANCE IS APPROX. 175 FT. IN SHOWROOM & APPROX. 100 FT. IN WAREHOUSE; EXISTING MAX. TRAVEL DISTANCE IS APPROX. 100 FT. IN (E) OFFICES & APPROX. 200 FT. IN (E) WAREHOUSE – SEE FLOOR PLANS (V.I.F.)

ACCESSIBILITY – PER CHAPTER 11B

Figure 3: Proposed Project Site Plan

REVISIONS	BY
1 12/7/20	SM

LICENSED ARCHITECT
STEFAN MENZI
No. C-27904
10/31/21
RENEWAL DATE
STATE OF CALIFORNIA

ARCHITECT:
STEFAN MENZI, AIA
526 44TH STREET OAKLAND, CA 94609
ph. (510) 652-0252 fax (510) 465-2637
smenzi@pacbell.net

OWNER:
JACKY LI c/o GRANITE EXPO
1368 40TH ST EMERYVILLE, CA 94608
ph. (510) 652-8882
graniteexpo@hotmail.com

PROJECT:
NEW "GRANITE EXPO" SHOWROOM & REMODEL OF (E) WAREHOUSE & OFFICES
1728 & 1750 ROGERS AVENUE
SAN JOSE, CALIFORNIA

Date 5/15/20
Scale AS NOTED
Drawn S. MENZI
Job LI
Sheet A0.1
Of Sheets

24 X 36 CLEARPRINT®

FLOOR PLAN NOTES:

1. BUILDING MOUNTED FABRIC AWNING WITH SIGN – BY OWNER. (SEPARATE SIGNAGE PERMIT)
2. TRASH & RECYCLING BINS FOR WEEKLY CITY PICK-UP - AREA DESIGNATED BY OWNER - VERIFY BIN QUANTITY & SIZE WITH SAN JOSE REPUBLIC SERVICES AT (408) 432-1234.

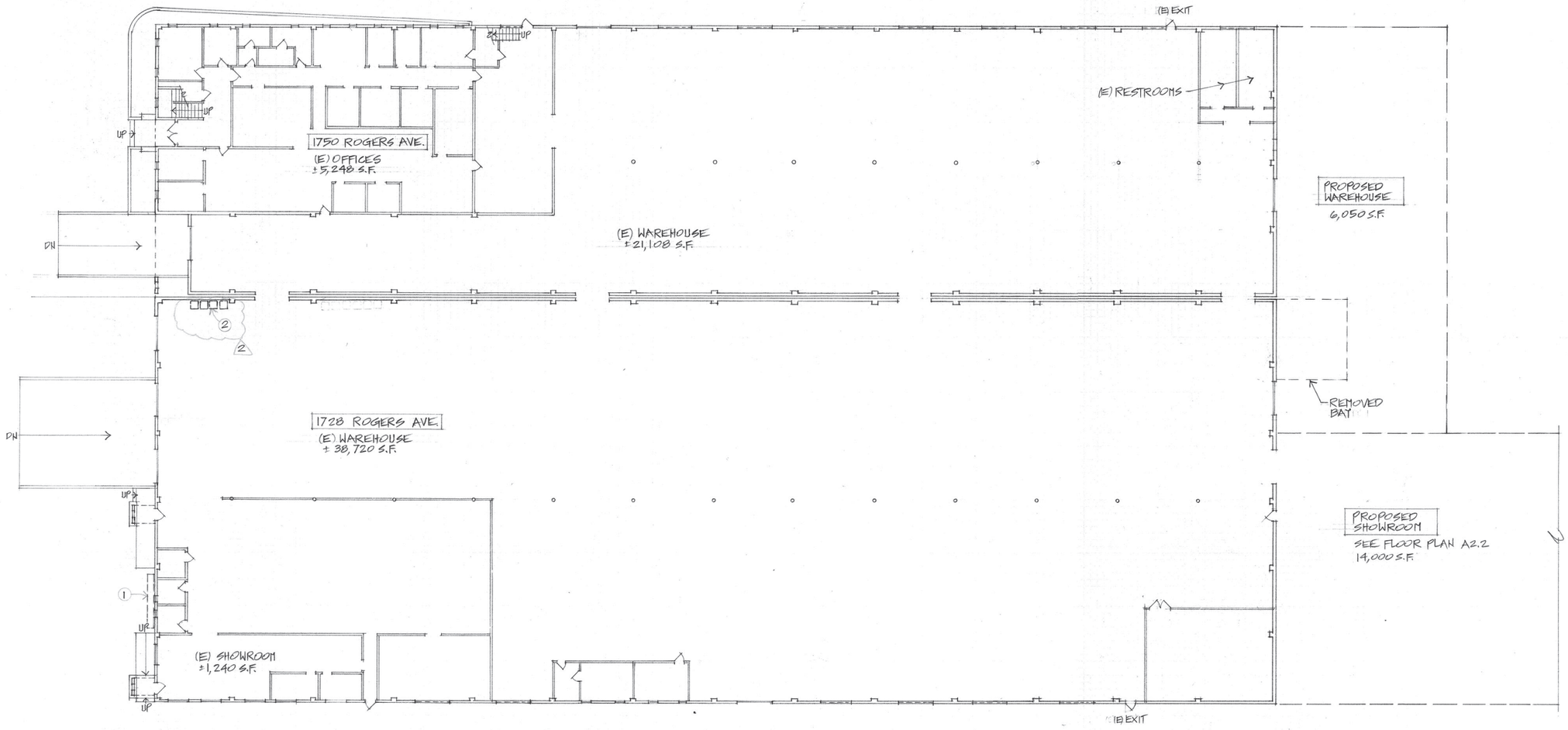


Figure 4: Existing Warehouse Floor Plan

(E) WAREHOUSE & OFFICES FLOOR PLAN
1/16" = 1'-0"

REF. NORTH

REVISIONS	BY
2 3/5/21	SM

LICENSED ARCHITECT
STEFAN MENZI
No. C-27904
10/31/21
RENEWAL DATE
STATE OF CALIFORNIA

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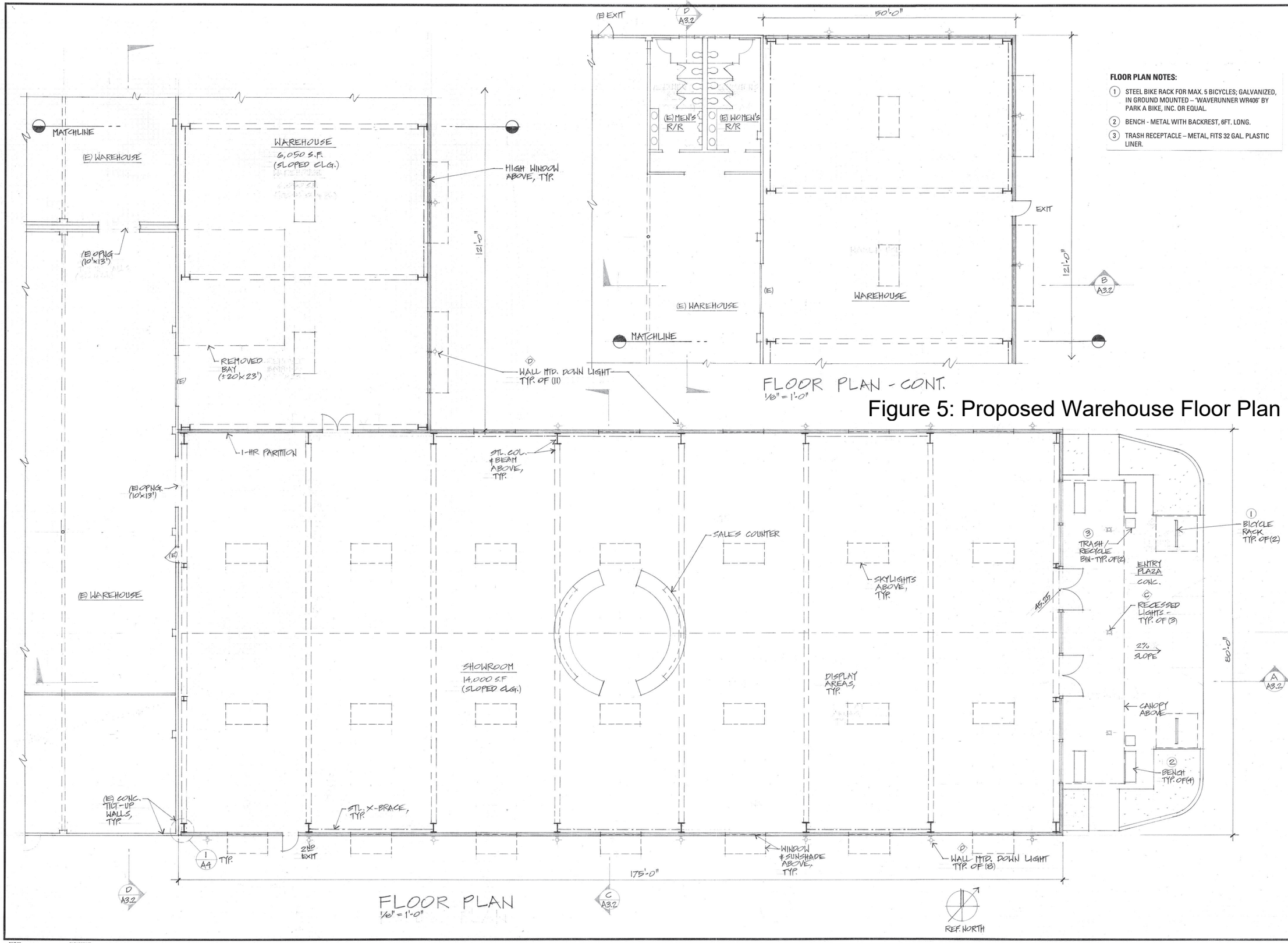
NEW "GRANITE EXPO" SHOWROOM &
REMODEL OF (E) WAREHOUSE & OFFICES
1728 & 1759 ROGERS AVENUE
SAN JOSE, CALIFORNIA

Date	5/15/20
Scale	AS NOTED
Drawn	S. MENZI
Job	L1
Sheet	A2.1
Of	Sheets



FLOOR PLAN - CONT.
1/8" = 1'-0"

FLOOR PLAN
1/8" = 1'-0"

FLOOR PLAN NOTES:

1. STEEL BIKE RACK FOR MAX. 5 BICYCLES; GALVANIZED, IN GROUND MOUNTED – "WAVERUNNER WR406" BY PARK A BIKE, INC. OR EQUAL.
2. BENCH - METAL WITH BACKREST, 6FT. LONG.
3. TRASH RECEPTACLE – METAL, FITS 32 GAL. PLASTIC LINER.

Figure 5: Proposed Warehouse Floor Plan

REVISIONS	BY
12/7/20	SM

LICENSED ARCHITECT STEFAN MENZI NO. C 27904 10/31/21 RENEWAL DATE STATE OF CALIFORNIA

ARCHITECT:
STEFAN MENZI, AIA
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SAN JOSE, CALIFORNIA

Date	5/15/20
Scale	AS NOTES
Drawn	S. MENZI
Job	L1
Sheet	A2.2
Of	Sheets

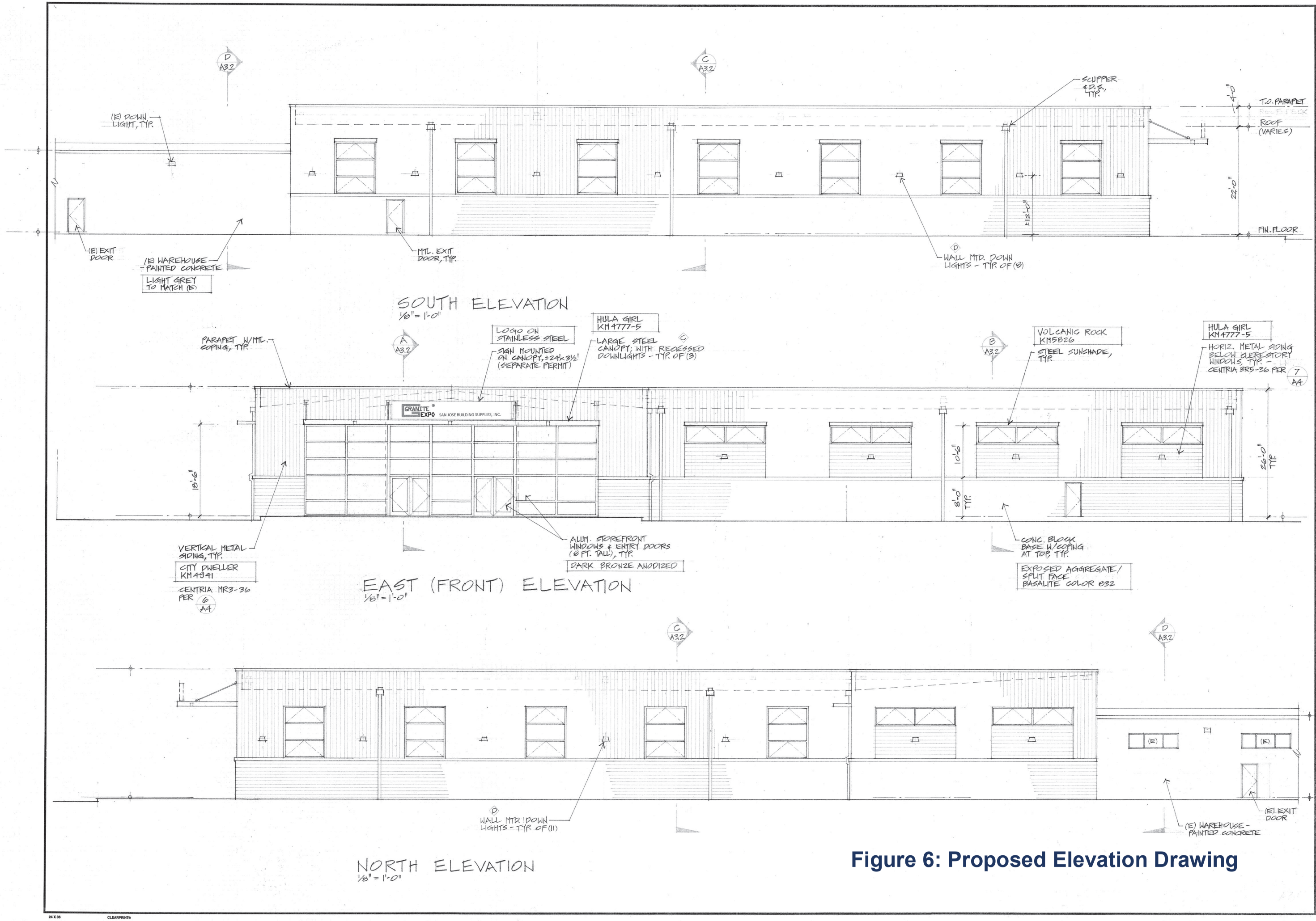

Figure 6: Proposed Elevation Drawing

REVISIONS	BY
1 12/7/20	SM

LICENSED ARCHITECT
STEFAN MENZI
No. C-27904
RENEWAL DATE 08/31/21
STATE OF CALIFORNIA

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Scale	AS NOTED
Drawn	S. MENZI
Job	LI
Sheet	A3.1
Of	Sheets

24 X 36 CLEARPRINTs

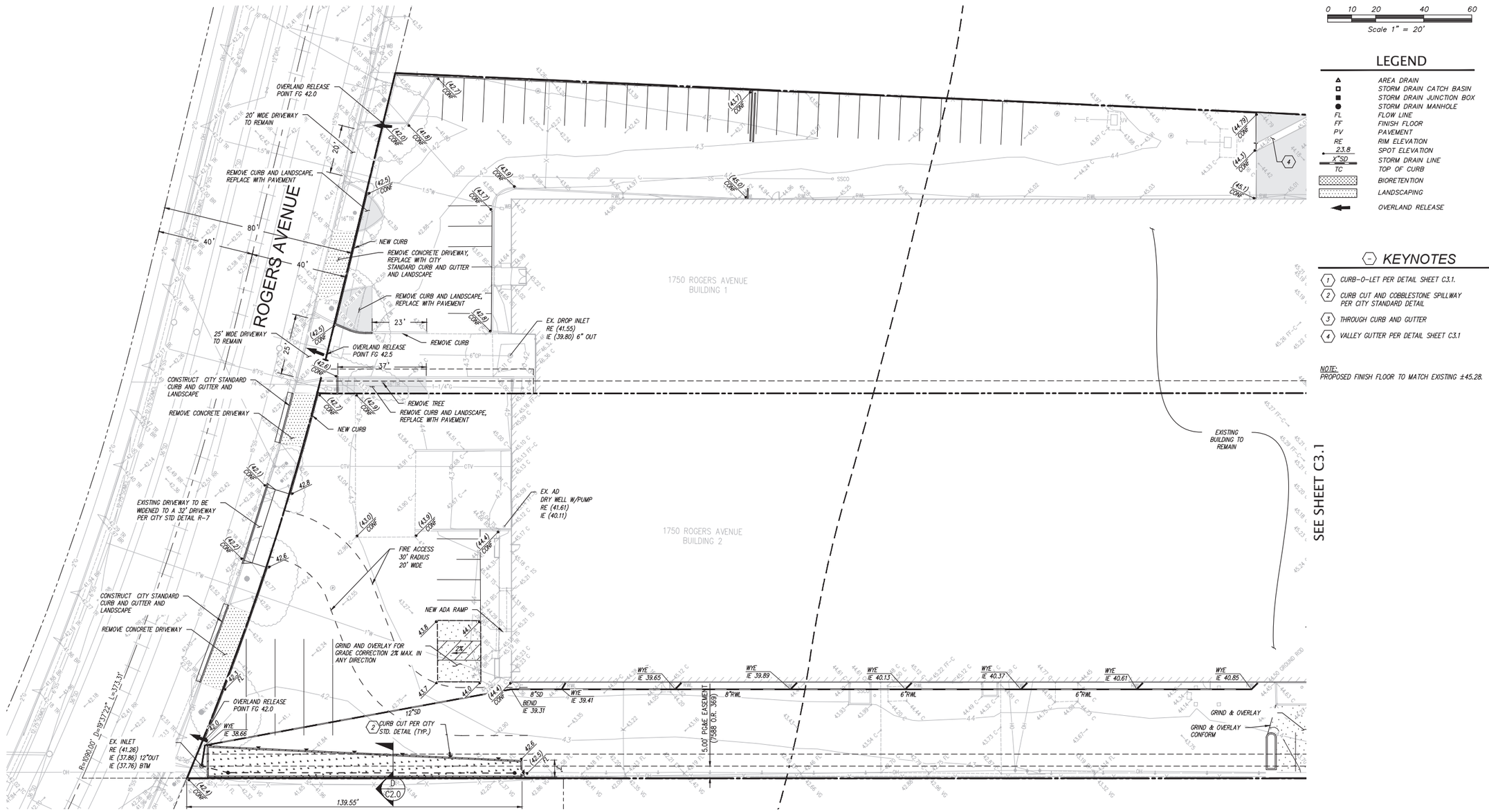

Figure 7a: Preliminary Grading and Drainage Plan

							REVISIONS
△	△	△	△	△	BY	CSJ	DATE

OWNER:
JACKY LI c/o GRANITE EXPO
1368 40TH ST EMERYVILLE, CA 94608
PH. (510) 652-8882
granitexpo@hotmail.com

KIER+WRIGHT
2850 Collier Canyon Road
Livermore, CA 94551
Phone: (925) 245-8788
www.kierwright.com

PRELIMINARY GRADING & DRAINAGE PLAN
GRANITE EXPO
SAN JOSE CALIFORNIA

Project No: | Designed: BS | Checked: SH | Date: 04/25/20

SHEET
C3.0
Of 12 SHEETS

PW PROJECT #
3-25727

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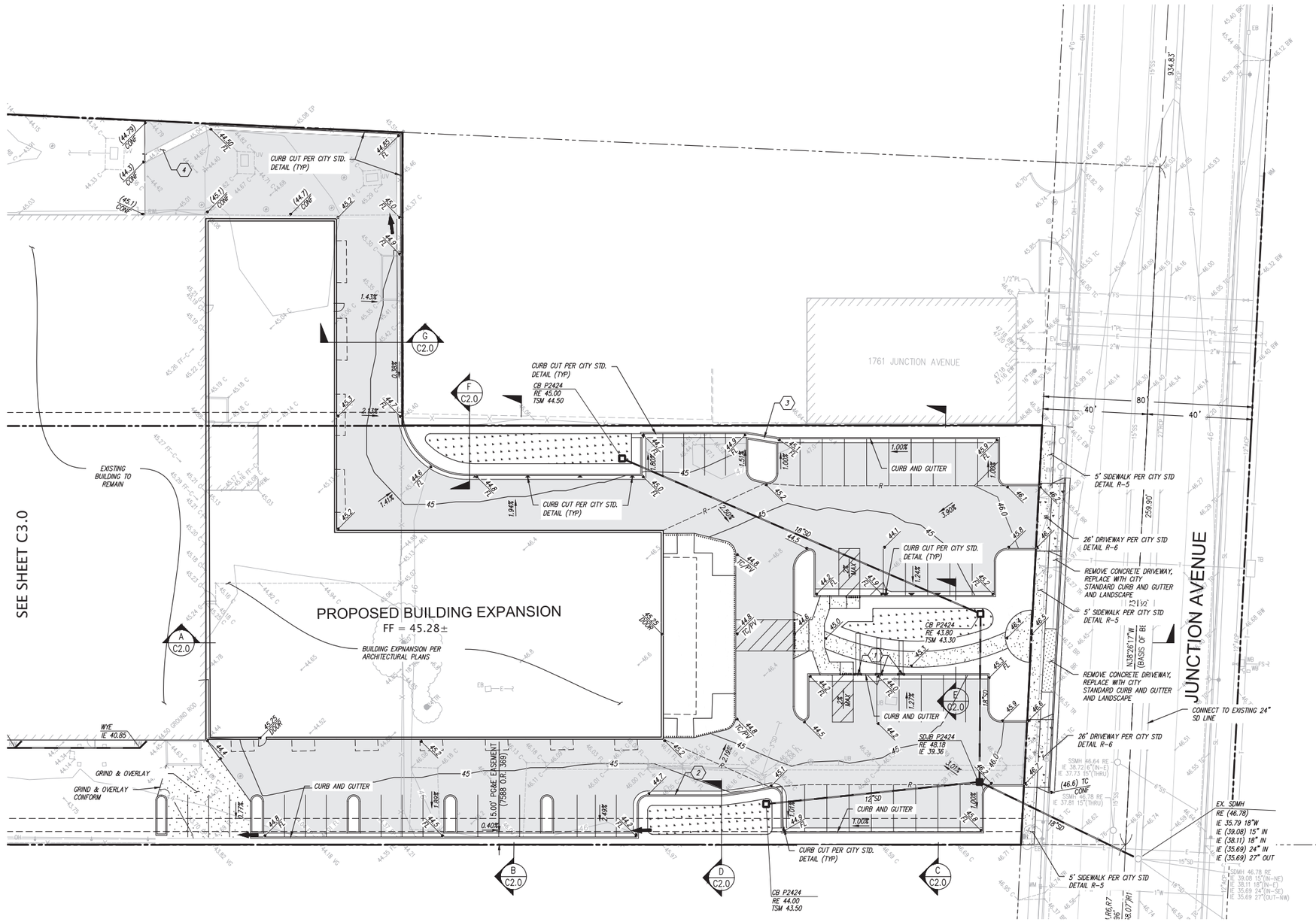
REV. DATE JULY 2011



REV. DATE JULY 2011

NORTH

0 10 20 40 60

Scale 1" = 20'

LEGEND

- AREA DRAIN
- STORM DRAIN CATCH BASIN
- STORM DRAIN JUNCTION BOX
- STORM DRAIN MANHOLE
- FL FLOW LINE
- FF FINISH FLOOR
- PV PAVEMENT
- RE RIM ELEVATION
- 23.8 SPOT ELEVATION
- X"SD STORM DRAIN LINE
- TC TOP OF CURB
- BIORETENTION
- LANDSCAPING
- OVERLAND RELEASE

KEYNOTES

1. CURB-O-LET PER DETAIL THIS SHEET.
2. CURB CUT AND COBBLESTONE SPILLWAY PER CITY STANDARD DETAIL
3. THROUGH CURB AND GUTTER
4. VALLEY GUTTER PER DETAIL THIS SHEET.

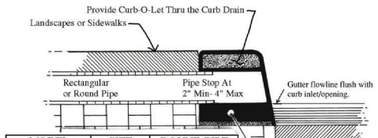
NOTE:
PROPOSED FINISH FLOOR TO MATCH EXISTING ±45.28.

Curb-O-Let™ Thru The Curb Drain

Architects and Engineers
Curb-O-Let Thru the Curb Drain
Specifications & Cut Sheet

Visit our website at: http://www.curboletproduct.com

Install As Per Manufacturer's Recommendations



MODEL	SIZE	ROUND PIPE EQUIVALENT
TCD 3RD	3" Round	3
TCD 4RD	4" Round	4
TCD 35	3" X 5"	4
TCD 38	3" X 8"	5
TCD 312	3" X 12"	6
TCD 414	4" X 14"	8
TCD 420	4"X 20"	10

NOT TO SCALE

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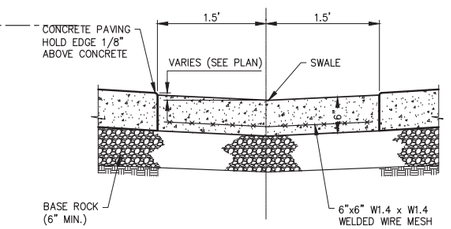
(714) 903-2468
(562) 867-4587
Fax (562) 920-1994



VALLEY GUTTER
NOT TO SCALE

							REVISIONS
						BY	CSJ DATE
△	△	△	△	△	△		

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PRELIMINARY GRADING & DRAINAGE PLAN

GRANITE EXPO

SAN JOSE | CALIFORNIA

Project No: | Designed: BS | Checked: SH | Date: 04/25/20

SHEET
C3.1
Of 12 SHEETS

PW PROJECT #
3-25727

Figure 7b: Preliminary Grading and Drainage Plan

Landscaping and Biorention
Approximately 8,016 square feet of drought-resistant landscaping would be planted in those areas. According to an arborist report prepared for the Project site by Monarch Consulting Arborists on December 2, 2020 (Appendix B), the site currently features 11 trees, three to be removed in order to accommodate new construction, including a Mexican fan palm (*Washingtonia robusta*) and two privets (*Ligustrum lucidum*). The street trees would remain along the Project site on Rogers Avenue. The street trees consist of five zelkova (*Zelkova serrata*), two Raywood ash (*Fraxinus Angustifolia*) and one Fir (*Abies concolor*). Four new street trees to be selected by City's arborist are proposed along Junction Avenue. New site landscaping would be installed in areas at the front of the entry plaza, throughout the parking lot, and outside the fencing along Junction Avenue (**Figures 8a-b** show proposed landscape design for the project).

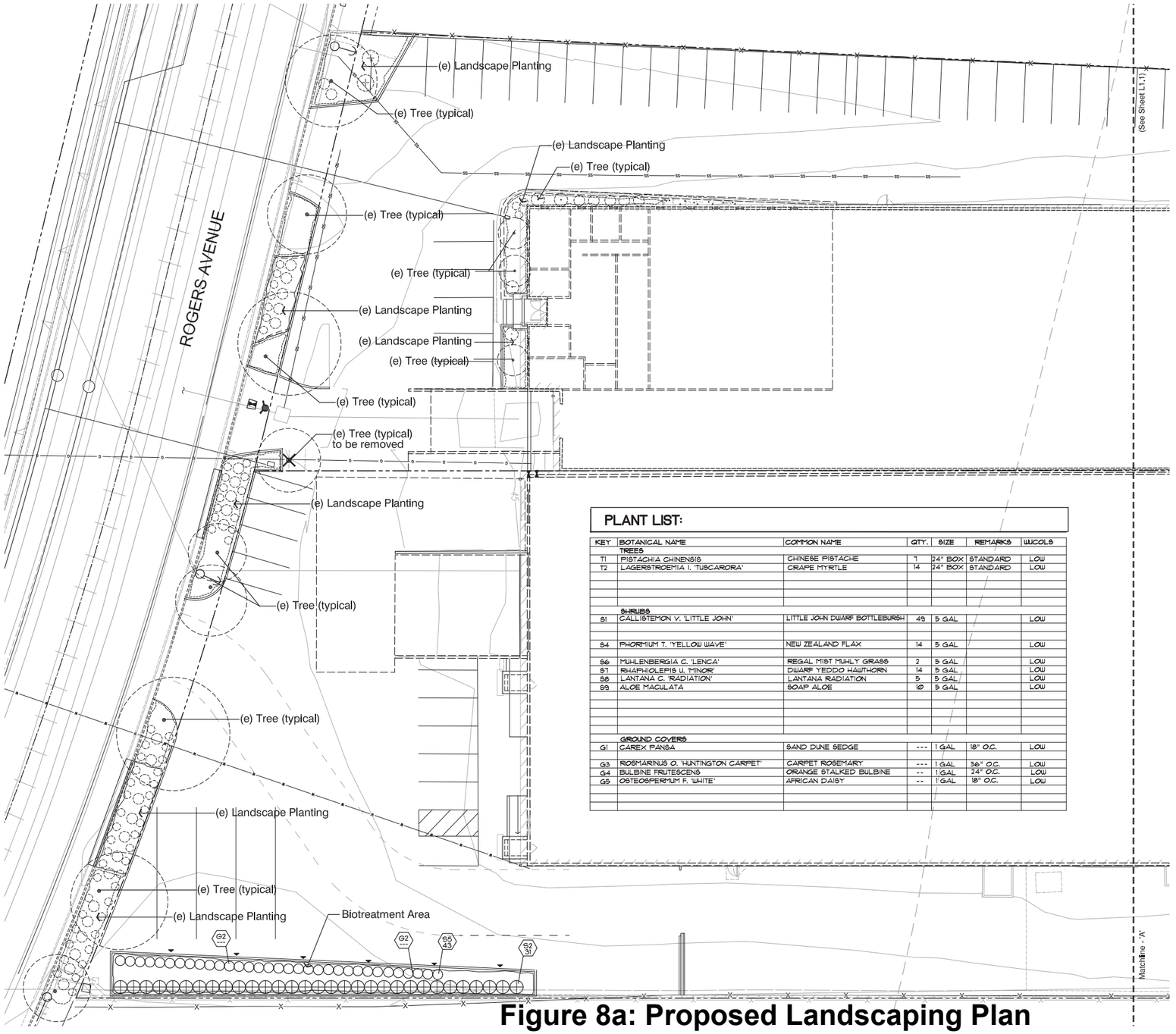
4.2 Demolition and Construction

Demolition and construction for the Project would last approximately three months. Construction is expected to start in Fall 2021. There would be no project phasing, and some construction activities would happen simultaneously. However, demolition of the rear bay structure and removal of existing pavement would happen first. There would be site preparation and light grading needed for alignment of the new structures with the existing warehouses. It is anticipated that there would be 2,591 cubic yards (cy) of soil that would be exported from the gravel lot located on the Junction Avenue side of the Project site. An overlaying concrete foundation would be laid for the new structural additions.

The pre-engineered steel framing for the buildings would be assembled and attached to the foundation. The retail showroom would be constructed first, followed by the additional warehouse space. Construction of the new stormwater treatment systems and the sidewalk curb and gutter would follow the completion of the warehouses. Construction is anticipated to occur within the City's normally allowed hours of construction between 7:00 a.m. and 7:00 p.m., Monday through Friday and the Applicant does not intend to request extended hours. Equipment anticipated to be used during Project construction are concrete/industrial saws, rubber-tired dozers, tractors/loaders/backhoes, air compressors, forklifts, welders, rollers, cement and mortar mixers.

4.3 Operation and Maintenance

The Granite Expo San José LP retail showroom would display various home improvement products including but not limited to countertops, flooring, cabinets, tile and bathroom vanities. Customers and contractors would be able to sample products and buy merchandise. All small-scale pick-ups and deliveries would be executed from the Junction Avenue entrance, and any large-scale ones would be conducted on the Rogers Avenue side of the building. The total number of employees, assumed to be full time, for both retail sales associated and warehouse personnel would be approximately 25. GE San José LP's expected hours of operation would be Monday through Saturday, 8:30 a.m. to 5:00 p.m. and closed on Sunday. All trash and recycling collection would continue to be collected from the Rogers Avenue side of the warehouses.



PLANT LIST:

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS	WUCOLS
	TREES					
T1	PISTACHIA CHINENSIS	CHINESE PISTACHE	7	24" BOX	STANDARD	LOW
T2	LAGERSTROEMIA I. 'TUSCARORA'	CRAPE MYRTLE	14	24" BOX	STANDARD	LOW
	SHRUBS					
S1	CALLISTEMON V. 'LITTLE JOHN'	LITTLE JOHN DWARF BOTTLEBURSH	49	5 GAL		LOW
S4	PHORMIUM T. 'YELLOW WAVE'	NEW ZEALAND FLAX	14	5 GAL		LOW
S6	MUHLENBERGIA C. 'LENCA'	REGAL MIST MUHLY GRASS	2	5 GAL		LOW
S7	RHAPHIOLEPIS U. 'MINOR'	DWARF YEDDO HAWTHORN	14	5 GAL		LOW
S8	LANTANA C. 'RADIATION'	LANTANA RADIATION	5	5 GAL		LOW
S9	ALOE MACULATA	SOAP ALOE	10	5 GAL		LOW
	GROUND COVERS					
G1	CAREX PANSA	SAND DUNE SEDGE	---	1 GAL	18" O.C.	LOW
G3	ROSMARINUS O. 'HUNTINGTON CARPET'	CARPET ROSEMARY	---	1 GAL	36" O.C.	LOW
G4	BULBINE FRUTESCENS	ORANGE STALKED BULBINE	--	1 GAL	24" O.C.	LOW
G5	OSTEOSPERMUM F. 'WHITE'	AFRICAN DAISY	--	1 GAL	18" O.C.	LOW

PLANT NOTES:

1. THE CONTRACTOR SHALL VERIFY PLANT QUANTITIES FROM THE PLANTING PLAN. QUANTITIES SHOWN IN THE LEGEND ARE FOR CONVENIENCE ONLY.
2. NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY IN THE EVENT OF ANY DISCREPANCIES BETWEEN ACTUAL SITE CONDITIONS AND THE PLANTING PLAN.
3. PLANT GROUNDCOVER IN SHRUB AREAS AS NOTED, USE TRIANGULAR SPACING.
4. SEE DETAIL AND SPECIFICATION SHEETS FOR ADDITIONAL INFORMATION.
5. THERE WILL BE NO MATERIALS OR PLANT MATERIALS SUBSTITUTIONS WITHOUT APPROVAL OF THE OWNER OR THE LANDSCAPE ARCHITECT.
6. ALL SLOPES PLANTED WITH GROUND COVER NOT TO EXCEED A 2:1 SLOPE.
7. PROVIDE POSITIVE DRAINAGE AWAY FROM ALL BUILDINGS (2% MIN.)
8. IN THE EVENT OF ANY DISCREPANCIES BETWEEN THIS PLAN AND ACTUAL SITE CONDITIONS, THE LANDSCAPE ARCHITECT IS TO BE NOTIFIED IMMEDIATELY.
9. ENTIRE SITE IS TO BE ROUGH GRADED BY THE GRADING CONTRACTOR TO WITHIN 3/10TH FOOT OF FINISH GRADE. LANDSCAPE CONTRACTOR IS TO FINE GRADE ALL LANDSCAPE AREAS.
10. ALL SITE UTILITIES ARE TO BE PROTECTED DURING CONSTRUCTION. IN THE EVENT OF CONFLICT BETWEEN THE PLANS AND UTILITIES THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT. ANY DAMAGE TO UTILITIES, STRUCTURES, OR OTHER FEATURES TO REMAIN, AND CAUSED BY THE LANDSCAPE CONTRACTOR SHALL BE REPLACED OR REPAIRED BY THE CONTRACTOR AT NO EXPENSE TO THE OWNER.
11. THE WORK IN THESE DRAWINGS AND SPECIFICATIONS MAY RUN CONCURRENTLY WITH WORK BY OTHERS. THE LANDSCAPE CONTRACTOR SHALL COORDINATE THE WORK WITH OTHER CONTRACTORS.
12. PRIOR TO ANY DIGGING OR TRENCHING, CALL UNDERGROUND SERVICE ALERT 1.800.227.2600

PLANT SYMBOLS

- 6XX / XX — INDICATES PLANT KEY / INDICATES PLANT QUANTITY
- EXISTING TREE TO REMAIN
- EXISTING SHRUB PLANTING TO REMAIN

STREET TREE NOTES

1. STREET TREES SHOWN IN THE PUBLIC RIGHT-OF-WAY ARE FOR INFORMATION ONLY. THE PLANNING PERMIT DOES NOT AUTHORIZE THE INSTALLATION OR REMOVAL OF TREES IN THE PUBLIC RIGHT OF WAY. ACTUAL STREET TREE LOCATION WILL BE DETERMINED BY PUBLIC WORKS AT THE IMPLEMENTATION STAGE ON THE PUBLIC IMPROVEMENT PLAN. THE INSTALLATION OR REMOVAL OF THE STREET TREES REQUIRES A PERMIT FROM THE DEPARTMENT OF TRANSPORTATION. THE CITY ARBORIST WILL SPECIFY THE SPECIES.

STORWATER SWALE NOTES

1. ALL STORM-WATER SWALE AREAS TO RECEIVE 3 INCH DEPTH OF 'NON-FLOATABLE' DOUBLE SHEREDDED MULCH. NON-FLOATABLE MULCH TO BE CERTIFIED BY MULCH AND SOIL COUNCIL.
2. ALL STORM-WATER SWALE AREAS ARE NOT TO BE TREATED WITH HERBICIDES OR FERTILIZERS.
3. AVOID COMPACTION OF SWALE OR RETENTION AREAS DURING CONSTRUCTION AND INSTALLATION OF PLANT MATERIAL.
4. REFER TO CIVIL ENGINEER'S PLANS FOR 'BIO SOIL MEDIA' SOIL SPECIFICATIONS.
5. PROJECT WILL NOT LOCATE TREES WITHIN THE BASIN OR BANK PLANTING ZONES OF FLOW-THROUGH PLANTERS BOXES. TREES WILL ALSO NOT BE LOCATED DIRECTLY IN LINE WITH OR NEXT TO STORMWATER INLETS (CURB OPENINGS, DOWNSPOUTS, CHANNEL/GRATES, ETC.) AND WILL OFFSET OR RELOCATE TREES OUTSIDE OF FLOW-THROUGH PLANTER BOXES.

BIORETENTION PLANT LIST (C.3 APPDX. 'D')

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS	WUCOLS
	SHRUBS					
S2	CHONDROPETALUM TECTORUM	SMALL CAPE RUSH	76	5 GAL	BANK PLANTING	LOW
S5	JUNCUS PATENS	CALIFRONIA GRAY RUSH	117	5 GAL	BANK PLANTING	LOW
	GROUND COVER					
G2	BACCHARIS PILULARIS 'PIGEON POINT'	DWARF COYOTE BRUSH	---	1 GAL	48" O.C.	LOW

STREET TREE LIST

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS	WUCOLS
	TREES					
ST1	CHOSEN BY CITY	SEE STREET TREE NOTES	4	24" BOX	STANDARD	

Scale 1" = 16 ft
sheet size = 24"x36"

BEFORE EXCAVATING CALL: 811
48-HOURS BEFORE ALL PLANNED WORK OPERATIONS
811 Know what's below. Call before you dig.

Figure 8a: Proposed Landscaping Plan

REED ASSOCIATES
LANDSCAPE ARCHITECTURE
477 SOUTH TAAFFE STREET
SUNNYVALE, CALIFORNIA 94086
408.481-9020 / 408.481-9022 FAX
web: www.rala.net / email: paul@rala.net

Granite Expo

1728 & 1750 Rogers Ave.
San Jose, CA

ISSUE	DATE
LANDSCAPE	10.20.20

REGISTERED LANDSCAPE ARCHITECT
PAUL JAY REED
No. 2002
EXP. 9/30/21
STATE OF CALIFORNIA

Approved	pjr		
Drawn	XX	Reviewed	pjr
Project No.	--.--		
Scale	1"=16'-0"	Issue Date	-.-.-

Landscape Planting Plan

L1.0

Sheet of

PLANT LIST:

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS	W.UCOLS
	TREES					
T1	PISTACHIA CHINENSIS	CHINESE PISTACHE	7	24" BOX	STANDARD	LOW
T2	LAGERSTROEMIA I. 'TUSCARORA'	CRAPE MYRTLE	14	24" BOX	STANDARD	LOW
	SHRUBS					
S1	CALLISTEMON V. 'LITTLE JOHN'	LITTLE JOHN DWARF BOTTLEBURSH	49	5 GAL		LOW
S4	PHORMIUM T. 'YELLOW WAVE'	NEW ZEALAND FLAX	20	5 GAL		LOW
S6	MUHLENBERGIA C. 'LENCA'	REGAL MIST MUHLY GRASS	2	5 GAL		LOW
S7	RHAPHIOLEPIS U. 'MINOR'	DWARF YEDDO HAWTHORN	14	5 GAL		LOW
S8	LANTANA C. 'RADIATION'	LANTANA RADIATION	5	5 GAL		LOW
S9	ALOE MACULATA	SOAP ALOE	10	5 GAL		LOW
	GROUND COVERS					
G1	CAREX PANSA	SAND DUNE SEDGE	---	1 GAL	18" O.C.	LOW
G3	ROSMARINUS O. 'HUNTINGTON CARPET'	CARPET ROSEMART	---	1 GAL	36" O.C.	LOW
G4	BULBINE FRUTESCENS	ORANGE STALKED BULBINE	--	1 GAL	24" O.C.	LOW
G5	OSTEOSPERMUM F. 'WHITE'	AFRICAN DAISY	--	1 GAL	18" O.C.	LOW

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PLANT SYMBOLS

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- EXISTING SHRUB PLANTING TO REMAIN

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3. AVOID COMPACTION OF SWALE OR RETENTION AREAS DURING CONSTRUCTION AND INSTALLATION OF PLANT MATERIAL.
4. REFER TO CIVIL ENGINEER'S PLANS FOR 'BIO SOIL MEDIA' SOIL SPECIFICATIONS.
5. PROJECT WILL NOT LOCATE TREES WITHIN THE BASIN OR BANK PLANTING ZONES OF FLOW-THROUGH PLANTERS BOXES. TREES WILL ALSO NOT BE LOCATED DIRECTLY IN LINE WITH OR NEXT TO STORMWATER INLETS (CURB OPENINGS, DOWNSPOUTS, CHANNEL/GRATES, ETC.) AND WILL OFFSET OR RELOCATE TREES OUTSIDE OF FLOW-THROUGH PLANTER BOXES.

Matchline - 'A'

Biotreatment Area

Biotreatment Area

Biotreatment Area

PROPOSED BUILDING EXPANSION

(e) Privet Tree -multi trunk 8",6",5",3", 3" dia. to be removed

(e) Privet Tree -multi trunk 6", 5", 5", 3" dia. to be removed

(e) Washintonia Palm Tree - 24" dia. to be removed

JUNCTION AVENUE

(See Sheet L1.0) Matchline - 'A'

Figure 8b: Proposed Landscaping Plan

BIORETENTION PLANT LIST (C.3 APPDX. 'D')

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS	W.UCOLS
	SHRUBS					
S2	CHONDROPETALUM TECTORUM	SMALL CAPE RUSH	---	5 GAL	BANK PLANTING	LOW
S5	JUNCUS PATENS	CALIFRONIA GRAY RUSH	---	5 GAL	BANK PLANTING	LOW
	GROUND COVER					
G2	BACCHARIS PILUARIS 'PIGEON POINT'	DWARF COYOTE BRUSH	---	1 GAL	48" O.C.	LOW

STREET TREE LIST

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS	W.UCOLS
	TREES					
ST1	CHOSEN BY CITY	SEE STREET TREE NOTES	4	24" BOX	STANDARD	

0 08 16 32

Scale 1" = 16 ft
sheet size = 24"x36"

BEFORE EXCAVATING CALL: 811
48-HOURS BEFORE ALL PLANNED WORK OPERATIONS

811 Know what's below. Call before you dig.

REED ASSOCIATES
LANDSCAPE ARCHITECTURE
477 SOUTH TAAFFE STREET
SUNNYVALE, CALIFORNIA 94086
408.481.9020 / 408.481.9022 FAX
web: www.rala.net / email: paul@rala.net

Granite Expo

1728 & 1750 Rogers Ave.
San Jose, CA

ISSUE	DATE
1 LANDSCAPE	10.20.20

REGISTERED LANDSCAPE ARCHITECT
PAUL JAY REED
No. 2002
EXP. 9/30/21
STATE OF CALIFORNIA

Approved	pjr		
Drawn	XX	Reviewed	pjr
Project No.	--.--		
Scale	1"=16'-0"	Issue Date	-.-.-

Landscape Planting Plan

L1.1

Sheet of

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5.0 EVALUATION OF IMPACTS

I. AESTHETICS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☑	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☑
c) 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?	☐	☐	☑	☐

EXISTING SETTING:

The Project site is located within a developed, commercial and industrial area of the City. The Project site is located on a rectangular lot that lies between Junction Avenue and Rogers Avenue. The surrounding properties are industrial and commercial properties that are also zoned HI or similar. The surrounding views are urban and industrial build out. The Project site and surrounding properties have relatively flat topography. The neighboring properties have flat-roofed, one- to two-story, concrete warehouse buildings and surface parking lots, similar that developed on the Project site. Landscaping and street trees are provided along the Project site frontage, as well as some, but not all, street frontages of properties in the vicinity of the Project site.

The Project is in the City of San José, which is located in the Santa Clara Valley. According to the *San José Envision 2040 General Plan*, the City's visual resources include hills and mountains that frame the valley, baylands and the urban skyline itself, particularly high-rise development (City 2011a). The Project is not located along any City designated Rural Scenic Corridors. The General Plan also defines gateways as locations which announce to a visitor or resident that they are entering the City or a unique neighborhood. There are no gateways along

the roads surrounding the Project site. The closest gateways are located on the intersection of Charcot Avenue and Interstate 880 and Charcot Avenue and N. 1st Street both approximately ¾ of a mile from the Project site. The Santa Cruz Mountains are slightly visible looking east from the Project site.

REGULATORY SETTING:

Federal:

There are no federal policies applicable to the proposed Project.

State:

State Scenic Highways Program:
The California Department of Transportation (Caltrans) manages the State Scenic Highways Program. The purpose of the program is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. The state laws governing the Scenic Highway Program are found in the Streets and Highways Code, Sections 260 through 263. A scenic highway may be designated depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view.

Local:

City of San José Industrial Design Guidelines:
The Industrial Design Guidelines were adopted in 1992. They were created to assist the people involved in the design, construction, review and approval of industrial development in the City of San José. The guidelines are broken up into two parts; Common Elements and Specific Development Types. Common Elements sections include guidelines involving circulation, landscaping and signs. The Specific Development sections relate to a specific development types, such as warehouses.

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

Envision San José 2040 General Plan
The Envision San Jos*é 2040 General Plan* was adopted by the City Council in November 2011. This General Plan centers on 12 Major Strategies that reflect the community's desire to see San José grow into a more prominent great City, taking on a growing environmental and economic leadership role in the region, nation and world. The following Community Design policies apply to the proposed Project:

CD-1.1 Require the highest standards of architectural and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.

CD-1.7 Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities,

pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.

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

CD-1.11 To create a more pleasing pedestrian-oriented environment, for new building frontages, include design elements with a human scale, varied and articulated facades using a variety of materials, and entries oriented to public sidewalks or pedestrian pathways. Provide windows or entries along sidewalks and pathways; avoid blank walls that do not enhance the pedestrian experience. Encourage inviting, transparent façades for ground-floor commercial spaces that attract customers by revealing active uses and merchandise displays.

CD-1.12 Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

CD-1.13 Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

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

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

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

IMPACT ANALYSIS:

a) Would the project have a substantial adverse effect on a scenic vista?

The *Envision San José 2040 General Plan* defines multiple scenic resources within the City. Scenic resources include the broad sweep of the Santa Clara Valley, the hills and mountains which frame the Valley floor, the baylands and the urban skyline itself, particularly high-rise development. Of these scenic resources, only the Santa Cruz mountains are minimally visible when looking east from the Project site.

The proposed Project's new warehouse and retail showroom additions would have a slight increased roof height of about 26 feet compared to the existing buildings' height of 18 feet. The proposed Project would increase the height and mass of the warehouses but would not block views of scenic resources. The proposed Project would be located in an industrialized area of the City. Neighboring parcels have similar concrete warehouse structures with the same or higher roof heights. Due to the Project's minimal increased height and mass, and because it would not obstruct views of the mountains east of the Project site, the proposed Project would have a **less than significant impact** on scenic vistas.

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

The Project is not located near any state-designated Scenic Highways. The closest Caltrans Scenic Highway, State Route 9 in Santa Clara County, is located approximately 10.5 miles from the Project site. State Route 280, located in San José, is eligible for designation as a state Scenic Highway and is located approximately 5 miles from the Project Site (Caltrans 2021). The Project site is not located along any City-designated rural scenic corridors, with the closest rural scenic corridor being Penitencia Creek Road 3.25 miles from the Project site (City 2016). There are no City-designated gateways along the roads surrounding the Project site. The closest gateways are located at the intersections of Charcot Avenue with Interstate 880 and Charcot Avenue with North 1st Street both of which are approximately 0.75 mile from the Project site. Neither rock outcroppings nor historic buildings are located on the Project site. The proposed Project would remove three of the eight trees on site, but none of these eight trees are included on the City's adopted Heritage Tree list and (City 2021a.). Therefore, the Project would have **no impact** to scenic resources.

c) Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from 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?

The Project is in an industrial part of the City of San José. Nearby visual character along the Rogers Avenue side of the Project site consists of similar one- and two-story, industrial, flat-roofed structures, with metal and chain link fencing and street some landscaping. The visual character along the Junction Avenue side of the Project site consists of industrial buildings, other retail warehouses, fencing and large trees. The nearby buildings do not have a particular architectural style. The proposed Project does have a slight increased roof height of about 26 feet compared to the existing building height of approximately 18 feet. The proposed Project would also increase the intensity of development on the site compared to existing conditions and would slightly change the visual character of the site. However, the proposed retail showroom and warehouse addition would have a "clean line"/contemporary look to them, which

creates a more inviting storefront in comparison to the existing utilitarian warehouses. The proposed Project includes multiple landscaping areas and a new pedestrian walkway from the Junction Avenue to the showroom entrance. There are eight street trees along both Rogers Avenue and Junction Avenue. The new landscaping would include two types of ornamental trees and six different types of shrubs. The location of the landscaping planters and the plant species are shown on (**Figures 8a and 8b: Proposed Landscaping Plan**). The design of the proposed Project would be consistent with General Plan Community Design goals and policies that encourage high-quality, innovative, and distinctive architecture with frontages that use a variety of materials. The Project would also be consistent with industrial appearance of buildings in the surrounding neighborhood. The Project is compliant with the 50-foot maximum height and minimum building setback requirements stated in San José Municipal Code Chapter 20.50: Industrial Zoning Districts (City 2021b). The landscaping features, new pedestrian walkway, and distinctive architectural style of the proposed Project would add color and natural ornamentation to the current unimproved Junction Avenue frontage without interfering with public views of designated scenic resources. Therefore, the proposed project would not substantially degrade the existing visual character or quality of the project site or its surroundings, and impacts **would be less than significant**.

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

The Project site is in a developed industrial area with high levels of existing light. The neighboring properties' security lights, streetlights, and lights from vehicles along Rogers Avenue and Junction Avenue all add to the existing light on the site. The warehouses on the Project site are currently vacant but have exterior lighting along the previous entrances on the Rogers Avenue side. The primary glare source in the area is sunlight reflection off light-colored and reflective building materials and finishes, and metallic and glass surfaces of vehicles parked in the parking lots on both sides of the project site. The new retail showroom entryway would include metal siding and aluminum windows. The entryway would have a canopy that would reduce the amount of direct sunlight reaching the windows and as a result reduce the amount of reflection and glare.

The Project would comply with policies regarding exterior lighting, outlined in the City of San José's Industrial Design Guidelines and in Council Policy 4-3. The design guidelines include policies that reduce spillover onto adjacent properties and limitations on the height of new light fixtures. Compliance with these policies would ensure that Project's light sources would not have a significant impact on the night sky, as they would add incrementally to the existing light levels of the area. The Project site is in an urban industrial area with existing sources of light and glare. The Project would not substantially alter this condition and would be required to adhere to the City of San José requirements regarding nighttime lighting. Therefore, the Project would have a **less than significant impact** to light or glare.

II. AGRICULTURE AND FOREST RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in 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?	☐	☐	☐	☑

EXISTING SETTING:

The proposed Project site is located in an urbanized and industrial part of the City of San José. The surrounding areas are all developed and of commercial and or industrial use. The Partners Phase I from 2019 indicates the subject property had an agricultural history from at least the 1930's to the 1960's; however, there are no existing agricultural land uses on the Project site or in the immediate vicinity. The Project site has a General Plan land use designation of HI and is zoned HI Heavy Industrial. Neither the General Plan land use designation nor zoning district allow agricultural uses. According to the Santa Clara County Important Farmland map, the Project site is designated as Urban and Built-up land (DOC 2018). The designation is defined as land occupied by structure with a building density of at least 1 unit per 1.5 acres, or approximately six structures to a 10-acre parcel. The California Department of Conservation

(DOC) Farmland Mapping and Monitoring Program online mapper did not identify farmland or forested land on or near the Project Site (DOC 2018).

REGULATORY SETTING:

Federal:

Farmland Protection Program
The FPPA is intended to minimize the impact Federal programs have on the unnecessary and irreversible conversion of farmland to nonagricultural uses. It assures that to the extent possible federal programs are administered to be compatible with state, local units of government, and private programs and policies to protect farmland. Federal agencies are required to develop and review their policies and procedures to implement the FPPA every two years.

State:

California Department of Conservation Farmland Mapping and Monitoring Program (FMMP)
The FMMP is required by statute to collect and acquire information on the amount of land converted to or from agricultural use, to maintain the Important Farmland Series maps, and also to maintain an automated map and data base system. FMMP produces maps and statistical data used for analyzing impacts on California's agricultural resources. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland.

California Land Evaluation and Site Assessment Model
The Land Evaluation and Site Assessment (LESA) Model is a point-based approach for rating the relative importance of agricultural land resources based upon specific measurable features. The California LESA Model was developed to provide lead agencies with an optional methodology to ensure that potentially significant effects on the environment of agricultural land conversions are quantitatively and consistently considered in the environmental review process.

Williamson Act
The California Land Conservation Act of 1965, also known as the Williamson Act, enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or related open space use in exchange for tax benefits to the landowner. The Williamson Act Program was also envisioned as a way for local governments to integrate the protection of open space and agricultural resources into their overall strategies for planning urban growth patterns.

Local:

Santa Clara County Important Farmlands Map
Important Farmland Maps are compiled by the Farmland Mapping and Monitoring Program (FMMP) pursuant to Section 65570 of the California Government Code. To create the maps, FMMP combines current land use information with U.S. Department of Agriculture-Natural Resources Conservation Service (NRCS) soil survey data. Soil units qualifying for Prime Farmland and Farmland of Statewide Importance are determined by the NRCS.

Envision San José 2040 General Plan.
The Land Use/Transportation (LU) elements of the City's General Plan include the following goals and policies related to agricultural resources that are applicable to the proposed Project:

LU-12.3 Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means:

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

LU-12.4 Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

LU-20.1 Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan, such as mid- and south Coyote Valley, through the following means:

1. Strongly discourage conversion of agricultural lands outside the Urban Growth Boundary to non-agricultural uses.
2. Limit residential uses in agricultural areas to those which are incidental to agriculture.
3. Prohibit subdivision of agricultural lands, unless it can be established that the subdivision would not reduce the overall agricultural productivity of the land and that viable agricultural operations would be sustained.
4. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, transfers of development rights, or other property tax relief measures as incentives for preservation of these lands.
5. Restrict land uses within and adjacent to agricultural lands that would compromise the agricultural viability of these lands. Require new adjacent land uses to mitigate any impacts on the use of agricultural lands.
6. Require ancillary non-agricultural land uses on agricultural lands to be ancillary to and compatible with agricultural land uses, agricultural production, and the rural character of the area, and to enhance the economic viability of agricultural operations.

Williamson Act-Waiver or Deferral of Cancellation Fees (Policy 7-7) City Council Policy
It is the policy of San José that requests by landowners to cancel Land Conservation Contracts established under the Williamson Act of 1965 and petitions to waive, defer or reduce cancellation fees mandated under the Act for such cancellations shall be considered by the Council in conformance with this Policy statement and with the conditions prescribed or that may be imposed by the Secretary of the Resources Agency of the State of California.

IMPACT ANALYSIS:

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

The Farmland Mapping and Monitoring Program online mapper and the Santa Clara County Important Farmland Map were used to determine the agricultural designation of the Project site and surrounding vicinity. The designation on both maps is Urban and Built Up land. There are no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on or near the Project site (DOC 2018). There would be no conversation of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses, and therefore, the Project would have **no impact.**

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

The Project site is zoned as Heavy Industrial (HI) on the City's Zoning Map. The allowable uses under Chapter 20.50.100 of the City of San José Municipal Code for Heavy Industrial zoning does not allow agricultural uses. The Project site is not zoned or used for agricultural use. There is no existing Williamson Act contract on the parcel. Therefore, the Project does not conflict with existing zoning for agricultural use, or a Williamson Act contract and has **no impact.**

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in 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?

The Project site is zoned as HI and currently developed with two industrial warehouses and concrete/asphalt driveways. There is no zoning for forest land, timberland or timberland production currently on the Project site or on surrounding properties. There are no existing forest land or timberland resources on the Project site. Therefore, the Project would not conflict with existing zoning or result in the loss of forested land, timberland or timberland production and have **no impact.**

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 proposed Project would not result in the conversion of land on or off the Project site to non-agricultural or non- forested uses because there are no agricultural or forested land uses on or in the immediate vicinity of the Project site. Therefore, the Project would have **no impact.**

III. AIR QUALITY

Would the project:

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

EXISTING SETTING:

The Bay Area Region is characterized by a Mediterranean-type climate, defined by its warm, dry summers and cool, wet winters. Temperatures typically range from the low 40s to the high 50s during winter and from high 50s to the low 80s during summer (in degrees Fahrenheit). There are unique microclimates within the Bay that are created by regional topography, oceanic currents, fog exposure, and onshore winds (Ackerly 2018). The Bay Area Air Quality Management District (BAAQMD) defines 11 different varying climatological subregions with varying climatological and topographic conditions resulting in variations in air pollution potential. The Project is within the Santa Clara Valley subregion.

The Santa Clara Valley has winds that are greatly influenced by the terrain prevailing flow that roughly parallels the valley from northwest to southeast. The strongest winds usually occur in the spring or summer. A light south-southeasterly drainage flow breeze for the valley occurs during the late evening and early morning. During the summer, air flowing from the south of the valley gets channeled north into valley and meets with the prevailing northwesterly winds. This southern end of the valley sometimes becomes a "convergence zone". The valley tends to channel pollutants to this southeast area (BAAQMD 2017).

The Santa Clara Valley has a very high pollution potential. The main sources of pollution in the valley are from the large population and high concentration of industry. Out of the 11 subregions, the highest sources of mobile emissions come from the Santa Valley subregion. The stable air and higher temperatures in the summer come together with the air pollutants to create ozone. The ozone precursors from San Francisco are carried in from prevailing winds and combine with the local sources of pollution from San José to create the high pollution potential (BAAQMD 2017).

There is an existing network of air monitoring stations throughout the San Francisco Bay Area Air Basin (SFBAAB) that are operated by the BAAQMD. The ambient air monitoring network consists of over 30 stations that collect local air quality data, including measurements of significant air pollutants. The Air District Station closest to this Project is the San José - Jackson Street Station and is located approximately 2.25 miles from the Project site. This station can provide hourly air pollution data for the following pollutants; ozone (O_3), fine particulate matter ($PM_{2.5}$), black carbon, carbon monoxide (CO), hydrogen sulfide (H_2S), nitric oxide (NO), nitrogen dioxide (NO_2), oxides of nitrogen (NOx), and sulfur dioxide (SO_2 [BAAQMDb. 2021]).

Criteria Pollutants

Criteria Pollutants are defined by federal and state regulations and include compounds that are potentially harmful to the environment and pose a risk to the health of the general public. The United States Environmental Protection Agency (EPA) is required by the Clean Air Act to set National Ambient Air Quality Standards (NAAQS) for the following pollutants; O_3, CO, NO_2, SO_2, lead (Pb), and suspended particulate matter (PM) (EPA 2021a). The California Air Resources Board (CARB) has also set California Ambient Air Quality Standards (CAAQS) for these six criteria pollutants plus four additional pollutants. The additional pollutants are hydrogen sulfide, vinyl chloride, visibility reducing particles, and sulfate (CARB 2021a). **Table 3-**1 identifies the attainment status with federal and California standards for criteria pollutants in the Bay Area and shows that the area is in attainment with federal and State standards except for ozone, PM_{10} and $PM_{2.5}$

Table 3-1: San Francisco Bay Area Air Quality Standards and Attainment Status

Averaging Time		California Standards [1]		National Standards [2]	
		Concentration	Attainment Status	Concentration [3]	Attainment Status
Ozone (O_3)	8-Hour	0.070 ppm (137µg/m3)	Nonattainment [9]	0.070 ppm	Nonattainment [4]
	1-Hour	0.09 ppm (180 µg/m3)	Nonattainment	Not Applicable	[5]
Carbon Monoxide (CO)	8-Hour	9.0 ppm (10 mg/m3)	Attainment	9 ppm (10 mg/m3)	Attainment
	1-Hour	20 ppm mg/m3)	Attainment	35 ppm (40 mg/m3)	Attainment
Nitrogen Dioxide (NO_2)	1-Hour	0.18 ppm (339 µg/m3)	Attainment	0.100 ppm k	[11]
	Annual Arithmetic Mean	0.030 ppm (57 µg/m3)	N/A	0.053 ppm (100 µg/m3)	Attainment
Sulfur Dioxide (SO_2)[2]	24-Hour	0.04 ppm (105 µg/m3)	Attainment	0.14 ppm (365 µg/m3)	Unclassified/ Attainment [12]
	1-Hour	0.25 ppm (655 µg/m3)	Attainment	0.075 ppm (196 µg/m3)	Unclassified/ Attainment l [12]
	Annual Arithmetic Mean	Not Applicable	Not Applicable	0.030 ppm (80 µg/m3)	Unclassified/ Attainment l [12]
Particulate Matter (PM_{10})	Annual Arithmetic Mean	20 µg/m3	Nonattainment	Not Applicable	Not Applicable
	24-Hour	50 µg/m3	Nonattainment	150 µg/m3	Unclassified

Table 3-1: San Francisco Bay Area Air Quality Standards and Attainment Status

Averaging Time		California Standards [1]		National Standards [2]	
		Concentration	**Attainment Status**	**Concentration [3]**	**Attainment Status**
Fine Particulate Matter ($PM_{2.5}$)	Annual Arithmetic Mean	12 µg/m3	Nonattainment g	15 µg/m3 [15]	Unclassified/ Attainment
	24-Hour	Not Applicable	N/A	35 µg/m3 [10]	Nonattainment
Sulfates	24-Hour	25 µg/m3	Attainment	Not Applicable	Not Applicable
Lead (Pb) [13]	30-Day Average	1.5 µg/m3	Not Applicable	Not Applicable	Attainment
	Calendar Quarter	Not Applicable	Not Applicable	1.5 µg/m3	Attainment
	Rolling 3-Month Average n	Not Applicable	Not Applicable	0.15 µg/m3	[14]
Hydrogen Sulfide	1-Hour	0.010 ppm (26 µg/m3)	Unclassified	Not Applicable	Not Applicable
Vinyl Chloride (chloroethene)	24-Hour	0.010 ppm (26 µg/m3)	No Information Available	Not Applicable	Not Applicable
Visibility Reducing Particles	8-Hour (10:00 to 18:00 Pacific Standard Time)	[8]	Unclassified	Not Applicable	Not Applicable

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter – PM_{10}, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements are excluded that the Air Resources Board (ARB) determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.
2. National standards shown are the "primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m3. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m3.

   Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.
3. National air quality standards are set by EPA at levels determined to be protective of public health with an adequate margin of safety.
4. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.
5. The national 1-hour ozone standard was revoked by EPA on June 15, 2005.
6. In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.
7. In June 2002, CARB established new annual standards for $PM_{2.5}$ and PM_{10}.
8. Statewide Visibility Reducing Particles Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.
9. The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006.
10. On January 9, 2013, EPA issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. This EPA rule suspends key SIP requirements as long as monitoring data continues to show that the Bay Area attains the standard. Despite this EPA action, the Bay Area will continue to be designated as "non-attainment" for the national 24-hour $PM_{2.5}$ standard until such time as the Air District submits a "redesignation request" and a "maintenance plan" to EPA, and EPA approves the proposed redesignation.
11. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100 ppm (effective January 22, 2010). EPA expected to make a designation for the Bay Area by the end of 2017 but has not done so.
12. On June 2, 2010, the U.S. EPA established a new 1-hour SO_2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO2 NAAQS however must continue to be used until one year following U.S. EPA initial designations of the new 1-hour SO_2 NAAQS
13. ARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure below which there are no adverse health effects determined.
14. National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.
15. In December 2012, EPA strengthened the annual PM 2.5 NAAQS from 15.0 to 12.0 micrograms per cubic meter (µg/m3). In December 2014, EPA issued final area designations for the 2012 primary annual PM 2.5 NAAQS. Areas designated "unclassifiable/attainment" must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015

Odors

Odors are also an important element of local air quality conditions and are included in City's general plan air quality policies. Specific activities can raise concerns to nearby residences or other areas where groups of people gather for extended periods of time. The most common major sources of odors are restaurants, manufacturing plants, landfills, recycling facilities and other food processing facilities. In addition to odors occurring during the operation of a project, odors can occur temporarily associated with construction activities. Any sources that generate objectional odors are required to comply with all air regulations involving odor. However, the public's sensitivity to these odors is often greater than what the regulatory thresholds require.

REGULATORY SETTING:

Federal:

EPA

EPA mandates air quality based on the Clean Air Act. The Clean Air Act was enacted in 1963 and provides the principal framework for national, state, and local efforts to protect air quality (EPA. 2021c). Under the Clean Air Act, EPA's Office of Air Quality Planning and Standards is responsible for setting standards, also known as NAAQS, for pollutants which are considered harmful to people and the environment (see Table 3-1). The setting of these pollutant standards was coupled with directing the states to develop state implementation plans, applicable to appropriate industrial sources in the state, in order to achieve these standards. The Act was amended in 1977 and 1990 primarily to set new goals for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines (EPA 2021d).

State:

California Air Resources Board (CARB)

The California Air Resources Board oversees the state regulations for air quality in California. The CARB sets the state's air quality standards at levels that protect those at greatest risk and is responsible for oversight of local air pollution control programs within California. The CARB implemented the California Clean Air Act in 1988, requiring all air districts to achieve and maintain the CAAQS identified in Table 3-1. In 1959, California passed legislation requiring the state Department of Public Health to establish air quality standards and necessary controls for motor vehicle emissions. California law continues to mandate California ambient air quality standards, which are often more stringent than national standards.

Toxic Air Contaminants (TAC) is another group of pollutants of concern. The California Environmental Protection Agency (CalEPA), acting through CARB, is allowed to designate a pollutant as a TAC, if it may cause or contribute to an increase in mortality or an increase in serious illness, or that may pose a present or potential hazard to human health (CARBb 2021). TAC's and particulate matter can be emitted from stationary sources such as gasoline stations, dry cleaners, and diesel backup generators. TAC's are more commonly emitted from non-stationary sources such as on-road motor vehicles on freeways and roads (i.e. trucks and cars), and off-road sources such as construction equipment, ships and trains (BAAQMD).

The Toxic Air Contaminant Identification and Control Act (Tanner Air Toxics Act) created California's program to reduce exposure to air toxics. An amendment to the act in 1993, required the CARB to identify the 189 federal hazardous air pollutants as TAC's (ARB 1997). TACs must have control measures to keep emissions below set thresholds or utilize best

available emissions control technology to minimize exposure. The California Legislature established the AB 2588 air toxics "Hot Spots" program in 1997 also known as the Toxics Hot Spots Information and Assessment Act (ARB 1997). The Act required facilities that emitted TAC's above a designated level was required to prepare a risk assessment. If the assessment found that the emissions were significant, they were required to notify the public of the significant levels and prepare a plan and implement risk reduction measures.

Regional:

Bay Area Air Quality Management District (BAAQMD)

The Bay Area Air Quality Management District is responsible for maintaining air quality thresholds within the San Francisco Bay Area Basin (SFBAAB). This is achieved through a comprehensive program of planning, regulation, enforcement, technical innovation, and education. The clean air strategy of the BAAQMD includes preparation of plans for attainment of CAAQS, issuance of permits for stationary sources of air pollution, inspection of stationary sources of air pollution and response to citizen complaints, monitoring of air quality, and adoption and enforcement of rules and regulations concerning sources of air pollution.

The Clean Air Plan was adopted by the BAAQMD Board of Directors on April 19, 2017 and is titled "Spare the Air Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area". The 2017 Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how the Air District will continue its progress toward attaining all state and federal air quality standards and eliminating health risks from exposure to air pollution among Bay Area communities (BAAQMD 2021c). The BAAQMD's Clean Air Plan includes a wide range of control measures designed to decrease emissions of air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and TAC's.

Some urban communities in the Bay Area have higher exposure to TAC's in comparison to others. The BAAQMD created the Community Air Risk Evaluation (CARE) program in 2004 to identify areas with higher risk levels from TACs and where sensitive populations are located. A large portion of San José is identified by the CARE program to be an impacted community. The Project site is located in this area. The impacted community has elevated pollution levels based on detailed emissions inventories and air dispersion modeling. According to the BAAQMD, this area is defined as, "[An area] where toxic air contaminants, fine particulate matter, and ozone are estimated to have the greatest impacts on health (BAAQMD 2021b).

BAAQMD CEQA Air Quality Guidelines.

The purpose of the BAAQMD California Environmental Quality Act Guidelines is to assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process, consistent with CEQA requirements, and include recommended thresholds of significance, mitigation measures, and background air quality information. The guidelines include specific air quality thresholds for construction and operation of the PROPOSED Project. If a project exceeds the designated thresholds, its emissions may result in significant adverse air quality for the region. The BAAQMD has developed screening criteria to provide lead agencies and project applicants with a conservative suggestion of whether the proposed project could result in potentially significant air quality impacts.

Local:

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* was adopted by the City Council in November 2011. This General Plan centers on twelve Major Strategies that reflect the community's desire to see San José grow into a more prominent great City, taking on a growing environmental and economic leadership role in the region, nation and world. In Chapter 3, Environmental Leadership, the General Plan identifies the following goals and policies applicable to the proposed Project for reducing air quality and greenhouse gas impacts:

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

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

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

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

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

MS-13.1 Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

MS-13.2 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 for Construction, Grading, Quarrying, and Surface Mining Operations.

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

CD-5.1 Design areas to promote pedestrian and bicycle movements, to facilitate interaction between community members, and to strengthen the sense of community.

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

IMPACT ANALYSIS:

a) Would the Project conflict with or obstruct implementation of the applicable air quality plan?

The Project site is located within the City of San José, which is part of the San Francisco Bay Area Air Basin. The BAAQMD's 2017 Clean Air Plan, adopted on April 19, 2017, is the applicable air quality plan for the SFBAAB and the City of San José. The plan defines an integrated, multi-pollutant control strategy to improve air quality, protect public health, and protect the climate by reducing emissions of criteria air pollutants, toxic air contaminants, and GHGs. Consistency with the air quality plan is determined by whether the Project would not disrupt or hinder implementation of any control measures from the Clean Air Plan. This involves supporting the goals and control measures of the plan. The control strategy involved in the Clean Air Plan includes 85 control measures. The control measures fall within nine different categories identified in the Clean Air Plan. The categories applicable to this Project are Transportation and Waste Management.

The BAAQMD has included important control measures to reduce emissions from Transportation. The transportation sector remains the largest source of GHGs, ozone precursors (reactive organic gases [ROG] and NOX), and TACs in the Bay Area, as well as a major source of fine particulate matter (BAAQMD 2017). The Project site is located in an industrial commercial land use area and located within a mile of other mixed uses such as residential, transit-employment center, open space, and commercial land uses. The Project site is a block away from multiple transit stops along Brokaw Road that are operated by the Valley Transportation Authority (VTA 2021). The routes connect nearby residential land uses with employment opportunities. The proposed Project includes improved pedestrian paths leading to the Project's entrance and an area for bicycle parking. This would not interfere with measures to reduce vehicle trips and vehicle miles traveled and would increase the use of alternate means of transportation. The proposed Project involves reorienting a customer entrance to Junction Avenue and a transportation analysis has found the project would result in a less-than significant vehicle miles traveled (VMT) impacts. Therefore, the Project would not hinder the BAAQMD's measures to reduce vehicle trips and vehicle miles traveled.

The waste management sector includes GHG emissions from landfills and composting activities. This section includes a measure involving recycling and waste diversion. The proposed Project would comply with local requirements for waste management (e.g., recycling and composting services) and therefore, would be consistent with the Waste Management Control Measure of the Clean Air Plan.

The proposed Project would overall implement the applicable control measures outlined in the Clean Air Plan. Therefore, the Project would not disrupt or hinder implementation of a control

measure from the Clean Air Plan. The Project would have a **less than significant** impact to air quality.

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

The BAAQMD has established significance thresholds for evaluating the impact of air emissions. An evaluation of air emissions and a comparison to the significance threshold is described below.

Construction and Operation Emissions

To evaluate air quality impacts from the project, short-term construction emissions of carbon monoxide (CO), sulfur dioxide (SO_2), particulate matter less than 10 microns (PM_{10}), and particulate matter less than 2.5 microns ($PM_{2.5}$) were quantified. Because ozone (O_3) is formed through chemical reactions in the atmosphere, the O_3 precursors nitrogen oxides (NOx) and ROG were also evaluated. Construction emissions, emissions from soil disturbance, and emissions from vehicle travel on paved and unpaved roads were estimated using California Emissions Estimator Model Version 2016.3.2 (CalEEMod). Where project-specific information was not available, conservative assumptions and/or default assumptions contained in CalEEMod were used to quantify project construction emissions. As a conservative measure, no mitigation was factored into the emissions calculations. Maximum daily emission rates generated as a result of construction are presented below in **Table 3-2**.

Construction emissions were estimated based on a 3-month construction schedule. Inputs to CalEEMod include the construction schedule, equipment type, hours of operation, amount of grade/fill, and number of workers. The model input and output files are included in Appendix A.

Table 3-2: Unmitigated Criteria Pollutant Emissions during Construction

Pollutant	Project Daily Maximum Emission (lbs/day) [1]	Thresholds of Significance (lbs/day) [2]	Threshold Exceeded?
ROG	22.4	54	No
NO_x	27.4	54	No
Particulate Matter (PM_{10}) (exhaust)	1.10	82	No
Fine Particulate Matter ($PM_{2.5}$) (exhaust)	1.02	54	No

[1] Daily maximum emission values from CalEEMod analysis for winter, which had higher emissions than the summer analysis.
[2] BAAQMD Thresholds of Significance for criteria pollutants in this table apply to construction emissions.

Source: BAAQMD 2017

As shown in Table 3-2 above, the unmitigated construction emissions from the Project would not exceed the BAAQMD CEQA significance threshold. Fugitive dust emissions would be further reduced with the required implementation of the City of San José Grading Ordinance and the City's standard environmental permit conditions, described below.

Standard Permit Conditions

The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

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.
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 miles per hour.
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 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.

Typical operational emissions from Project implementation would be associated with building energy use, motor vehicle trips, and maintenance activities such as the use of landscape equipment. Natural gas is not used at this site and energy-related emissions are from electricity use for items such as heating, cooling, and lighting. Emissions were estimated using CalEEMod and the default energy use factors for the following building use types for the new addition:

- Home Improvement Superstore: 14,400 square feet
- Unrefrigerated Warehouse – No Rail: 6,050 square feet
- Parking: 26,000 square feet

Trip generation rates for employees, customers, and deliveries were based on the projections in the Traffic Study (Appendix H). Results of the emission estimates are shown in **Table 3-3**.

Table 3-3: Unmitigated Criteria Pollutant Emissions during Operation

Pollutant	Project Average Daily Emissions (lbs/day)[1]	Daily Threshold of Significance (lbs/day)[2]	Project Annual Emissions (tpy)	Annual Threshold of Significance (tpy)
Reactive Organic Gases (ROG)	1.5	54	0.16	10
Oxides of Nitrogen (NO_x)	3.2	54	0.44	10
Particulate Matter (PM_{10}) (exhaust)	0.02	82	0.02	15
Fine Particulate Matter ($PM_{2.5}$) (exhaust)	0.02	54	0.02	10

[1] Daily maximum emission values from CalEEMod analysis for summer, which had higher emissions than the winter analysis.

[2] BAAQMD Thresholds of Significance for criteria pollutants in this table apply to operational emissions.

Source: BAAQMD 2017

Localized Carbon Monoxide (CO) Impacts

In accordance with the BAAQMD CEQA Guidelines, the proposed Project would result in a less than significant impact to localized carbon monoxide concentration if it meets the following criteria:

- Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans;
- The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
- The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The results of the Local Transportation Analysis (Appendix G) show that the Project would be consistent with the applicable congestion management programs. The Project would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour and the Project would not be located in an area where vertical and/or horizontal mixing is substantially limited. Therefore, this project would have a **less than significant impact** on localized carbon monoxide concentrations.

Cumulative Impacts

CEQA defines a cumulative impact as two or more individual effects, which when considered together, are considerable or which compound or increase other environmental impacts. The City has approved potential development totaling approximately 19.70 acres; there are no active permits on file as of the publication date of this Initial Study . Additionally, construction of any two projects would not be conducted at the same time and emissions from the project would not need to be evaluated in combination with this Project.

In accordance with the BAAQMD CEQA Guidelines, the Project would not result in a cumulatively considerable net increase if any criteria pollutant is below the significance thresholds. As described above, both the construction and operation emissions would be well below the BAAQMD thresholds and the Project would not result in a cumulatively considerable net increase of pollutants. The impact is **less than significant,** and no mitigation is required.

c) Would the Project expose sensitive receptors to substantial pollutant concentrations?

Sensitive receptor locations are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Typically, these types of facilities are included in the analysis if they are sites where sensitive individuals spend most of their day. The proposed Project is located in an industrial and commercial area with no nearby residents. As discussed in Section IX, Hazards, The closest schools to the Project site are Challenger School Berryessa and Bachrodt Elementary School, which are located approximately 0.8-mile (4,317 linear feet) southeast and 1 mile (5,254 linear feet) southwest of the Project site, respectively. Other non-industrial sites located within 1,000 feet of the project include the San José Dance Theater, Condition and Competition Kickboxing, and the Pro Wrestling Revolution Training Academy. While children do attend classes at one or more of these facilities, it is not where they spend most of their day. Since the closest sensitive receptor is outside the 1,000-foot radius of the Project site, the impacts to sensitive receptors would be **less than significant.**

d) Would the Project result in other emissions (such as those leading to odors) affecting a substantial number of people?

Typical odor nuisances include H_2S, ammonia, chlorine, and other sulfide-related emissions. No significant sources of these pollutants will exist during construction. Diesel engine emissions are also a potential source of project-related odor during the construction phase. Odors are not anticipated to be present during the operational phase of the project. As previously described, there are no residences or sensitive receptors located near the construction work areas. Construction will be short term and a substantial number of people would not be affected; therefore, impacts due to odor will be **less than significant** and no mitigation would be required.

IV. BIOLOGICAL RESOURCES

Would the project:

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

EXISTING SETTING:

The Project consists of improvements and additions to an existing, industrially developed property within a larger developed urban area. The fully developed Project site is bordered by ornamental trees and limited landscaping. The existing landscaping consists of 11 trees. Special-status animals are not expected to occur in urban areas of the City developed with structures and paving and that do not support natural plant communities since these areas do not meet habitat requirements for nesting, foraging, or cover. The site lacks undeveloped areas and other habitat elements that support special status species. The nearest natural landcover is a 200-foot wide band of willow riparian forest and scrub that borders Coyote Creek approximately 2,500 feet (0.5 mile) northeast of the Project site.

REGULATORY SETTING:

Federal:

Migratory Bird Treaty Act
The U.S. Fish and Wildlife Service implements the Migratory Bird Treaty Act (16 United States Code Section 703-711). The Migratory Bird Treaty Act (MBTA) of 1918 protects all migratory birds, including active nests and eggs. Birds protected under the MBTA include all native waterfowl, shorebirds, hawks, eagles, owls, doves, and other common birds such as ravens, crows, sparrows, finches, swallows, and others, including their body parts (for example feathers and plumes), active nests, and eggs. A complete list of protected species can be found in 50 CFR 10.13. Enforcement of the provisions of the federal MBTA is the responsibility of the U.S. Fish and Wildlife Service.

State:

California Fish and Game Code
Fish and Game Code Section 3503 et seq. states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by this code or any regulation made pursuant thereto. Section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird.

Regional:

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan
The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan provides a framework for promoting the protection and recovery of natural resources in the Plan area, including endangered species, while streamlining the permitting process by pre-identifying mitigation obligations for impacts on species habitat and providing a process to meet mitigation obligations. The plan covers an area of 519,506 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water (Valley Water), Santa Clara Valley Transportation Authority (VTA), U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

Local:

City of San José Tree Ordinance

Ordinance-sized trees and street trees are protected in the City of San José. The City's Tree Removal Controls Ordinance (San José Municipal Code, Chapter 13.32) protects all trees having a trunk that measures 38 inches or more in circumference at a height of 54 inches above natural grade slope. Chapter 13.28 of the San José Municipal Code provides protections for all trees planted on a street. A tree removal permit is required from the City prior to removal of any trees on commercial properties. The request for a tree removal permit may be included as part of an application for a development permit.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes land use policies to preserve and protect natural resources in the City. The following policies apply to the Project:

ER-5.1 Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

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

ER-6.5 Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.

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

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

MS-21.6 As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

MS-21.8 For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

- Avoid conflicts with nearby power lines.
- Avoid potential conflicts between tree roots and developed areas.

- Avoid use of invasive, non-native trees.
- Remove existing invasive, non-native trees.
- Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
- Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

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

IMPACT ANALYSIS:

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

The Project area consists of an existing commercial development and lacks natural habitat features that would support endangered, threatened, or special status plant or wildlife species. The City's General Plan Final Program Environmental Impact Report (EIR) identifies the project as entirely in urban and suburban environments where biological resources are limited. The project site contains 11 trees which could potentially provide nesting habitat for birds. Mitigation Measure BIO-1 would require nesting bird surveys to be conducted by a qualified biologist within 14 days prior to commencement of construction and would reduce impacts on special-status species to **less-than-significant with mitigation incorporated**.

Mitigation Measure BIO-1: Avoid Impacts on Nesting Birds

Nesting birds and their nests shall be protected during construction by implementation of the following measure:

The project applicant shall schedule demolition and 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). If demolition and construction cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests are disturbed during project implementation. 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 late part of the breeding season (May 1st through August 31st, inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction areas for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife (CDFW), shall determine the extent of a construction-free buffer zone to be established around the nest, typically 250 feet, to ensure that

raptor or migratory bird nests shall not be disturbed during project construction. Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning or Director's designee of the Department of Planning, Building and Code Enforcement.

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

The Project site is currently developed and located within a larger urban area. The closest riparian area is associated with Coyote Creek 0.5-mile northeast of the Project site and would not be affected by the Project. The Project is not located within 300 feet of a riparian corridor and will not conflict with the City's Riparian Corridor and Bird-Safe Design Policy (Council Policy 6-34). Therefore, the project would have **no impact** on riparian habitat or another sensitive natural community.

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

There are no wetlands onsite; therefore, the Project would have **no impact** on any state- or federally protected wetlands.

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?

The project is located in an urban area and lacks habitat features that support wildlife movement or breeding. There would be **no impact**.

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

The Project site contains 11 existing trees (Appendix B). Eight existing street trees located along Rogers Avenue would remain in place, and three trees in the back of the property off of Junction Avenue would be removed. New drought-resistant landscaping would be installed in the parking lot and along the street frontages.

Fencing would be installed to protect the eight street trees during construction. The three trees proposed for removal include one Mexican fan palm (*Washingtonia robusta*) and two privets (*Ligustrum lucidum*), all Ordinance size. Both species are listed by the California Invasive Plant Council (Cal-IPC) as invasive species (Cal-IPC 2020), though they are not included on the City of San José 's List of Unsuitable Trees; none are included on the City's Heritage Tree List.

The Project would be required to replace the removed trees at the ratios identified in the City of San José's Standard Permit Condition provided below. With implementation of the City's Standard Permit Condition, impacts would be **less than significant**.

Standard Permit Condition
Tree Replacement. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in **Table 4-1** below, as amended.

Table 4-1: Tree Replacement Ratios

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

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 3-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved 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.

The three trees proposed for removal are between 19 and 38 inches in circumference and would be replaced at a 2:1 ratio. The total number of replacement trees required to be planted would be six trees. Approximately 21 trees would be planted on the Project site (Appendix D). 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 to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

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

The Project is located within the boundary of the Santa Clara Valley Habitat Plan (SCVHP or Plan). The Plan designates the land cover in the project area as Urban – Suburban. No land cover fees are assessed for urban areas. Construction, maintenance, and operation of commercial facilities in urban areas are covered projects and activities under the Plan. With implementation of the City's Standard Permit Condition below, impacts would be less than significant.

Standard Permit Condition

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 Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

V. CULTURAL RESOURCES

Would the project:

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

EXISTING SETTING:

The Project site was first developed in the 1960s by a company called Velcon Filters, Inc. Velcon constructed the neighboring existing warehouses and operated an airplane fuel filter manufacturing and testing facility on the site. Triad Tool and Engineering, Inc., and their associated affiliate Phoenix Technical Products ("Triad") acquired the property from Velcon in 1993. Triad operated a machining, die casting, and specialty painting facility at the site until early 2020, after which the Applicant purchased the site.

Historic Resources. The Project site is characterized by existing warehouse buildings and associated surface parking lots. The one and two-story buildings are characterized by their rectangular massing, flat roof roofs, overhanging eaves with wide, simple facia, aluminum frame windows and smooth paneled exterior. The site was developed for warehouse and office use circa 1973 with additional alterations carried out in 1974. The buildings are not closely associated with any significant historical patterns or events. Historical research did not identify any associations with persons significant in San José, Santa Clara County, or California History. The buildings lack any distinctive architectural detail and are examples of functional building design. Therefore, they are not significant for their design, construction, or architecture. The buildings on site are not listed on the City's Historic Resources Inventory (City 2021c) or the California Register of Historical Resources. Nor are the buildings on the site eligible for local, state, or federal listing. Therefore, the site does not contain any resources under CEQA.

Archaeological Resources. Archaeological resources are resources associated with human activity in the past and encompass both prehistoric and historic resources. The existing Project site is currently developed and has been previously disturbed and significantly altered as a result of past construction activities on the site. As such, it is likely that any unknown archaeological resources on the Project site would have been disturbed at the time of previous activities on the Project site.

REGULATORY SETTING:

Federal:

National Historic Preservation Act
The National Historic Preservation Act of 1966 (as amended) is the primary federal law dealing with historic preservation. Section 106 of the National Historic Preservation Act requires federal agencies to consult with the Advisory Council on Historic Preservation to consider the effects of their undertakings on historic properties.

National Register of Historic Places
The National Register of Historic Places is a comprehensive inventory of known historic resources throughout the U.S. The National Register is administered by the National Park Service and includes buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological or cultural significance. National Register Bulletin Number 15, How to Apply the National Register Criteria for Evaluation, describes the Criteria for Evaluation as being composed of two factors. First, the property must be "associated with an important historic context", and second the property must retain integrity of those features necessary to convey its significance.

The National Register identifies four possible context types or criteria, at least one of which must be applicable at the national, state, or local level. As listed under Section 8, "Statement of Significance," of the National Register of Historic Places Registration Form, these are:

a. Property is associated with events that have made a significant contribution to the broad patterns of our history.
b. Property is associated with the lives of persons significant in our past.
c. Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.
d. Property has yielded, or is likely to yield, information important to prehistory or history.

State:

Thresholds of Significance
CEQA requires a lead agency to determine whether a project may have a significant effect on historical resources (Public Resources Code [PRC], Section 21084.1) and tribal cultural resources (PRC Section 21074 [a][1][A]-[B]). A historical resource is a resource listed in, or determined to be eligible for listing, in the California Register of Historical Resources, a resource included in a local register of historical resources, or any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (CEQA Guidelines, Section 15064.5[a][1-3]). A resource shall be considered historically significant pursuant to the California Register of Historical Resources criteria for designation if it meets any of the following:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
2. Is associated with the lives of persons important in our past

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values
4. Has yielded, or may be likely to yield, information important in prehistory or history

If it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (PRC, Section 21083.2[a], [b]). PRC, Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person

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

Assembly Bill 52
As of July 1, 2015, California Assembly Bill 52 (Gatto) of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3). PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and that are: 1) listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k); or 2) 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 PRC Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe. AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

California Health and Safety Code

California Health and Safety Code Section 7054 states it is generally illegal to deposit or dispose of human remains in any place other than a cemetery. Section 7050.5 regulates the procedure to be followed if human remains are discovered. Pursuant to PRC Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the County Coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are determined to be of Native American heritage, the Coroner is required to contact the Native American Heritage Commission (NAHC). The NAHC is responsible for contacting the most likely Native American descendent, who would consult with the local agency regarding how to proceed with the remains. According to Section 15064.5 of the CEQA Guidelines, all human remains are considered a significant resource.

Local:

Envision San José 2040 General Plan.

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

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

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

ER-10.2 Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable State laws shall be enforced.

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

LU-13.15 Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

City of San José Municipal Code

The Historic Preservation Ordinance in Chapter 13.48 of the San José Municipal Code outlines the process and requirements of obtaining a Historic Preservation Permit and describes associated benefits of a potential property tax reduction through the Mills Act Historical Property Contract. As described in the Municipal Code, a landmark has a significant historical, architectural, cultural, aesthetic, or engineering interest or value pertaining to its historical

nature. A landmark can include any combination of the following: an individual structure, an integrated group of structures on a single lot, or a site or portion of a site.

Historic Resources Inventory

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

IMPACT ANALYSIS:

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

According to the National Register and the California Register, there are no documented historic resources on or within the vicinity of the Project site. According to the City of San José's Historic Resources Inventory, the Project site and adjacent properties do not contain historic resources defined under the PRC Section 15064.5. Additionally, the property has not been the location of known important events and is not associated with any persons important to national, state, or local history. Therefore, the Project would not result in impacts to historic resources because there are no local, state, or federal historic resources on or adjacent to the Project site. The Project site is developed and will add a wholesale retail and warehouse and new driveways, parking lots, and landscaping. Therefore, there would be **no impact** to historical resources.

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

A cultural resource records search was conducted through the California Historical Resources Information System (CHRIS) Northwest Information Center. The literature search is on file with the San José Department of Planning, Building and Code Enforcement (PBCE). The records search indicated that the Project area had not been included in prior cultural resource studies. The records search also revealed that there are no known historic sites within the Project site and five resources within the 0.5-mile radius consisting of three bridges a portion of the. Southern Pacific Railroad, and one industrial building. Additionally, a search of the NAHC Sacred Lands File failed to indicate the presence of Native American cultural resources in the Project site (Appendix C). Considering the results of the records search, and NAHC response, there are no known archaeological resources on the Project site.

The site is currently developed with existing warehouses and associated paved surface parking lots. The Project site has been previously disturbed and significantly altered as result of past construction activities on the site. Although there is little potential for the Project to impact prehistoric resources due to the significant prior disturbance from the past construction activities, project construction would require grading and excavation activities that may extend into native soils. Therefore, the following Standard Permit Condition is required in the unlikely event that unknown archaeological resources are discovered at any time during grading and construction activities. With implementation of this Standard Permit Condition, the Project would have a **less than significant impact** on cultural resources.

Standard Permit Condition

- **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 archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission from the City of San Jose and that is traditionally and culturally affiliated with the geographic area, shall examine the find. The archaeologist and Native American representative 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.

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

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

A cultural resource records search conducted through the CHRIS Northwest Information Center (Appendix C) showed no previously discovered burials within 0.5 mile of the Project site. A search of the NAHC Sacred Lands File failed to indicate the presence of Native American sacred lands in the area (Appendix C). The Project site is highly disturbed and is almost entirely covered with pavement. Due to the past disturbance and development of the entire site, no known human remains would likely be present on the Project site, and there are no facts or evidence to support the idea that Native Americans or people of European descent are buried on the Project site; therefore, no impact to human remains is anticipated. However, in the unlikely event that human remains are encountered unexpectedly during the construction, the following Standard Permit Condition applies during project excavation or grading. Therefore, the Project would have a **less than significant impact** to cultural resources.

Standard Permit Condition:

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

Compliance with the above Standard Permit Conditions during project site grading, clearing and construction activities would protect previously undiscovered Native American burial sites and human remains. This impact would be **less than significant**.

VI. ENERGY

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☑	☐

EXISTING SETTING:

California's energy consumption was second-highest in the United States in 2018, but its per capita energy consumption was the fourth-lowest due in part to its mild climate and its energy efficiency programs. In 2019, California was the top producer in three different forms of renewable energy: solar, geothermal, and biomass energy (EIA 2021). California's non-carbon dioxide emitting electric generation categories (nuclear, large hydroelectric, and renewables) accounted for 57 percent of its total electricity generation. In 2019, total system electricity generation for California was 277,704 gigawatt-hours (GWh), down 2.7 percent, or 7,784 GWh, from 2018 (CEC 2020). Gigawatts measure the capacity of large power plants or of many plants. One gigawatt (GW) = 1,000 megawatts = 1 billion watts. Growth in annual electricity consumption from traditional power plants declined reflecting increased energy efficiency (e.g., time-of-use pricing, EVs, etc.) and higher self-generation from solar photovoltaic power systems (EIA 2021).

Pacific Gas and Electric Company (PG&E) provides the City of San José with both electricity and natural gas. PG&E supplied 29 percent of the electricity to their customers from renewable resources that qualify under California's Renewables Portfolio Standard. PG&E's Power Mix that was reported to the California Energy Commission for 2019, had 27 percent from hydroelectric and 44 percent from nuclear (PG&E 2020). In 2019, Santa Clara County had a total electricity usage of 16,664 GWh (CEC 2021). Electricity provided to customers by San José Clean Energy (SJCE) is transferred and delivered using existing PG&E infrastructure. SJCE plays a crucial role in Climate Smart San José, the city's climate action plan.

The electricity usage for existing operations on the Project site would be minimal due to the site currently being vacant. However, an estimation of annual energy use of the existing Development was created based on energy demand factors in the CalEEMod. The energy intensity of the current warehouse structures totaling 61,528 square-feet is approximately 65,834 kWh (Appendix A). Natural gas is not currently used on the Project site.

REGULATORY SETTING:

Federal:

Federal Energy Policy and Conservation Act of 1975
The Energy Policy and Conservation Act of 1975 (EPCA), enacted December 22, 1975, is a United States Act of Congress that responded to the 1973 oil crisis by creating a comprehensive approach to federal energy policy. The primary goals of EPCA are to increase energy production and supply, reduce energy demand, provide energy efficiency, and give the executive branch additional powers to respond to disruptions in energy supply. Most notably, EPCA established the Strategic Petroleum Reserve, the Energy Conservation Program for Consumer Products, and Corporate Average Fuel Economy regulations.

EPA Off-Road Diesel Engine Emissions Standards
EPA regulates the emissions from mobile sources by setting standards for the specific pollutants being emitted. EPA established progressively more stringent emission standards for carbon monoxide, hydrocarbons, nitrogen oxides, and particulate matter, starting in the mid-1970s for on-road vehicles and in the early 1990s for nonroad engines and equipment. Emissions standards set limits on the amount of pollution a vehicle or engine can emit. EPA realizes that to reduce mobile source pollution we must address not only vehicles, engines, and equipment, but also the fuels they use. So we have set sulfur standards for gasoline, on-road diesel fuel, and nonroad diesel fuel.

State:

Renewables Portfolio Standard (RPS)
California's RPS program was established in 2002 by Senate Bill (SB) 1078. The program had an initial requirement that 20% of electricity retail sales must be served by renewable resources by 2017. The program was accelerated in 2015 with SB 350, which mandated a 50% RPS by 2030. SB 350 includes annual RPS targets with three-year compliance periods and requires 65% of RPS procurement to be derived from long-term contracts of 10 or more years. In 2018, SB 100 was signed into law and it increased the RPS target to 60% by 2030 and requires all the state's electricity to come from carbon-free resources by 2045. The California Energy Commission (CEC) is responsible for the certification of electrical generation facilities as eligible renewable energy resources and adopting regulations.

California Energy Plan
The CEC is responsible for preparing the State Energy Plan.
The plan identifies emerging state trends related to energy supply, demand, conservation, public health and safety, and the maintenance of a healthy economy. The plan calls for the state to assist in the transformation of the transportation system to reduce congestion, improve air quality, and increase the efficient use of fuel supplies with the fewest environmental and energy costs. To further this policy, the plan identifies several strategies, including aiding public agencies and fleet operators.

Building Energy Efficiency Standards (Title 24)
The California Title 24 Building Energy Efficiency Standards are designed to ensure new and existing buildings achieve energy efficiency and preserve outdoor and indoor environmental quality. These measures (Title 24, Part 6) are listed in the California Code of Regulations. The California Energy Commission is responsible for adopting, implementing, and updating building energy efficiency. Local city and county enforcement agencies have the authority to verify compliance with applicable building codes, including energy efficiency. The Building Energy

Efficiency Standards include a mandatory set of policies, and more rigorous voluntary guidelines. They require new construction projects to achieve green building performance levels and Section 24 of the San José Municipal Code adopts Title 24 of the CCR under the California Building Standards Code.

Local:

Envision San José 2040 General Plan

The Envision San José 2040 General Plan was adopted by the City Council in November 2011. This General Plan centers on twelve Major Strategies that reflect the community's desire to see San José grow into a more prominent great City, taking on a growing environmental and economic leadership role in the region, nation, and world. Chapter 3, Environmental Leadership, identifies the following goals and policies related to the proposed Project. The Measure Sustainability subsection discusses energy conservation and renewable energy:

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

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

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

MS-2.4 Promote energy efficient construction industry practices.

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

MS-3.1 Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.

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

MS-14.3 Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised, and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.

Private Sector Green Building Policy (Council Policy 6-32)
The Private Sector Green Building Policy (Council Policy 6-32) was adopted in Ordinance No. 28622 in June 2009. The Policy requires new development to "build green" by incorporating green building practices that are targeted at energy efficiency, water conservation, and improved air and water quality. The City requires new buildings to meet certain green building requirements in order to receive a building permit. The requirements are dependent on the size and type of the project. The Project is subject to the following requirement:

- Tier 1 Commercial Projects include commercial industrial projects (non-residential) of less than 25,000 square feet, and less than a height of 75 feet. These projects are required to submit a completed GreenPoint Rated Checklist or LEED Checklist in order to receive a building permit.

IMPACT ANALYSIS:

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

The anticipated construction of the proposed Project is assumed to last three months. There would be no phasing and some construction activities may happen concurrently. Construction activities would include demolition, grading, site preparation, site utilities, paving, and application of architectural coating and finishing touches. The grading would require the export of 2,591 cubic yards of soil. Other activities would import approximately 1,992 cubic yards of soil for landscaping. The energy that would be consumed during construction of the project would come from transportation of building materials on and off site, preparation of the site for grading, demolition, and the building construction. The primary source of energy for these activities would be petroleum fuels, such as diesel and gasoline, for the construction equipment/machinery. To help reduce the energy consumed from this equipment during construction, the Project contractors would restrict idling times to five minutes or less and any equipment that is idling for longer would be required to be shut off. The energy uses on the Project site due to construction would be temporary and would not significantly contribute to the County or State energy intensities.

The proposed project would construct a new retail showroom and additional warehouse space onto the two existing warehouses on the site. The Project would increase the development intensity of the site. The Project would add 20,050 square feet of building additions to the site, which would increase the floor space on site to 91,658 square feet The energy that would be consumed during the operation of the Project would be electricity associated with building lighting, heating/cooling, and water heating. The proposed uses on the site would use 55,137 kWh of electricity. The project related vehicle trips would also contribute to the energy use of the Project. As stated in the Transportation Section, the proposed project is estimated to generate 264 new daily vehicle trips and result in less-than-significant VMT impacts. Using the average 2019 fuel economy of 24.mpg, the proposed Project's operational vehicle trips would consume 6,574 gallons of gasoline per year. There are no proposed or existing usages of natural gases on site.

The Project's net electricity usage would be less than 0.01 percent of electricity use in the County of Santa Clara in 2019, which would not represent a substantial increase in demand on electricity resources in the State. The construction and operation of the project is not anticipated

to have wasteful, inefficient, or unnecessary consumption of energy resources. Therefore, the Project would have a **less than significant impact** on energy resources

b) Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

The proposed Project would be required to comply with the Green Building Policy (Policy 6-32), aimed at incorporating green building measures to encourage energy efficiency, water conservation, and improve air and water quality. The Project falls under the category of a commercial or industrial project that is less than 25,000 square feet. Therefore, the applicant will submit a GreenPoint Rated Checklist from Build It Green to the San José Permit Center when applying for building permits. The Project would comply with the 2030 GHG reduction strategy, including all energy efficient policies. The proposed project would not conflict with any other state-level regulations or general plan policies, including City codes, pertaining to energy. Therefore, the Project would have a **less than significant** impact on energy resources.

VII. GEOLOGY AND SOILS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? 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 wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☑
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☑

EXISTING SETTING:

The proposed Project site is located in a region defined by a number of fault zones associated with the San Andreas Fault system, which marks the tectonic boundary between the North American and Pacific plates. As shown in **Table 7-1** below, the major earthquake faults in the region are the San Andreas, the Hayward and the Calaveras fault zones. The proposed Project site appears to lie within the approximately located fault zone of the Silver Creek fault, a Quaternary fault of undifferentiated age (Jennings and Bryant, 2010). Other potentially active faults close to the site are the Monte Vista and Crosley faults.

Table 7-1: Earthquake Faults in the Region

Fault Name	Approx. Distance to Project Site (miles)
San Andreas	14
Hayward	8.9
Calaveras	7.5
Monte Vista	10
Silver Creek	0
Crosley	4.8

The Project site is not located in any Alquist-Priolo Earthquake Fault Zone (California Department of Conservation (DOC 2019). A study of the nine-county San Francisco Bay Area, conducted by the U.S. Geological Survey, identifies the proposed Project area as highly susceptible to liquefaction (Knudsen et al., 2000). The California Geological Survey has located this area within the Milpitas liquefaction zone (DOC, 2019). The Project site and surrounding properties have relatively flat topography, and the site is not located on an area of artificial fill.

REGULATORY SETTING:

Federal:

There are no federal policies applicable to the proposed project.

State:

Alquist-Priolo Earthquake Fault Zoning Act:
The Alquist-Priolo Earthquake Fault Zoning Act is overseen by the California Department of Conservation, California Geological Survey. Alquist-Priolo earthquake fault zones are regulatory zones surrounding the surface traces of active faults in California, and the purpose of the Act is to reduce losses from surface fault rupture. If an active fault has the potential for surface rupture, a structure for human occupancy cannot be placed over the fault and must be a minimum distance from the fault. The Alquist-Priolo Act defines an active fault as one that has ruptured in the last 11,000 years.

Seismic Safety Act:
The Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983 was enacted under the jurisdiction of the Office of Statewide Health Planning and Development and establishes a

program of seismic safety building standards for certain hospitals that are constructed on and after March 7, 1973.

California Seismic Hazards Mapping Act:
The Seismic Hazards Mapping Act was established in 1990 and directs the Department of Conservation, California Geological Survey to identify and map areas prone to earthquake hazards, including liquefaction, landslides, and ground shaking. The purpose of the Act is to reduce the threat to public safety and to minimize the loss of life and property by identifying and mitigating seismic hazards. The Act requires the State Geologist to establish regulatory zones and to issue Seismic Hazard Zone maps.

California Building Standards Code:
The California Building Standards Code (California Code of Regulations, Title 24) includes provisions for earthquake safety based on factors including occupancy type, soil and rock profile, the strength of the ground, and distance to seismic sources.

Local:

Envision San José 2040 General Plan
The following policies of the *Envision San José 2040 General Plan* apply to the Proposed Project:

EC-3.2 Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

EC-3.4 The City of San José will maintain up-to-date seismic hazard maps with assistance from the California Geological Survey (or other state agencies) under the Alquist-Priolo Earthquake Fault Zoning Act and the California Seismic Hazards Mapping Act.

EC-3.8 Maintain and update Citywide seismic hazard maps for planning purposes on an on-going basis.

EC-3.9 Revise and update provisions of the City of San José Geologic Hazard Ordinance, including geologic hazard zones, as new information becomes available from state and federal agencies on faults, earthquake-induced landsliding, liquefaction, and/or lateral spreading.

EC-3.10 Require that a Certificate of Geologic Hazard Clearance be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones related to seismic hazards.

EC-3.11 Make information available to residents and businesses on ways to reduce seismic hazards and emergency preparedness for an earthquake in conjunction with regional, state and federal agencies such as the Association of Bay Area Governments (ABAG) and the United States Geological Survey.

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

EC-4.2 Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

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

EC-4.5 Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 15.

EC-4.8 Maintain and update Citywide geologic hazard maps for planning purposes.

EC-4.9 Revise and update provisions of the City of San José Geologic Hazard Ordinance, including geologic hazard zones, as new information becomes available from state and federal agencies on land sliding potential and other geologic hazards.

EC-4.10 Require a Certificate of Geologic Hazard Clearance to be issued by the Director of Public Works prior to issuance of grading and building permits within defined geologic hazard zones.

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

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

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

Title 24 of the San José Municipal Code

Title 24 includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and geologic hazard reduction are included in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations). Requirements for grading, excavation, and erosion control are addressed in Chapter 17.10 (Building Code, Part 6 Excavation and Grading). In accordance with these requirements, the City's Public Works Department must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

IMPACT ANALYSIS:

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

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

The Project site is not located in any Alquist-Priolo Earthquake Fault Zone (DOC 2019). As discussed above, the proposed Project area is located in a region defined by a number of fault zones associated with the San Andreas Fault system. Although the proposed Project site appears to lie within the approximately located fault zone of the Silver Creek fault, this is a Quaternary fault of undifferentiated age without a known record of displacement (Jennings and Bryant, 2010). The nearest fault with historic displacement is the Crosley fault, located approximately 4.8 miles from the Project site. Therefore, direct rupture from an earthquake fault would be unlikely and the impact would be **less than significant.**

ii. Strong seismic ground shaking?

The proposed Project area is located in a region defined by a number of fault zones associated with the San Andreas Fault system. As described above, the major earthquake faults in the region are the San Andreas, the Hayward and the Calaveras fault zones. The proposed Project site appears to lie within the approximately located fault zone of the Silver Creek fault, a Quaternary fault of undifferentiated age (Jennings and Bryant, 2010). Other potentially active faults close to the site are the Monte Vista and Crosley faults. The possibility exists for ground shaking from an earthquake on any of these faults. However, the Environmental Impact Report (EIR) for *the Envision San José 2040 General Plan* (City 2011b) shows that the Project site is not located in an identified geologic hazard zone; therefore, impacts from strong seismic ground shaking would be **less than significant**.

iii. Seismic-related ground failure, including liquefaction?

Liquefaction is the transformation of saturated granular soils from a solid to liquefied state, caused by increased pore pressure and decreased effective stress usually induced by earthquakes. Areas susceptible to liquefaction can be determined based on characteristics such as soil type, soil density, and depth to groundwater. Liquefaction occurs in areas underlain by loose, saturated silt, sand, and/or gravel. Geology at the Project site consists of Holocene age San Francisco Bay mud, and a study of the nine-county San Francisco Bay Area, conducted by the U.S. Geological Survey, identifies the proposed Project area as highly susceptible to liquefaction (Knudsen et al., 2000). Additionally, the EIR for the Envision San José 2040

General Plan (City 2011b) indicates that the Project site is located in a liquefaction hazard zone. The City has requested a site-specific geotechnical report be prepared for the proposed Project. The site-specific geotechnical report would be completed before the issuance of building permits. The Project plans would comply with the applicable regulations contained in the report and would be built and maintained in accordance with these regulations. The Project would also comply with the City's standard permit conditions below:

The project applicant shall implement the following conditions:

- To avoid or minimize potential damage from seismic shaking, project construction shall use standard engineering and seismic safety design techniques. Complete building design and construction at the site in conformance with the recommendations of an approved geotechnical investigation. The geotechnical investigation report shall be reviewed and approved by the Department of Public Works as part of the building permit review and entitlement 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.
- Schedule all excavation and grading work in dry weather months or weatherize construction sites.
- Cover stockpiles and excavated soils with secured tarps or plastic sheeting.
- Install ditches to divert runoff around excavations and graded areas if necessary.
- Construct the project in accordance with standard engineering practices in the California Building Code, as adopted by the City of San José. Obtain a grading permit from the Department of Public Works 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.

Therefore, due to the Project complying with all the regulations outlined in the site-specific geotechnical report and the standard permit conditions above, the Project would have a **less than significant impact** on geology and soils.

iv. Landslides?

The proposed Project is located in a generally flat area, and the EIR for the Envision San José 2040 General Plan (City 2011b) shows that the Project site is not located in landslide hazard zone. Therefore, there would be **no impact**.

b) Would the Project result in substantial soil erosion or the loss of topsoil?

The proposed Project involves the construction of a wholesale retail and warehouse addition to an existing building, and installation of a new driveway, parking and landscaping. Because the Project site is already developed and relatively flat, the potential for substantial erosion or loss of topsoil is limited. However, construction activities, including grading and excavation of approximately 2,591 cubic yards of soil, would expose soil and may temporarily increase the potential for erosion.

During construction, the Project would be required to comply with the requirements of the Construction General Permit and implement erosion control Best Management Practices (BMPs) to minimize potential impacts. If necessary, the Project would also prepare an Erosion Control Plan and install temporary erosion control devices prior to ground disturbance to be maintained throughout construction.

The proposed Project would permanently increase impervious surfaces at the Project site with the addition of another driveway and parking area. Although this could potentially increase runoff during a storm event, the inclusion of additional pervious landscape areas would help stabilize soil and minimize runoff. Additionally, the following conditions would be followed during Project construction activities:

Standard Permit Conditions:

- The Project site is within the State of California Seismic Hazard Zone of Required Investigation for Liquefaction. A Geotechnical Report shall be submitted, reviewed, and approved by the City Geologist prior to the issuance of a grading permit. This report should include, but is not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation should be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake Center report, SCEC, 1999). A recommended minimum depth of 50 feet should be explored and evaluated in the investigation.
- A design level geotechnical corrective plan must be set to be approved for a grading permit, if ground improvements to mitigate settlement, liquefaction, landslides, or other geologic hazards are recommended in the geotechnical report submitted for the project.
- Schedule all excavation and grading work in dry weather months or weatherize construction sites.
- Cover stockpiles and excavated soils with secured tarps or plastic sheeting.
- Install ditches to divert runoff around excavations and graded areas if necessary.
- Construct the project in accordance with standard engineering practices in the California Building Code, as adopted by the City of San José. Obtain a grading permit from the Department of Public Works 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.

With implementation of the Standard Permit Conditions described above, seismic hazards, topsoil erosion and runoff impacts would be **less than significant**.

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

The potential for liquefaction in the Project area is discussed above in the response to checklist item VII(a). Implementation of Standard Permit Conditions would reduce impacts related to liquefaction hazards to less than significant. The proposed Project is located in a generally flat area, and the EIR for the *Envision San José 2040 General Plan* (City 2011b) shows that the Project site is not located in landslide hazard zone, nor are there unsupported conditions susceptible to significant lateral spreading. Therefore, hazards from unstable soils on and near the project site would be **less than significant**.

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

Expansive soils are soils with the potential to undergo significant changes in volume, either shrinking or swelling, due to their composition and moisture content. This periodic shrinking and/or swelling of expansive soils may cause damage to structures and roads. The Project site is located on Holocene deposits of San Francisco Bay mud, which may be expansive. Based on information provided by the U.S. Geological Survey, clay soils found in the Project area generally have slight to moderate swelling potential (U.S. Geological Survey, 1989).

In accordance with requirements of the most recent California Building Code, new habitable structures in San José are required to be constructed with provisions for expansive soils. Additionally, the City of San José requires a grading permit and compliance with the San José Municipal Code Chapter 17.10, Geologic Hazard Regulation Ordinance. Therefore, Project impacts would be **less than significant**.

e) Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The proposed Project would not include use of septic tanks or alternative wastewater disposal systems, and therefore the Project would have **no impact**.

f) Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The proposed Project site is located on surficial sediments of Holocene San Francisco Bay mud deposits. According to the EIR for the *Envision San José 2040 General Plan* (City 2011b), native soils under the Project site may have a high sensitivity for paleontological resources at depth. However, in the case of discovery of a paleontological resource, consistent with General Plan Policy ER-10.3, the following Standard Permit Conditions shall be implemented by the Project to reduce or avoid impacts to paleontological resources to a less than significant level:

Standard Permit Condition

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

Because the Project Applicant would adhere to the mitigation measures and standard project conditions described above, the proposed Project would have a **less than significant impact** on geology and soils.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:

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

EXISTING SETTING:

The greenhouse effect is a naturally occurring process that allows solar radiation to enter the earth's atmosphere from space and a portion of the radiation is absorbed by the earth's surface and a smaller portion is reflected into space (City 2019). Greenhouse gases are officially defined by the EPA as gases that trap solar radiation in the atmosphere and warm the atmosphere and ultimately the planet (EPA 2021a). The "greenhouse effect" is what makes our planet livable, however, due to the significant increase of greenhouse gases in the atmosphere, the planet is warming (an increase in global temperature) at an exponentially faster rate. The scientific community concedes that the significant increase in greenhouse gases emissions are due to anthropogenic activities, such as fossil fuel burning and deforestation. The six most prominent pollutants contributing to global warming are: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases, such as hydrofluorocarbons (HFCs) and perfluorocarbons (PFCs).

Climate change is a long-term variation in global or regional climate patterns (NASA 2021). Current cultural references to climate change refer specifically to the rise in global temperatures from the mid-20th century to present due to the increase of greenhouse gases, from anthropogenic activities, in the atmosphere. The potential devastating effects of climate change have pushed leaders to create a variety of new policies. This includes international treaty agreements such as COP21 (the Paris Agreement) all the way down to local government Climate Action Plans. The City of San José contributes 1.3 percent of California's total emissions, and approximately 0.1 percent of national emissions (City of San José 2017). The City has created multiple plans and applicable policies to address their contribution to climate change.

Operations at the current Project site include warehousing in two buildings. Greenhouse gas emissions from this site are generated by vehicles entering and leaving the site. Indirect GHG emissions are due to electricity consumption for heating, cooling, and lighting of the existing building.

REGULATORY SETTING:

Federal:

The Supreme Court decision in *Massachusetts et al. v. Environmental Protection Agency et al.* (Supreme Court Case 05-1120) found that EPA has the authority to list GHGs as pollutants and to regulate emissions of GHGs under the Federal Clean Air Act. On April 17, 2009, EPA found that CO_2, CH4, N_2O, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride may contribute to air pollution and may endanger public health and welfare. EPA has established reporting regulations that require specific facilities and industries to report their GHG emissions annually.

40 CFR Part 98. Mandatory Reporting of Greenhouse Gases Rule
This rule requires mandatory reporting of GHG emissions for facilities that emit more than 25,000 metric tons of CO_2e emissions[1] per year (EPA 2013). This Project is not impacted by this regulation.

State:

California legislation related to climate change includes Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, and Senate Bill (SB) 375, which direct the state and relevant local agencies to reduce GHG emissions. In addition, state agencies are guided by executive orders that direct GHG emissions reductions statewide, prioritize climate change adaptation, and provide an overarching executive framework to address climate change.

California Global Warming Solutions Act of 2006 [Assembly Bill 32]
Under the Assembly Bill 32, the "California Global Warming Solutions Act of 2006.", California is requiring in law a reduction of greenhouse gas emissions and to set the stage for its transition to a sustainable, low-carbon future (CARBb. 2021). AB 32 requires California to reduce its GHG emissions to 1990 levels by 2020. This is a reduction of approximately 15 percent below emissions expected under a "business as usual" scenario. This allowed the CARB to implement caps on emissions and develop tracking, reporting, and enforcement methods. CARB adopted the 2017 Scoping Plan which encourages local governments to adopt policies and locally appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) CO_2e by 2030.

Senate Bill 375
SB 375 (Chapter 728, Statutes of 2008) directs CARB to set regional targets for reducing greenhouse gas emissions. The regional GHG emissions reduction targets are for passenger vehicle and light-truck sectors for 2020 and 2035 as compared to 2005 GHG levels (IGL 2021). The per-capita GHG emissions reduction target for passenger vehicles in the SFBAAB includes a 7 percent reduction by 2020 and a 15 percent reduction by 2035. The law is intended to ensure that cities and counties are closely involved in developing an effective plan for the region to achieve the targets. *Plan Bay Area* was created by the Metropolitan Transportation Commission, Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation to address the requirement for local government to create a Sustainable Communities Strategy. The plan includes policies that help reduce GHG emissions, improve access to various modes of transportation, maintain regional infrastructure, and enhance resiliency to climate change.

[1] The number of metric tons of CO_2 emissions with the same global warming potential as one metric ton of another greenhouse gas

Senate Bill 32 and Assembly Bill 197
On September 8, 2016, Governor Brown signed Senate Bill 32 and AB 197, which codified the 2030 GHG emissions reduction target of 40 percent below 1990 levels and provided additional direction for updating the scoping plan. CARB updated the Climate Change Scoping Plan in 2017 to address this target.

California Green Building Standards Code (CGBS)
CALGreen is the first-in-the-nation mandatory green building standards code. In 2007, the California Building Standards Commission developed green building standards in an effort to meet the goals of California's landmark initiative AB 32, which established a program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020. The CGBS is a code with mandatory requirements for new residential and nonresidential buildings (including industrial buildings) throughout California. The code is Part 11 of the California Building Standards Code in Title 24 of the CCR. The current 2019 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings went into effect on January 1, 2020.

CALGreen is intended to cause a reduction in GHG emissions from buildings as well as promote environmentally responsible, cost-effective, healthier places to live and work, and reduce energy and water consumption. The code allows for design options for the designer to determine how best to achieve compliance for a given site or building condition. The code also requires building commissioning, which is a process for the verification that all building systems are operating at their best efficiency.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling
Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below).

Regional and Local:

Bay Area Air Quality Management District (BAAQMD)
The Clean Air Plan was adopted by the BAAQMD Board of Directors on April 19, 2017 and is titled "Spare the Air, Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area". The 2017 Plan provides a regional strategy to protect public health and protect the climate. The BAAQMD's Clean Air Plan includes a wide range of control measures designed to decrease greenhouse gas emissions

BAAQMD's approach to developing a *Threshold of Significance* for GHG emissions is to identify the emissions level for which a project would not be expected to substantially conflict with existing California legislation adopted to reduce statewide GHG emissions needed to move towards climate stabilization. If a project would generate GHG emissions above the threshold level, it would be considered to contribute substantially to a cumulative impact and would be considered significant.

Envision San José 2040 General Plan
The following policies are related to GHG emissions and would apply to the Proposed Project:

MS-2.11 Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced

energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design)

MS-14.4 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

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

CD-5.1 Design areas to promote pedestrian and bicycle movements, to facilitate interaction between community members, and to strengthen the sense of community.

LU-5.4 Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

TR-3.3 As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Private Sector Green Building Policy (Council Policy 6-32)

The Private Sector Green Building Policy (Council Policy 6-32) was adopted in Ordinance No. 28622 in June 2009. The Policy requires new development to "build green" by incorporating green building practices that are targeted at energy efficiency, water conservation, and improved air and water quality. The City requires new buildings to meet certain green building requirements in order to receive a building permit. The requirements are dependent on the size and type of the project. The Project would be subject to the following requirement:

- Tier 1 Commercial Projects include commercial industrial projects (non-residential) of less than 25,000 square feet, and less than a height of 75 feet. These projects are required to submit a completed GreenPoint Rated Checklist or LEED Checklist in order to receive a building permit.

Climate Smart San José

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

José is one of the first detailed city plans for reaching the targets of the international Paris Agreement.

City of San José Municipal Code

The City's Municipal Code includes several regulations that would apply to this Project and reduce GHG emissions:

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

IMPACT ANALYSIS:

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

During construction the primary source of GHG emissions would stem from the use of fuel-burning construction equipment and vehicles. The BAAQMD does not have an adopted threshold of significance for construction related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that would occur during construction. Using CalEEMod, it is estimated that construction activities would generate approximately 66.6 metric tons of CO_2e.

Long-term operation of the project would generate GHG emissions from mobile sources as well as indirect emissions associated with energy consumption for the buildings. Annual GHG emissions estimated using CalEEMod would be 383 metric tons CO_2e/year. The BAAQMD threshold of significance for operational emissions from land-use development projects is:

- Compliance with a qualified GHG Reduction Strategy; or
- Annual emissions less than 1,100 MT/year of CO_2e; or
- 4.6 MT CO_2e/employee/year.

The City's General Plan is intended to meet the standards of a qualified GHG reduction strategy. As discussed in question b below, the Project would be in compliance with General Plan requirements and the impact of greenhouse gas emissions would be less than significant.

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

The 2030 Greenhouse Gas Reduction Strategy (GHGRS) for the City of San José sets specific thresholds of significance that the Project must adhere to. The GHGRS also supports and helps implement the GHG requirements of the General Plan, Climate Smart San José, and the City Municipal Code. The City of San José created a compliance checklist for discretionary projects that require CEQA review. The following mandatory GHG Reduction Strategy criteria relevant to the proposed project and the project's consistency with them is described in **Table 8-1** and **Table 8-2** below. The Project would be consistent with all of the measure strategies within the GHGRS. Therefore, the Project would have a **less than significant** impact.

Table 8-1: 2030 Greenhouse Reduction Strategy Compliance Checklist

Development Type: Commercial			
1) Consistency with the Land Use/Transportation Diagram (Land Use and Density)	**Yes** ☑	**No**	**Not Applicable**
Is the proposed Project consistent with the Land Use/Transportation Diagram?			
Response*:* The proposed Project is within the Heavy Industrial land use designation. The Project follows all the characteristics listed in the Heavy Industrial land use description within the *Envision San José 2040 General Plan.* The Project will not require a General Plan Amendment.			

2) Implementation of Green Building Measures	**Yes** ☑	**No**	**Not Applicable**
MS-2.2*: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.*			
Response: The proposed Project does not include the use of on-site generation of renewable energy. However, there is the opportunity to install solar panels after the project is constructed. The Applicant would be willing to incorporate solar panels at a later date.			
Response: The proposed Project does not include the use of on-site generation of renewable energy. However, there is the opportunity to install solar panels after the project is constructed. The Applicant would be willing to incorporate solar panels at a later date.			
	Yes ☑	**No**	**Not Applicable**
MS-2.3: *Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.*			
Response: The Project's showroom entryway would include large aluminum windows and skylights for natural lighting, horizontal metal sunshades to control heat gain, and a shadow canopy to reduce direct sunlight and heat gain.			
	Yes	**No**	**Not Applicable** ☑
MS-2.7*: Encourage the installation of solar panels or other clean energy power generation sources over parking areas*			
Response: Due to the small area for customer parking along Junction Avenue, it would not be feasible to incorporate clean power generation sources above the parking area. However, the Applicant would consider solar panel installation on the warehouses at a later date. Therefore, the policy is not applicable.			
	Yes ☑	**No**	**Not Applicable**
MS-2.11*: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).*			
Response: The Project would follow all requirements from the Green Building Ordinance (Policy 6-32). The Project's showroom entryway would include large aluminum windows and skylights for natural lighting, horizontal metal sunshades to control heat gain, and a shadow canopy to reduce direct sunlight and heat gain. The Project would also include quality insulating materials to reduce the need for heating and cooling.			

	Yes ☑	**No**	**Not Applicable**
MS-16.2: *Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.*			
Response: The Project proposes to participate in San José Clean Energy, which invests in local programs, such as clean energy generation projects and building electrification for the residents of San José.			
3) Pedestrian, Bicycle & Transit Site Design Measures			
CD-2.1*: Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan.*			
	Yes	**No**	**Not Applicable** ☑
a) Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.			
	Yes ☑	**No**	**Not Applicable**
b) Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian-activated crossing lights, bulb-outs and curb extensions at intersections, and on-street parking that buffers pedestrians from vehicles.			
	Yes	**No**	**Not Applicable** ☑
c) Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.			
Response a-c: The proposed Project does not include any street alterations that would affect the existing street network or public right-of-way for pedestrians or transit. However, the Project would include a new sidewalk on Junction Avenue and a pedestrian and bicycle pathway that connects the sidewalk along Junction Avenue to the customer entrance. There would also be a designated area for up to 24 bicycles to park, 12 bicycle parking spaces along Rogers Avenue and 12 bicycle parking spaces along Junction Avenue. There are eight street trees along Junction Avenue that would not be removed with the implementation of the project. The Project would include new landscaped areas. The proposed Project is not a new development and de-coupled parking would not be feasible. The project would provide adequate parking based on the Code and therefore, is not requesting a reduction in required parking which eliminates the need for a Transportation Demand Management Program.			
	Yes ☑	**No**	**Not Applicable**
CD-2.5*: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.*			
Response: The proposed Project would incorporate the City of San José Green Building Ordinance, Policy 6-32, which requires compliance with strategies to reduce energy, water and material use. The project would include pedestrian pathway connections to the street. The project would also incorporate			

stormwater drainage management areas to reduce runoff and increase pervious surfaces in compliance with Provision C.3 of the Municipal Regional Permit (MRP) and City Council Policies 6-29 and 8-14.			
	Yes	**No**	**Not Applicable** ☑
CD-2.11*: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.*			
Response: The proposed Project is not within the Downtown or Urban Village Overlays and therefore the policy is not applicable to the Project.			
	Yes ☑	**No**	**Not Applicable**
CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.			
Response: The proposed Project would incorporate pedestrian paths from the sidewalk along Junction Avenue up to the customer entrance. There are no transit stops along the Rogers or Junction Avenue. The closest transit stop is approximately 0.25-mile away along Brokaw Road. Bicycle parking would be provided on the Project site.			
	Yes	**No**	**Not Applicable** ☑
CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-accesses easements within and between new and existing developments to encourage walking and minimize interruptions by parking and curb cuts.			
Response: There are no transit stops along Junction or Rogers Avenue near the Project site that would warrant the cross-access connection across the Project site or nearby properties. Therefore, the policy is not applicable to the Project.			
	Yes ☑	**No**	**Not Applicable**
LU-3.5*: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.*			
Response: The Project is not in Downtown nor considered to be a pedestrian-oriented business. While customers may opt to visit the showroom and to travel by bus or bicycle, the nature of products that would be sold at the business necessitates vehicle transportation of large or heavy building materials. However, there would be a pedestrian pathway providing direct access to the bus stop and up 24 spots for bicycle parking on the site if customers wish to travel by walking or bicycle.			
	Yes ☑	**No**	**Not Applicable**

TR-2.8: *Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.*			
TR-2.8: *Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.*			
Response: The Project is not a new development and existing warehouses are present on the site. However, pedestrian and bicycle paths would be constructed on the Junction Avenue side of the Project site where the new customer entrance would be. The Project's new warehouse square footage would be 78,578 square feet. The Project does not require a shower per Section 20.90.066 of the San José Zoning Ordinance because the proposed warehouse square footage is under 85,000 square feet.			
	Yes	**No**	**Not Applicable** ☑
TR-7.1: *Require large employers to develop transportation demand management (TDM) programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.*			
Response: The Project is not considered to be a large employer. The total number of employees, assumed to be full time, for both retail sales and warehouse personnel are projected to be 25. Therefore, the policy is not applicable to the Project.			
	Yes	**No**	**Not Applicable** ☑
TR-8.5*: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.*			
Response: The proposed Project is not located in a Downtown or Urban Village. Customers may opt to visit the showroom via a carshare program, but the nature of products that would be sold at the business necessitates vehicle transportation for large or heavy building materials.			
Response: The proposed Project is not located in a Downtown or Urban Village. Customers may opt to visit the showroom via a carshare program, but the nature of products that would be sold at the business necessitates vehicle transportation for large or heavy building materials.			
4) Water Conservation and Urban Forestry Measures	**Yes** ☑	**No**	**Not Applicable**
MS-3.1*: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation needs or other area functions.*			
Response: The proposed Project includes landscaping that would conform to the State's Model Water Efficient Landscape Ordinance. The plant species proposed are all water-efficient and drought resistant. See Appendix D, for the Project's landscaping plans and a full list of plant species.			
	Yes	**No**	**Not Applicable** ☑
MS-3.2*: Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.*			

Response: The proposed Project is an addition to existing buildings; all potable water usage would come from the existing infrastructure within the warehouses. Therefore, the policy is not feasible.			
	Yes	**No**	**Not Applicable** ☑
MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.			
Response: The proposed Project consist of building additions to the two existing warehouses on the site. The Project does not include any new water infrastructure and all the Project's potable water needs would come from existing infrastructure on site. Therefore, the policy is not applicable.			
	Yes ☑	**No**	**Not Applicable**
MS-21.3: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.			
Response: The landscaping proposed for the project include water efficient and drought resistant plant species. The plant, shrub and tree species are diverse and adaptable to the Mediterranean climate. A full list of species is included in Appendix D.			
	Yes ☑	**No**	**Not Applicable**
MS-26.1: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.			
Response: There are eight street trees along the project site frontage. The trees would not be removed as part of the project and would be maintained during operation of the Project.			
	Yes	**No**	**Not Applicable** ☑
ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.			
Response: The proposed Project includes a 30-foot wide landscaping and stormwater treatment area between two central rows of parking stalls. It is not encouraged for the Project to include stormwater reuse due to the site's history of contamination.			

Table 8-2: 2030 Greenhouse Gas Reduction Strategy Compliance

GHGRS Strategy and Consistency Options	**Description of Project Measure**	**Project Conformance**
PART 2: RESIDENTIAL AND NON-RESIDENTIAL PROJECTS		
Renewable Energy Development 1.Install solar panels, solar hot water, or other clean energy power generation sources on development sites, or	The Project would participate in option 3, Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the Project.	☑Proposed ☐Not Applicable ☐Not Feasible ☐Alternative Measure Proposed

Table 8-2: 2030 Greenhouse Gas Reduction Strategy Compliance

GHGRS Strategy and Consistency Options	Description of Project Measure	Project Conformance
PART 2: RESIDENTIAL AND NON-RESIDENTIAL PROJECTS		
2.Participate in community solar programs to support development of renewable energy in the community, or 3.Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project. **Supports Strategies: GHGRS #1, GHGRS #3**		
Building Retrofits – Natural Gas This strategy only applies to projects that include a retrofit of an existing building. If the proposed project does not include a retrofit, select "Not Applicable" in the Project Conformance column. 1. Replace an existing natural gas appliance with an electric alternative (e.g., space heater, water heater, clothes dryer), **or** 2. Replace an existing natural gas appliance with a high-efficiency model **Supports Strategies: GHGRS #4**	The proposed Project does not include the retrofit of an existing building. Also, the existing warehouses do not utilize natural gas appliances. Therefore, the strategy is not applicable.	☐Proposed ☑Not Applicable ☐Not Feasible ☐Alternative Measure Proposed
Zero Waste Goal **1.** Provide space for organic waste (e.g., food scraps, yard waste) collection containers**,** and/or **2**. Exceed the City's construction &demolition waste diversion requirement. **Supports Strategies: GHGRS #5**	Construction of the proposed Project involves demolition of a 460-square foot structure. The applicant proposes to exceed the construction waste diversion requirement.	☑Proposed ☐Not Applicable ☐Not Feasible ☐Alternative Measure Proposed
Caltrain Modernization **1 .**For projects located within ½ mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes,	The proposed Project would include pedestrian walkways and bicycle parking to encourage alternative modes of transportation. The applicant also proposes to make transit passes available for employees to utilize.	☐Proposed ☑Not Applicable ☐Not Feasible ☐Alternative Measure Proposed

Table 8-2: 2030 Greenhouse Gas Reduction Strategy Compliance

GHGRS Strategy and Consistency Options	Description of Project Measure	Project Conformance
PART 2: RESIDENTIAL AND NON-RESIDENTIAL PROJECTS		
or **2.** Develop a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project related VMT. **Supports Strategies: GHGRS #6**	The Project site is not within 0.5 mile of a Caltrain station and this goal is not applicable.	
Water Conservation **1.** Install high-efficiency appliances/fixtures to reduce water use, and/or include water-sensitive landscape design, and/or **2.** Provide access to reclaimed water for outdoor water use on the project site. **Supports Strategies: GHGRS #7**	The proposed Project is incorporating water-efficient and drought resistant landscaping on the Junction Avenue side of the Project. However, the potable water use on site would come from the existing warehouse infrastructure. Therefore, the measure is not feasible.	☑Proposed ☐Not Applicable ☐Not Feasible ☐Alternative Measure

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:

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

EXISTING SETTING:

Soil and groundwater at the Project site have been impacted by jet fuel and chlorinated solvents, primarily trichloroethene and its breakdown products cis-1,2-dichloroethene (cis-1,2-DCE)[2], trans- 1,2-dichloroethene, (trans-1,2-DCE), and vinyl chloride. Pursuant to Order 01-108, cleanup activities have significantly reduced concentrations of site contaminants of concern (COCs), but residual impacts remain in onsite soil, soil vapor, and groundwater. Covenants and environmental restrictions have been recorded for the Project site as required the Regional Water Quality Control Board (Water Board), and these Covenants contain requirements for future development and restrictions on future use.

It is also noted that historic agricultural operations that are reported to have occurred in the general area of the Project site may have included the use of organochlorine pesticides and insecticides potentially containing arsenic.

Current and future owners, managers, or contractors delegated or authorized to perform construction at the site are required to comply with risk management measures identified in the Risk Management Plan (RMP) developed for the site in May 2020 and currently pending final approval from the Regional Water Quality Control Board (RWQCB) or Water Board. These measures include preparation of a site-specific Health and Safety Plan and/or Injury and Illness Prevention Plan and proper management of soil and groundwater through implementation of a soils management plan (SMP) or similar document should future construction activities include earthwork that encounters groundwater. It is noted that an RMP has been developed for the site under the oversight of the RWQCB which addresses impacts from historic site uses. The RMP presented in Appendix E, is included in the aforementioned covenants as a requirement for future development activities, and includes measures to be implemented to guide potential future soil disturbance activities which could involve exposure to impacted soils.

REGULATORY SETTING:

Federal:

<u>The Federal Toxic Substances Control Act (1976) And the Resource Conservation and Recovery Act of 1976</u>
These acts established a program administered by the U.S. Environmental Protection Agency (EPA) for the regulation of the generation, transportation, treatment, storage, and disposal of hazardous waste. The Resource Conservation and Recovery Act was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the “cradle to grave” system of regulating hazardous wastes. Among other things, the Hazardous and Solid Waste Act prohibited use of certain techniques for the disposal of some hazardous wastes.

<u>The Comprehensive Environmental Response, Compensation and Liability Act (Enacted 1980), Amended by the Superfund Amendments and Reauthorization Act (1986)</u>
This law provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Among other things, the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) established requirements concerning closed and abandoned hazardous waste sites,

[2] 1, 2-Dichloroethene, also called 1, 2-dichloroethylene, is a highly flammable, colorless liquid with a sharp, harsh odor. It is used to produce solvents and in chemical mixtures. There are two forms of 1, 2-dichloroethene; one is called cis-1, 2-dichloroethene and the other is called trans-1,2-di-chloroethene. Sometimes both forms are present as a mixture.

provided for liability of persons responsible for releases of hazardous waste at these sites, and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA also enabled revision of the National Contingency Plan, which provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The National Contingency Plan also established the National Priorities List.

State:

California Health and Safety Code

The California Health and Safety Code defines hazardous materials in section 25501(m) and contains requirements regarding the preparation of Hazardous Materials Business Plans in section 25505. These plans are documents containing information on hazardous materials use at a facility, emergency response plans in the event of a release, and employee training.

California Occupational Health and Safety

California Division of Occupational Health and Safety (Cal OSHA) works to protect and improve the health and safety of workers in California by setting and enforcing safety standards; providing outreach, education, and assistance; and issuing permits, licenses, certifications, registrations, and approvals.

Department of Toxic Substances Control

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

Government Code Section 65962.5 (Cortese List)

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

Local:

State Water Resources Control Board

The SWRCB, through its nine regional boards, regulates discharge of potentially hazardous materials to waterways and aquifers and administers basin plans for groundwater resources in various regions of the state. The San Francisco Water Board is the regional board that has jurisdiction over the project area. The State Water Board provides oversight for sites at which the quality of groundwater or surface waters is threatened and has the authority to require investigations and remedial actions.

Regional Water Quality Control Board

The San Francisco RWQCB regulates discharges and releases to surface and groundwater in the project area and has direct regulatory oversight of the Project site and generally oversees cases involving groundwater contamination. In Santa Clara County, the County of Santa Clara Department of Environmental Health (County) handles most leaking underground storage tank

(UST) cases, so the Water Board may oversee cases involving other groundwater contaminants; i.e., Spills, Leaks, Incidents, and Clean-up cases. In the case of spills at a project site in Santa Clara County, the responsible party would notify the County, and then a lead regulator (County, Water Board or DTSC) would be determined. The Water Board has established criteria (Environmental Screening Levels; ESLs) used to evaluate the potential risk associated with chemicals found in soil or groundwater where a release of hazardous materials has occurred. The ESLs developed include standards for residential, commercial/industrial, and construction worker human health risk levels. In addition, the RMP (Appendix F) prepared pursuant to RWQCB requirements provides the following information and protective requirements:

1. Summary of known environmental conditions
2. Guidelines for proper management of soil, soil vapor and groundwater that may be encountered during utility work, remodeling or redevelopment activities
3. Indoor air monitoring to assess potential vapor intrusion risks and to ensure adequate ventilation provides attenuation of sub-slab soil vapors potentially impacted by COCs

The RMP measures would be required by the RWQCB to be performed during construction activities at the site when engaging in relevant activities such as the proposed project construction.

County of Santa Clara Department of Environmental Health

The County is the Certified Unified Program Agency (CUPA) through contract with the state. Since July 1, 2004 the County has served as the local oversight agency for investigations and cleanup of petroleum releases from USTs through implementation of the local oversight program through contract with the Water Board.

Emergency Operations and Evacuation Plans

The City of San José's Emergency Operations Plan includes standard operating procedures for flood events, heat waves, off-airport aviation accidents, power outages, terrorism, and urban/wildland interface fires. The Citywide Emergency Evacuation Plan sets forth the responsibilities of City personnel and coordination with other agencies to ensure the safety of San José citizens if a fire, geologic, or other hazardous occurrence arises.

Envision San José 2040 General Plan

The following General Plan goals and policies apply to the proposed Project:

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

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

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

residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

EC-6.4 Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site to include adequate mitigation to reduce identified hazardous materials impacts to less than significant levels.

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

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

EC-7.9 Ensure coordination with the County, Water Board, DTSC, or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

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

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.

IMPACT ANALYSIS:

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

Construction. Construction activities associated with the proposed Project would use a limited amount of hazardous and flammable substances (e.g., fuels and oils) typical during heavy equipment operation for site grading and construction. The amount of hazardous chemicals present during construction is limited and would be in compliance with existing government regulations. The potential for the release of hazardous materials during project construction is low, and even if a release would occur, it would not result in a significant hazard to the public, surrounding land uses, or environment, due to the small quantities of these materials associated with construction vehicles. Therefore, potential impacts from the routine transport, use, or disposal of hazardous materials during construction of the proposed Project **would be less than significant,** and no mitigation would be required.

Operation. The proposed Project includes the addition of a 14,000-square foot wholesale retail showroom onto the southern area of the Junction Avenue side of the warehouses and 6,050 square feet of additional warehouse space on the northern area of the Junction Avenue. In addition, construction would include new bio-retention treatment areas and sidewalk, curbs and gutters. The current site operations do not currently use, store, dispose, or transport large volumes of hazardous materials. Long-term operational activities may involve the transport, use, and storage of larger quantities of potentially hazardous materials in the form of cleaning solvents, fertilizers, and pesticides. For example, landscaping and maintenance activities could involve the use of fertilizers and light equipment (e.g., edgers) that may require fuel. These types of activities do not involve the use of a large or substantial amount of hazardous materials. In addition, such materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Any associated risk would be adequately reduced to a less than significant level through compliance with these standards and regulations. Further, the Hazardous Materials Release Response Plan and Inventory Law of 1985 and the local CUPA require that businesses that use, handle, or store hazardous materials prepare an inventory of hazardous substances on the premises. As stated previously, the plan would be required to include an inventory of hazardous materials, addressing the proper storage, handling, and disposal of hazardous materials; and dictating spill response and notification requirements. The Project would be subject to compliance with this regulation, as well as additional applicable State and local regulations intended to manage the transport, storage, manufacture, and disposal of hazardous materials. Therefore, potential impacts from the routine transport, use, or disposal of hazardous materials resulting from operation of the proposed Project would be **less than significant.**

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

Construction. Construction of the proposed Project would include the demolition of the rear bay structure and removal of asphalt and concrete pavement, and the removal of some landscaped areas and installation of new landscaping. There would be site preparation and light grading needed for alignment of the new structures with the existing warehouses. The new structural additions would have an overlaying concrete foundation. It is anticipated that there would be no import of soil; however, it is anticipated that up to 2,591 cubic yards (cy) of soil may require offsite disposal from the from the gravel lot and Bio Retention Treatment Areas if it were determined to be impacted with residual contaminants at levels that prevented onsite re-use.

As discussed above, due to historical onsite contamination, a RMP has been developed and approved by the RWQCB for the Project site, and current and future owners, managers, or contractors delegated or authorized to perform construction at the site are required to comply with risk management measures identified in RMP. These measures include preparation of their own site-specific Health and Safety Plan and/or Injury and Illness Prevention Plan and proper management of soil and groundwater should future construction activities include earthwork that intersects groundwater.

The construction contractor would be required to comply with the RMP and follow soils management protocols detailed in the RMP as part of the onsite grading activities. With **implementation of Mitigation Measure HAZ-1,** potential risks associated with hazards to the public or to the environment through reasonably foreseeable upset and accident conditions regarding the release of hazardous materials from prior agricultural uses into the environment would be **less than significant**.

Mitigation Measure HAZ-1: Soil Sampling and Risk Management Plan Implementation

Prior to issuance of grading permits, shallow soil samples will be taken in the near surface soil in the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous regional agricultural operations occur at concentrations above established construction worker safety and commercial/industrial standard environmental screening levels. The result of soil sampling and testing will be provided to the Director of Planning, Building and Code Enforcement or Director's designee and the Municipal Environmental Compliance Officer. If the concentrations of pesticide and pesticide-based metals arsenic and lead are found above regulatory environmental screening levels, the results should be provided to the San Francisco Regional Water Quality Control Board (Water Board) for potential additional inclusion in the Risk Management Plan. A Risk Management Plan (RMP) has been developed and approved by the Water Board to address contamination from previous industrial uses found on the property.

Additionally, prior to the issuance of any grading permits, the applicant shall contact the Water Board to inform them of the proposed development activities. The applicant shall work with the Water Board to ensure compliance with the RMP and to ensure the redevelopment of the property is safe for construction workers and future site occupants and visitors. Evidence of Water Board's notification in the form of a letter or email and subsequent documents developed with the Water Board in relation to the proposed development shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Operation. As stated previously, hazardous substances associated with the proposed Project would be limited in both amount and use such that they can be contained (stored or confined within a specific area) without impacting the environment. Project operation may involve the transport, use, and storage of potentially hazardous materials in the form of solvents, cleaning agents, paints, fertilizers, and pesticides typical of commercial/industrial uses. Such materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Any associated risk would be adequately reduced to a less than significant level through compliance with existing laws and regulations. Therefore, operation of the proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment and would be **less than significant** and no mitigation would be required.

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

The closest schools to the Project site are Challenger School Berryessa and Bachrodt Elementary School, which are located approximately 0.8 mile southeast and 1 mile southwest of the Project site, respectively, and therefore there would be **no impact.**

d. Would the project be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and, as a result, would it create a significant hazard to the public or the environment?

Construction. As discussed above, the site is included on a list of hazardous materials sites compiled pursuant to the DTSC. Therefore, project construction has a potential to create a significant hazard to the public or the environment.

Project construction would require heavy construction equipment, the operation of which could result in a spill or accidental release of hazardous materials, including fuel, engine oil, engine coolant, and lubricants. As described above, the Project site was previously used for industrial operations, and there is known residual contamination in subsurface soil associated with the previous use. Although not anticipated, there is a potential that ground-disturbing activities could expose construction workers to soil contaminated with VOCs above the environmental safety limits. In accordance with the requirements of the RMP, workers' airspace should be monitored with a photo-ionization detector or flame ionization detector by the property owner or contractor, if any earthwork, foundation work, or utility work takes place. Respiratory protection must be available for all workers onsite, and a minimum of Level D personal protective equipment should be used.

In addition, the minor proposed demolition activities of the existing building on the rear bay structure could result in upset and release of hazardous materials into the environment. Due to its age, the existing buildings may contain asbestos, Polychlorinated biphenyls (PCB), and/or lead-based paints. Because the buildings were constructed before the federal ban on PCBs, it is possible that they are present in light ballasts. Demolition could result in health hazard impacts to workers if not remediated prior to construction activities. However, demolition and construction would be required to comply with BAAQMD Regulation 11, Rule 2, which governs the proper handling and disposal of asbestos containing material for demolition, renovation, and manufacturing activities in the Bay Area. These activities would also need to comply with CalOSHA regulations regarding lead-based materials. The California Code of Regulations, Section 1532.1, requires testing, monitoring, containment, and disposal of lead-based materials such that exposure levels do not exceed CalOSHA standards. DTSC has classified PCBs as a hazardous waste when concentrations exceed 50 parts per million in non-liquids; consequently, the DTSC requires that materials containing those concentrations of PCBs be transported and disposed of as hazardous waste. Any light ballast removed would be evaluated for the presence of PCBs and managed appropriately pursuant to DTSC standards, which would be protective of safety during the construction phase. Compliance with BAAQMD, CalOSHA, and DTSC policies regarding asbestos-containing materials, lead-based paints, and PCBs, would reduce impacts to **less than significant** levels**.** The applicant shall implement the following standard permit conditions regarding asbestos and lead-based paint:

1. Conduct a visual inspection/pre-demolition survey, and possible sampling in conformance with State and local laws, to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP) prior to the demolition of on-site building(s).

2. Remove all building materials containing lead-based paint during demolition activities, in accordance with Cal/OSHA Lead in Construction Standard, Title 8, California Code of

Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Dispose any debris or soil containing lead-based paint or coatings at landfills that meet acceptance criteria for the type of lead being disposed.

3. Remove all potentially friable asbestos containing materials (ACMs) in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. Undertake all demolition activities in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

4. Retain a registered asbestos abatement contractor to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

5. Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Remove materials containing more than one-percent asbestos in accordance with BAAQMD requirements and notifications.
6. Implement the following conditions in accordance with Cal/OSHA rules and regulations, to limit impacts to construction workers.

a. Prior to commencement of demolition activities, complete a building survey, including sampling and testing, to identify and quantify building materials containing lead-based paint.

b. During demolition activities, remove all building materials containing lead-based paint in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.

c. Dispose any debris or soil containing lead-based paint or coatings at landfills that meet acceptance criteria for the type of waste being disposed

Project construction would require heavy construction equipment, the operation of which could result in a spill or accidental release of hazardous materials, including fuel, engine oil, engine coolant, and lubricants. As described above, the Project site was previously used for industrial operations, and there is known residual contamination in subsurface soil associated with the previous use. Although not anticipated, there is a potential that ground-disturbing activities could expose construction workers to soil contaminated with VOCs above the environmental safety limits. In accordance with the requirements of the RMP, workers' airspace should be monitored with a photo-ionization detector or flame ionization detector by the property owner or contractor, if any earthwork, foundation work, or utility work takes place. Respiratory protection must be available for all workers onsite, and a minimum of Level D personal protective equipment should be used.

Project construction would also include temporary transport, storage, and use of potentially hazardous materials including fuels, lubricating fluids, cleaners, solvents, and also potential contaminated soils. The transport of any hazardous materials would be subject to federal, state, and local regulations, which would minimize risks associated with the transport of hazardous materials. Construction activities that involve hazardous materials would be required to transport such materials along roadways designated for that purpose in the County, thereby limiting risk of upset during transportation. Therefore, due to existing onsite soil conditions, the Project has the potential to expose the public, construction workers and the environment to on-site

hazardous materials due to the past industrial uses, and **Mitigation Measures HAZ-1** would be required to reduce potential impacts related to upset of hazardous materials to less than significant.

Operation. As stated previously, hazardous substances associated with the proposed Project would be limited in both amount and use such that they can be contained (stored or confined within a specific area) without impacting the environment. Project operation may involve the transport, use, and storage of potentially hazardous materials in the form of solvents, cleaning agents, paints, fertilizers, and pesticides typical of commercial/industrial uses. Such materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations. Any associated risk would be adequately reduced to a less than significant level through compliance with existing laws and regulations. Therefore, operation of the proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The impact would be **less than significant**, and no mitigation would be required.

> *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?*

The nearest airport to the Project site is the Norman Y. Mineta San José International Airport, which is located approximately 1.2 miles southwest of the Project site. Therefore, there would be **no impact** due to the distance of the airport from the Project site. The proposed Project would not result in a change to air traffic patterns, or a change in location that results in substantial safety risk, and no mitigation would be required.

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

Construction. During short-term construction activities, the proposed Project is not anticipated to result in any substantial traffic queuing along Rogers Avenue or Junction Avenue, and all construction equipment would be staged onsite. All large construction vehicles entering and exiting the site would be guided by the use of personnel using signs and flags to direct traffic. The Project does not include any characteristics (e.g., permanent road closure or long-term blocking of road access) that would physically impair or otherwise interfere with emergency response or evacuation in the Project vicinity; however, the proposed Project may require temporary lane closure along Junction Avenue during construction of the new entrance and exit driveways on Junction Avenue. The proposed driveways would be reviewed and approved by the San José Fire Department to ensure that emergency access meets City standards. Temporary lane closures would be implemented consistent with applicable provisions in the San José Municipal Code (e.g., Section 11.14.060, Limitation on Hours of Construction on City Street) and recommendations outlined in the California Joint Utility Traffic Control Manual. As part of the issuance of its encroachment permit for work in the public right-of-way, the City would require traffic control measures (such as flaggers or detour signage) to ensure safe use of the roadways by pedestrians, bicyclists and drivers at the project frontages.

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

emergency response or evacuation routes. The Project consists of expanding site uses that are similar in nature to existing uses on the site and the Project would not impair or physically interfere with an adopted emergency response plan. Therefore, there would be a **less than significant** impact**.**

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

The project would be in an urbanized area of San José on a site that has been previously developed with retail showroom and warehouse uses. As noted in the *Wildfire* below, the project site is not in a very high fire hazard severity zone. Project construction and operation would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Therefore, there would be **no impact.**

X. HYDROLOGY AND WATER QUALITY

Would the project:

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

EXISTING SETTING:

The Project site and surrounding properties have relatively flat topography. As shown in **Figures 7a and 7b, Preliminary Grading and Drainage Plans**, access to and from the project site is provided via a partial interchange at Airport Parkway to the north, Brokaw Road to the south, and via a southern entrance ramp at Technology Place and Fourth Street. The existing Project site consists of six driveways, including two driveways located at Junction Avenue and Rogers Avenue that lead to a concrete/asphalt parking lot surrounding the two sides of the warehouses. There is drought resistant landscaping along Rogers Avenue on the outside of the fencing.

The Project site lies within the Santa Clara Plain Confined Area of the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin (DWR Basin 2-9.02), which is managed by the Santa Clara Valley Water District (SCVWD, 2016). Groundwater in the Santa Clara Subbasin generally flows toward San Francisco Bay, and groundwater quality within the Santa Clara Plain is good with 99 percent of water supply wells tested meeting all health-based drinking water standards in 2019 (SCVWD, 2020). Groundwater in the vicinity of the Project site has generally been encountered at approximately 17 to 20 feet below ground surface (bgs), and recent groundwater elevations in existing wells on or near the Project site have ranged from approximately 35 to 37 feet above mean sea level (TRC 2020).

A portion of the Project site is located in a flood hazard zone (i.e., a 100-year flood zone) identified by Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map Number 06085C0068J (effective February 19, 2014). FEMA designates this area of the Project site as Zone X, which includes areas of 1 percent annual chance flood with average depth less than 1 foot or with drainage areas of less than 1 square mile (FEMA, 2020). The remainder of the Project site is located in an area of minimal flood hazard.

REGULATORY SETTING:

Federal:

National Flood Insurance Program:
The National Flood Insurance Program is managed by the Federal Emergency Management Agency and provides flood insurance to property owners, renters and businesses. The Program works with communities required to adopt and enforce floodplain management regulations that help mitigate flooding effects.

Clean Water Act
The Clean Water Act (CWA) regulates discharges of pollutants into the waters of the United States as well as quality standards for surface waters. EPA has implemented pollution control programs under the CWA, such as setting wastewater standards for industry. EPA has also developed national water quality criteria recommendations for pollutants in surface waters.

State:

Porter-Cologne Water Quality Control Act:
The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution.

NPDES General Permit for Construction Activity:
The National Pollutant Discharge Elimination System (NPDES) stormwater program requires permits for discharges from construction activities that disturb one or more acres, and discharges from smaller sites that are part of a larger common plan of development or sale. To obtain coverage under the Construction General Permit, a project-specific Stormwater Pollution Prevention Plan (SWPPP) must include BMPs to minimize impacts from construction.

Regional:

Municipal Regional Stormwater NPDES Permit:
In November 2015, the San Francisco Regional Water Board re-issued previous county-wide municipal stormwater permits as one Municipal Regional Stormwater NPDES Permit (Order No. R2-2015-0049; NPDES Permit No. CAS612008) to regulate stormwater discharges from municipalities and local agencies in Alameda, Contra Costa, San Mateo, and Santa Clara counties, and the cities of Fairfield, Suisun City, and Vallejo.

Local:

Envision San José 2040 General Plan
The following policies apply to the Proposed Project:

ER-8.1 Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.

ER-8.3 Ensure that private development in San José includes adequate measures to treat stormwater runoff.

ER-8.5 Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

ER-8.7 Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.

ER-9.3 Utilize water resources in a manner that does not deplete the supply of surface or groundwater or cause over drafting of the underground water basin.

ER-9.6 Require the proper construction and monitoring of facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater and underlying aquifers. In furtherance of this policy, design standards for such facilities should consider high groundwater tables and/or the potential for freshwater or tidal flooding.

EC-4.5 Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 15.

EC-5.2 Allow development only when adequate mitigation measures are incorporated into the project design to prevent or minimize siltation of streams, flood protection ponds, and reservoirs.

EC-5.7 Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

EC-5.11 Where possible, reduce the amount of impervious surfaces as a part of redevelopment and roadway improvements through the selection of materials, site planning, and street design.

EC-5.16 Implement the Post-Construction Urban Runoff Management requirements of the City's Municipal NPDES Permit to reduce urban runoff from project sites.

EC-5.17 Implement the Hydromodification Management requirements of the City's Municipal NPDES Permit to manage runoff flow and volume from project sites.

City Council Policy 6-29

City Council Policy 6-29 is to establish the City of San José's specific requirements to minimize and treat stormwater runoff from new development and redevelopment projects, consistent with the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit.

IMPACT ANALYSIS:

a) Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Construction

The 4.12-acre lot property consists of mostly impervious surface area. The existing warehouse facilities and planned construction of additional warehouse and retail space, driveways, and parking areas. Because the Project would disturb more than 1 acre of soil, it must comply with the SWRCB NPDES Construction General Permit, which includes BMPs for erosion and sediment control.

Project construction activities could result in temporary impacts to water quality from runoff. Additionally, soil disturbance during earth-moving activities, including grading and excavating approximately 2,591 cy cubic of soil, could result in increased sediment transport from the Project site. Types of potential pollutants may include pesticides, oils, fuels, and other chemicals used for construction machinery. A Stormwater Pollution Prevention Plan would be developed for the Project that would identify the potential for erosion and sedimentation as well as accidental spills and other potential Project-related water quality impacts.

Additionally, development projects in San José are required to comply with the City's Grading Ordinance, which requires erosion and sediment controls to protect water quality during construction activities. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the Project Applicant would need to prepare and submit an Erosion Control Plan, which would detail the BMPs that would be implemented to minimize impacts to water quality. The City of San José Post-Construction Urban Runoff Management Policy (City Council Policy 6-29) also establishes specific requirements to minimize stormwater

runoff from development projects, and the proposed Project would comply with these requirements.

The Project would also be required to comply with the City of San José General Plan standard permit conditions:

Standard Permit Conditions

- Install burlap bags filled with drain rock around storm drains to route sediment and other debris away from the drains.
- Suspend earthmoving or other dust-producing activities during periods of high winds.
- Water all exposed or disturbed soil surfaces at least twice daily to control dust as necessary.
- Water or cover stockpiles of soil or other materials that can be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials and maintain at least two feet of freeboard on all trucks.
- Sweep all paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites daily (with water sweepers).
- Replant vegetation in disturbed areas as quickly as possible.
- Fill with rock all unpaved entrances to the site to remove mud from tires prior to entering City streets. Install a tire wash system if requested by the City.
- Comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City's Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Operation

The proposed use for the Project site is to offer cabinetry, countertops, and other home improvement products. Sales would be transacted in a showroom retail space, in which products and samples would also be displayed. Additional products would be stored in the adjacent warehouse space. Parking spaces in front of the showroom would be designated for customer pickup of smaller orders. Larger trucks for deliveries and order pickups would use the driveway entry on Rogers Avenue, existing parking areas, and loading docks. The new parking lot on Junction Avenue would contain approximately 58 spaces for customers. Employee parking on Rogers Avenue would include 63 spaces as well as 10 additional spaces for customer pickups.

Overall, the proposed Project operations would not represent a significant increase in pollutants that could impact water quality. In addition, the Project would be required to comply with the NPDES Municipal Regional Stormwater Permit, which regulates stormwater discharges from municipalities and local agencies in the Bay Area. The Municipal Regional Permit also requires regulated projects to include measures to help control impacts to water quality, such as pollutant source control and site design.

With adherence to the City's standard permit conditions, which require compliance with and implementation of construction BMPs, and the Regional Municipal Permit, the proposed Project would not violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or groundwater quality. Therefore, construction and operational impacts related to waste discharge requirements, water quality standards, and degradation of surface or groundwater quality would be **less than significant** with the incorporation of the City's Standard Permit Conditions.

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

The Project would not require the use of any groundwater supplies necessitating withdrawals from an aquifer or groundwater table. Although the proposed Project would slightly increase impervious surfaces at the site with the addition of another driveway and parking area, most of the Project site is already primarily impermeable and the Project would not substantially decrease groundwater resources nor interfere with groundwater recharge. Therefore, impacts would be **less than significant**.

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

i. Result in substantial erosion or siltation on- or off-site?

Project construction activities could result in temporary impacts to water quality from runoff. Additionally, soil disturbance during earth-moving activities, including grading and excavating approximately 6,000 cubic yards of soil, could result in increased sediment transport from the Project site. As discussed in section (a) above, the Project would incorporate appropriate BMPs for erosion and sediment control. Implementation of necessary BMPs would minimize erosion or siltation on- and offsite, and therefore, Project impacts are anticipated to be **less than significant**.

ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

Although the proposed Project would slightly increase the area of impervious surfaces at the site, most of the Project site is already primarily impermeable and the Project would not significantly change the existing site conditions. Therefore, Project impacts would be **less than significant**.

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The Project would not significantly change the existing site conditions, and the minimal addition of impervious areas would not contribute runoff water that would exceed the capacity of stormwater drainage systems. However, project construction activities could result in temporary impacts to water quality from runoff. As discussed in section (a) above, the Project will incorporate appropriate BMPs for erosion and sediment control. Therefore, Project impacts would be **less than significant**.

iv. Impede or redirect flood flows?

A portion of the Project site is located in a flood hazard zone (i.e., a 100-year flood zone) identified by FEMA. FEMA designates this portion of the Project site as Zone X, which includes areas of 1 percent annual chance flood with average depth less than 1 foot or with drainage areas of less than 1 square mile. The remainder of the Project site is located in an area of minimal flood hazard. Although the proposed Project would slightly

increase impervious surfaces at the site, it would not alter existing drainage patterns. Therefore, overall Project impacts would be **less than significant**.

d) Would the Project be in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

As discussed above, a portion of the Project site is located in a flood hazard zone (i.e., a 100-year flood zone) identified by FEMA.. FEMA designates this portion of the Project site as Zone X, which is not considered a special flood hazard area and includes areas of 1 percent annual chance flood with average depth less than 1 foot or with drainage areas of less than 1 square mile. The remainder of the Project site is located in an area of minimal flood hazard.

The Project is located approximately 28 miles east of the Pacific Ocean and 9 miles southeast of the San Francisco Bay, and it is not in a designated tsunami inundation area (California Department of Conservation [DOC], 2009). The San Francisco Bay is the closest body of water that could experience a seiche event; however, the distance from the Bay to the Project site and the site's location in a primarily flat and developed area would prevent impacts to the Project site. Therefore, Project impacts would be **less than significant**.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

As discussed above in section a), the proposed Project would be required to comply with the SWRCB NPDES Construction General Permit and follow guidelines for erosion and sediment control. Implementation of BMPs would be required to control stormwater runoff and possible discharge of pollutants. Therefore, the proposed Project would not conflict with any water quality control plans.

Additionally, the proposed Project would not require groundwater extraction from an aquifer or groundwater table. And although the proposed Project would slightly increase impervious surfaces at the site, most of the Project site is already primarily impermeable, and the Project would not substantially decrease groundwater resources nor interfere with groundwater recharge. Compared to the volume of the groundwater basin, any on-site reduction of infiltration would not be significant.

Overall, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and impacts would be **less than significant**.

XI. LAND USE AND PLANNING

Would the project:

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

EXISTING SETTING:

The Project is located in an industrial area of the City of San José. The Project site is developed with two attached warehouse buildings and parking areas. The Junction Avenue side of the property, where the Project additions would be constructed, is an open dirt lot with three trees on it. The adjacent properties are all developed with industrial/ commercial buildings with concrete walls and flat roofs. The industrial businesses surrounding the project are similar in services to the proposed Project and include flooring, cabinets, marble, and granite warehouse suppliers.

The adjacent properties, including the Project site, are all zoned HI Heavy Industrial and have a General Plan land use designation of *Heavy Industrial*. According to the San José Municipal Code Chapter 20.50.100, permitted uses for the HI Heavy Industrial District include but are not limited to the following: construction/corporation yard, industrial services, warehouse/distribution facility, and wholesale sale establishment (City 2021b). There are two areas north of the Project site along East Brokaw Road with a CIC Combined Commercial/Industrial General Plan land use designation (**Figure 2**). There is one property northeast of the Project site in a PD Planned Development Zoning District.

REGULATORY SETTING:

Federal and State:

There are no federal or state policies applicable to the proposed Project.

Local:

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* sets forth a vision and a comprehensive road map to guide the City's continued growth through the year 2040. A general plan is an adopted statement of policy for the physical development of a community. As such, it represents the official policy regarding the future character and quality of development. Chapter 6 lists Land

Use Goals, Policies, and Implementation Actions (Policies) that guide the City's growth and lay a pathway to implement its Plan Vision. Land Use Policies identify appropriate and inappropriate uses in various areas of the City. The following land use policies are applicable to the proposed project:

Growth Areas

North San José Because of its importance as a job center, access to transit facilities and proximity to the San José Mineta International Airport, the North San José Area is planned to accommodate up to 100,000 new jobs and 32,000 new housing units. The North San José Area Development Policy includes a phasing plan and a Traffic Impact Fee which link job and housing growth and provide funding for transportation improvements. The North San José Neighborhoods Plan and North San José Urban Design Guidelines provide additional guidance for the development of this City region.

LU-2.1 Provide significant job and housing growth capacity within strategically identified "Growth Areas" in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings.

Industrial Lands

Goal LU-6 Industrial Preservation Preserve and protect industrial uses to sustain and develop the city's economy and fiscal Sustainability

LU-6.1 Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses.

LU-6.2 Prohibit encroachment of incompatible uses into industrial lands and prohibit non- industrial uses which would result in the imposition of additional operational restrictions and/or mitigation requirements on industrial users due to land use incompatibility issues.

LU-6.4 Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns. Use available public financing to provide necessary infrastructure improvements as one means of encouraging this economic development and revitalization

LU-6.5 Maintain and create Light Industrial and Heavy Industrial designated sites that are at least one acre in size in order to facilitate viable industrial uses.

LU-6.8 Reserve industrial areas for industrial and compatible support uses, while recognizing that industrial uses come in a variety of types and forms. Allow nonindustrial uses which are only incidental to and totally compatible with primary industrial uses in exclusively industrial areas. Consider allowing supportive, non-industrial activities, such as retail sales of materials manufactured or stored on site.

Policies – Attract New Industrial Uses

LU-7.1 Encourage industrial supplier/service business retention and expansion in appropriate areas in the city.

North San José Area Development Policy

The Proposed Project is within the North San José Development Policy Area. The North San José Area policy helps facilitate ongoing development in the area as an important employment center and as a desirable location for high-tech corporations within San José. The Policy contains two primary land use changes for North San José:

1. Establishment of an industrial Core Area designation to support the development of a driving industry corporate center along the North First Street corridor; and
2. Establishment of a Transit/Employment Residential Overlay (TERO) to allow expansion of supporting residential and commercial uses to promote livability.

Floor Area Ratio (FAR) - Industrial land within the Policy area may be developed up to a maximum FAR of 0.35.

IMPACT ANALYSIS:

a) Would the Project physically divide an established community?

The proposed Project site is located in an already established industrial area of the City of San José. In addition to its Heavy Industrial land use designation and zoning classification in the General Plan and zoning ordinance respectively, the Project site is identified by the North San José Area Development Policy as being adjacent to an industrial "Core Area" of the City (City 2017). As previously stated, the Project would provide similar services as the surrounding businesses and fit in with the overall context of the neighborhood.

The proposed Project involves the demolition of a rear bay structure and construction of warehouse and retail showroom additions. Both additions would be constructed on already disturbed land that was used previously for industrial purposes. The proposed Project does not involve any public right-of-way or roadway disturbances or any aspects that lie outside of the 4.12-acre lot. The Project would not contribute to any physical divisions that would disturb the existing community. Therefore, the Project would have **no impact.**

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

As previously stated, the Project is within the HI Heavy Industrial Zoning District and has a *Heavy Industrial* General Plan land use designation. The Project falls within the permitted uses outlined in Chapter 20.50.100 of the San José Municipal Code. The Proposed Project is consistent with policies in Chapter 6, Industrial Lands, of the General Plan that are aimed at preserving industrial land uses and preventing the conversion of such lands. The proposed Project would redevelop an existing industrial property while introducing a compatible retail aspect to the property. The Project would encourage the fiscal sustainability of the community and create new jobs.

The Project site falls within the boundaries of the North San José Development Policy. This area is identified as an employment center and aims to be a desirable location for new industry. The Project does not fall within the industrial "Core Area" identified in the policy (develop 2020). An industrial development that falls outside of the Core Area may be developed up to a Floor Area Ratio (FAR) of 0.35. The Project has a FAR of 0.5. However, the policy states that if the project is determined to have no impact or minimal impact upon peak hour traffic, then the project may not be subject to a specific FAR cap. Due to the size and infill nature of the proposed Project, it is not projected to have a significant impact to peak hour traffic. More specifically, the Local Transportation Analysis (Appendix G) prepared for the Project by Hexagon Transportation Consultants estimated that the Project would add 23 new vehicle trips during the morning peak hour and 30 new vehicle trips during the evening peak hour, and that these additional trips would not increase delay at the studied intersections near the Project site by more than four seconds. Therefore, the FAR policy would not apply to the Project. The Project is consistent with the overall goals and remaining policies of the North San José Development Policy.

The Project does not conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and result in a **less then significant** impact**.**

XII. MINERAL RESOURCES

Would the project:

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

EXISTING SETTING:

The Project site is currently developed with industrial concrete warehouses and concrete/ asphalt parking lots. There is no history of mineral resources being found on the property. The California Department of Mines and Geology (CDMG) under California Surface Mining and Reclamation Act of 1975 (SMARA) has designated the Communications Hill area, located centrally in the City, as containing mineral deposits of regional significance for aggregate (Sector EE).1 Neither the State Geologist nor the CDMG has classified any other areas in the City as containing mineral deposits that are either of statewide significance or the significance of which requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA (City 2011). The Project site is located approximately 6.5 miles northwest of the Communications Hill area.

The extractive and mineral resources found in and around the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has provided these resources to the construction industry. They have also supplied a significant amount of the nation's mercury over the past century (City 2011).

REGULATORY SETTING:

Federal:

There are no federal policies applicable to the proposed Project.

State:

Surface Mining and Reclamation Act of 1974

The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796) provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and

mined lands are reclaimed to a usable condition. SMARA requires the State Geologist to classify land into mineral resource zones based on the known or inferred mineral resource potential of that land. The primary goal is to ensure that important mineral resources do not become inaccessible due to uninformed land-use decisions.

Local

Envision San José 2040 General Plan
The Environmental Resources (ER) and Extractable Resources sections of the City's General Plan include the following goals and policies related to mineral resources that are applicable to the proposed Project:

Goal ER-11 Extractive Resources Conserve and make prudent use of commercially usable extractive resources.

ER-11.1 When urban development is proposed on lands which have been identified as containing commercially usable extractive resources, consider the value of those resources.

ER-11.2 Encourage the conservation and development of SMARA-designated mineral deposits wherever economically feasible.

IMPACT ANALYSIS:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

According to the Department of Conservation, Mines Online Mapper, there are no active or retired mines on or near the Project site (DOC 2020). The Project site is currently developed with industrial buildings. There are no mineral extraction activities that occur on the Project site, and it is not located within an area known to contain locally important mineral resources. As stated above, the City of San José General Plan and the State Mining and Geology Board designated an area of Communications Hill, bounded generally by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue as containing mineral deposits which are of regional significance as a source of construction aggregate materials. This is the only area in the City of San José designated by either the State Geologist or State Mining and Geology Board as containing mineral deposits which are either of Statewide significance or requiring further evaluation to determine significance, and this area is located 6.5 miles from the Project site. The proposed Project would not result in the loss of a known commercially valuable or locally important mineral resource. Therefore, there would be **no impact** on mineral resources.

XIII. NOISE

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☑	☐
b) Generation of excessive 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?	☐	☐	☐	☑

EXISTING SETTING:

In November 2020, CSDA Design Group prepared project-specific Environmental Noise Study (Appendix F), which includes results of noise measurements conducted between November 9 and November 11, 2020 to establish the existing baseline noise conditions near the project site. These results are detailed below under the Impact Analysis discussion.

Long-term measurement 1 (LT-1) was positioned on a streetlight pole on Rogers Avenue directly in front of the Project site. Long-term measurement 2 (LT-2) was positioned on a streetlight pole near the rear of the Project site along Junction Avenue. Both LT measurements were secured in weatherproof lockboxes, approximately 12-feet above grade, and calibrated before and after the measurement time period. The LT measurement and nearest sensitive receiver locations are shown below. Note that LT-2 was positioned across Junction Avenue from the Project site as a suitable streetlight pole was not located at the site boundary; this is an acoustically equivalent measurement location. Existing roadway noise levels were calculated for the roadway segments in the proposed project vicinity. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from the draft and final Local Traffic Analysis (Hexagon 2020, 2021; Appendix G). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions.

Sensitive Receptors

Sensitive receptors are defined as residential uses, schools, daycare centers, nursing homes, and medical centers. Typically, these types of facilities are included in the analysis if they are sites where sensitive individuals spend most of their day. Noise exposure standards and guidelines for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, schools, guest lodging, libraries, and churches are treated as the most sensitive to noise intrusion and therefore have more stringent noise exposure targets than do other uses, such as manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance.

Existing Mobile Noise

The proposed Project is located in an industrial and commercial area with no nearby residents. Non-industrial sites located within 1,000 feet of the project including several retail home improvement stores, a wrestling academy, and a dance school. The main sources of noise at the project site are from traffic along Rogers Avenue and Junction Avenue. The closest airport is Norman Y. Mineta San José International Airport, which is 1.5 miles from the Project site

Existing Stationary Noise

The primary sources of stationary noise in the proposed project vicinity are those associated with the operations of nearby commercial and uses to the east and west of the project site between East Brokaw Road. The noise associated with these sources may represent a single-event noise occurrence, from parking and loading, off-site traffic conditions, or exterior facilities maintenance.

Figure 13-1: Location of LT Measurements and Sensitive Receptors

REGULATORY SETTING:

Federal

US Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) offers guidelines for community noise exposure in the publication *Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise*. The EPA recognizes an exterior noise level of 55 decibels day-night level (dB

Ldn) as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA's community noise level guidelines are not subject to federal regulations.

State:

California Environmental Quality Act

The State Office of Planning and Research Noise Element Guidelines include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The Noise Element Guidelines contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.

Local:

City of San José General Plan Noise Element

Adopted November 1, 2011, the General Plan Noise Element established noise standards for planning purposes needed to examine outdoor and indoor noise levels acceptable for different uses that are consistent with other General Plan policies and contains standards to determine the suitability of new land uses depending upon the extent of noise exposure in the area. The Noise Element's policies limit the extent of new noise sources that proposed development can add to existing noise levels in the surrounding area and through implementation of the City's Noise Ordinance, which limits what is commonly described as "nuisance noise."

Goal EC-1 Community Noise Levels and Land Use Compatibility – Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.

EC-1.1 Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review. Applicable standards and guidelines for land uses are shown in **Figure 13-2** below.

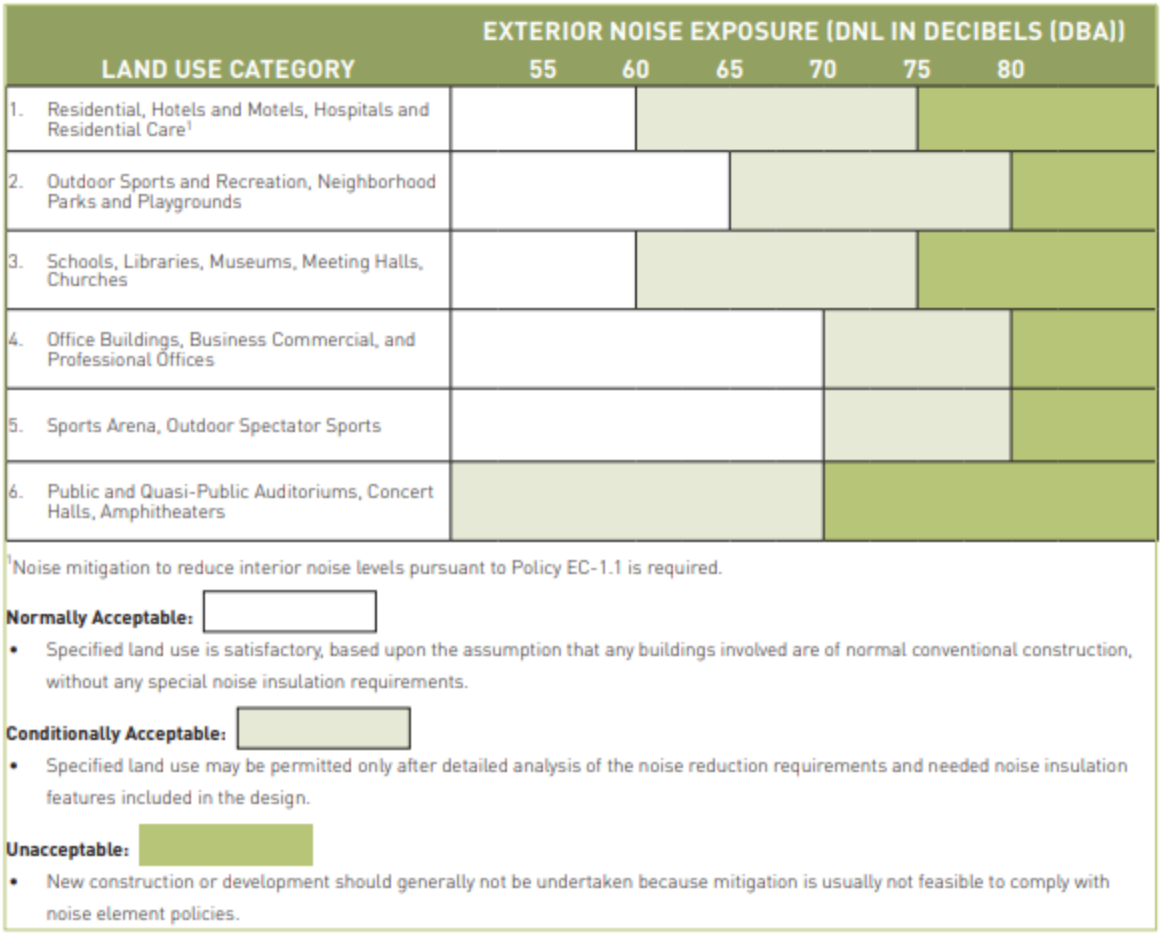
Interior Noise Levels

- The City's standard for interior noise Levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA Day/Night Average Sound Level (DNL). Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City adopted California Building Code is required.

Exterior Noise Levels

- The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (**Figure 13-2**). The acceptable exterior noise level objective is established for the City, except in the environs of the Mineta San José International Airport and the Downtown.

Figure 13-2: Land Use Compatibility Guidelines for Community Noise in San José



Source: San José General Plan Table EC-1

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.

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 inches per second (in/sec) peak particle velocity (PPV) 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.

IMPACT ANALYSIS:

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

Ambient Noise Levels

The City of San José is impacted by various noise sources. Mobile sources of noise, especially cars and trucks, are the most common and significant sources of noise in most communities.

Other sources of noise are the various land uses (i.e., residential, commercial, institutional, and recreational and parks activities) throughout the City that generate stationary-noise.

Areas which are not urbanized are relatively quiet, while areas which are more urbanized are noisier as a result of roadway traffic, industrial activities, and other human activities. Ambient noise levels can also affect the perceived desirability or livability of a development. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by Caltrans. The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels.

Based upon the on-site measurements from the Environmental Noise Study prepared for the proposed Project (Appendix F), the existing Project site is exposed to noise levels between Ldn 69 and 72 dBA. As shown in Figure 13-1 above, these measurements border the "normally acceptable" (less than Ldn 70 dBA) and "conditionally acceptable" (between Ldn 70 and 80 dBA) categories per the City's noise and land-use compatibility guidelines for Business, Commercial, and Professional Office uses. The noise measurement results are presented in **Table 13-1** below.

Table 13-1: Calculated Noise Measurement Results

Measurement Location	**Loudest Hour LEQ [dBA]**	**Ldn [dBA]**
Existing Conditions		
LT-1 (Rogers Ave.)	70 (11/9/2020, 7 AM)	69
LT-2 (Junction Ave.)	72 (11/10/2020, 12 PM)	72

Construction Impacts*:* Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing, and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive receptors, or when construction lasts over extended periods of time. Per General Plan Policy EC-1.7, construction activities exceeding 12 months and within 1,000 feet of a residential neighborhood could result in potentially significant noise impacts. The project site is within an industrial area of the city and land uses do not include residential development.

The California Emissions Estimator Model (Cameoed) Appendix D of the CalEEMod User's Guide includes default data tables for construction projects based on project size in acres.

Table 13-2 shows typical construction equipment for projects less than 1 acre in size with and without typical usage equipment usage factors.

Table 13-2: Typical Project Construction Equipment Noise Levels

Equipment (CalEEMod Defaults for <1 acre project)	Equivalent RCNM Equipment Noise (dBA)	Ref. Noise Level at 50 ft (dBA)	Use Factor	Noise Level @ 50' with Acoustical Use Factor (dBA)
Rubber Tired Dozers	Dozer	85	40%	81
Concrete / Ind. Saws	Concrete Saw	90	20%	83
Tractors / Loaders / Backhoes	Backhoe	80	40%	76
Graders	Grader	85	40%	81
Cranes	Crane	85	16%	77
Forklifts	Man Lift	85	20%	78
Welders	Welder / Torch	73	40%	69
Generator Sets	Generator	82	50%	79
Air Compressors	Compressor (air)	80	40%	76
Pavers	Paver	85	50%	82
Cement and Mortar Mixers	Concrete Mixer Truck	85	40%	81
Rollers	Roller	85	20%	78
Paving Equipment	Pavement Scarafier	85	20%	78

Adapted from Environmental Noise Study Table 5, CSDA Design Group November 24, 2020

Construction scheduling and equipment use has not been finalized at this time, however the project demolition and construction activities would be expected to last three months. Construction is expected to start in 2021. There would be no project phasing and some construction activities would happen simultaneously.

Standard Permit Conditions

The following standard conditions to minimize construction-related noise impact include, but not limited to the following:

- Pile-driving shall be prohibited.
- 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.

Operational Impacts: Implementation of the proposed project would create new sources of noise in the project vicinity. The major noise sources associated with the proposed project that would potentially impact existing and future nearby development, including off-site traffic noise; exterior equipment, maneuvering and idling trucks, in loading areas, and exterior or maintenance activities. Project operations would not result in a noticeable increase normally or conditionally acceptable levels (Ldn 70 and 80 dBA) under the City's noise and land-use compatibility guidelines for Business, Commercial, and Professional Office uses.

Because project operations would comply with existing general plan goals and and zoning code described above, construction and operational noise impacts would be **less than significant**.

(b) Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Construction Impacts*:* Increases in groundborne vibration levels attributable to the proposed project would be primarily associated with construction-related activities. Construction on the proposed project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from

no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

These vibration levels are below the San José General Plan Policy EC-2.3 limit of 0.20 in/sec PPV continuous vibration during construction to minimize the potential for cosmetic damage at buildings of normal conventional construction, such as those in the vicinity of the Project site. **Table 13-3** includes vibration source levels for construction within 25 feet of sensitive receptors.

Table 13-3: Vibration Source Levels for Planned Construction Equipment at 25 Feet

Equipment[1]	**PPV at 25 Feet (in./sec.)**
Bulldozer	0.003-0.089
Loaded Truck	0.076

Notes:

1 Vibration levels listed are for typical equipment used during construction, and not all potential equipment used for the Project is listed herein. The equipment used is considered to be representative of the loudest equipment that will be used during construction of the Project.

Source: Federal Transit Administration 2006

As shown in Table 13-3 above, the highest vibration levels are achieved with the large bulldozer operations. This construction activity is expected to take place during grading. Project construction would be more than 20 feet from the closest structure. Therefore, construction equipment vibration velocities would not exceed the FTA's 0.20 PPV threshold. In general, other construction activities would occur throughout the proposed project site and would not be concentrated at the point closest to the nearest residential structure. Additionally, no high-vibration equipment, such as pile drivers would be used on the Project and any groundborne vibration and noise from construction would occur during daytime hours and be of short duration. Therefore, vibration impacts from project construction would be **less than significant**.

Operational Impacts:

The proposed Project would include the same commercial and industrial uses as under existing conditions. Project operations would not involve activities or use of equipment that would increase vibration levels. The proposed project would not generate groundborne vibration that could be felt at surrounding uses. Project operations would not involve railroads or substantial heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. As a result, impacts from vibration associated with project operation would be less than significant.

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

The Project site is approximately 1.5 miles northeast of Norman Y. Moneta San José International Airport and approximately 8 miles northwest of Reid-Hillview Airport of Santa Clara County but, while operated aircrafts may be visible and audible, the Project site is in not within approach and departure flight paths and is outside of both airports' 60 dBA Community Noise Exposure Level contours. The proposed Project would not result in the exposure of on-site workers and customers to excessive aircraft noise levels, and therefore, there would be **no impact**.

XIV. POPULATION AND HOUSING

Would the project:

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

EXISTING SETTING:

The Project site is located on a developed, industrial parcel and does not contain any housing units. According to the California Department of Finance (DOF), the City of San José has a population of 1,049,187 as of January 1, 2020 (DOF 2020). *Envision San José 2040 General Plan* states that it will provide capacity for approximately 48,000 new housing units (City 2011). The General Plan also explains that the average household size in San José is 3.12 persons, compared to 2.92 in the State and 2.6 nationwide (City 2020). The Association of Bay Area Governments (ABAG) Plan Bay Area 2040 projects the population of San José to reach 1,367,845 people with 448,310 households by 2040 (ABAG 2019).

REGULATORY SETTING:

Federal or State:

There are no federal or state policies applicable to the proposed Project.

Local and Regional:

Association of Bay Area Governments (ABAG) Plan Bay Area 2040
Projections 2040 is the most recent in the Association of Bay Area Governments' series of statistical compendia on demographic, economic, and land use changes in coming decades. The current version covers the period between 2010 and 2040. The projections illustrate how the region will accommodate growth if local jurisdictions adopt a set of policies consistent with the vision of Plan Bay Area 2040, the regional transportation plan and sustainable growth strategy for the nine-county San Francisco Bay Area. They make reasonable assumptions about the Bay Area's share of national economic growth informed by an understanding of the region's changing demographic characteristics. The distribution of growth within the region among counties, cities and priority development areas (PDAs) is built around expected local policies and infrastructure investment as well as historic economic behavior.

Envision San José 2040 General Plan

Chapter 7, Implementation, of the *Envision San José 2040 General Plan* aims to monitor progress toward the General Plan vision, goals and policies through a periodic Major Review. It is intended to use General Plan Major Reviews to consider increases in available residential development capacity by opening an additional Horizon for development and to assign priority to growth areas within San José for new housing. The following policies apply to the proposed Project:

IP-2.5 During each Major Review of the Envision General Plan evaluate input provided by the reconvened Task Force and achievement of the following key General Plan goals to inform the City Council's decision, regarding needed changes, to begin the next General Plan Horizon, or to increase the number of residential units available for non-specific Urban Village areas: 1. Jobs/Housing Balance – Demonstrate improvement of the City's jobs to employed resident ratio (J/ER) consistent with achievement of 1.0 job per employed resident by 2025, and 1.1 jobs per employed resident by the year 2040

IP-13.1 Use the Building Permit process to implement the Natural Hazards and Safety goals and policies of the Envision General Plan by requiring compliance with the California Building Code standards for building design. San José also enforces a Dangerous Buildings Ordinance which requires the repair or demolition of buildings found to be structurally unsafe. A Geologic Hazards Clearance is required for construction projects located in areas with potentially sensitive or hazardous geological conditions, such as the hillsides.

IMPACT ANALYSIS:

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

The proposed Project does not include any construction of new housing or demolition of existing housing units and therefore would not directly cause an unplanned population growth to the region. The proposed Project could indirectly increase population growth by the introduction of new temporary construction jobs and permanent operational jobs. The total number of operational employees, assumed to be full time, for both retail sales and warehouse personnel is projected to be 25. The proposed Project is located in an existing industrial area of the City and has an established roadway network and existing utility infrastructure. It is assumed that the jobs created by the proposed Project would incorporate employees from an existing employer pool within the region and would not involve the relocation of new employees. Therefore, the proposed Project is not anticipated to result in substantial unplanned population growth and would have a **less than significant** impact**.**

b) Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

There is no existing housing on the Project site, and therefore construction of the proposed Project would not displace any existing people or housing or necessitate the construction of replacement house elsewhere. The Project would have **no impact.**

XV.PUBLIC SERVICES

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☑

EXISTING SETTING:

The San José Fire Department (SJFD) would provide fire services and protection to the proposed Project. The SJFD provides fire protection, rescue and emergency medical services, hazardous materials response, public education activities and permits/inspection services to the City of San José. The department's jurisdiction covers incorporated lands within San José city limits and unincorporated areas of the County of Santa Clara, totaling approximately 200 square miles and one million residents. The SJFD has about 676 men and women working for the department and are able to respond to emergencies 24-hours a day, 365 days out of the year (SJFD 2021). The SJFD responds to around 91,000 service calls each year from 33 fire stations (City 2021e). The call volume for the SJFD for the 2018-2019 year was 91,695. The average travel time for calls related to fire response was around 9 minutes and 23 seconds in the year 2017(citywide metrics). The closest fire station is Station 5 and is located less than a mile southeast of the Project site.

The San José Police Department (SJPD) would provide the police protection services for the Project site and the surrounding areas. SJPD is authorized to employ approximately 1,400 employees including both sworn and non-sworn. The department is made up of four bureaus comprised of 11 divisions with more than 50 specialized Units (SJPD 2020). The four bureaus of

the SJPD consist of: Bureau of Investigations, Bureau of Field Operations, Bureau of Administration, and Bureau of Technical Services. The Project site is 2 miles from the San José Police Department Headquarters. The average response times for priority 1 calls in the City of San José is 7.1 minutes and 19.9 minutes for all other calls (City 2020). The Project site falls within the SJPD's Central Division, which is one of four patrol divisions within the City. The Central Division encompasses approximately 39 square miles (SJPD 2020).

The closest schools to the project site are Berryessa Elementary School, approximately 0.8 mile southwest, and Bachrodt Elementary School approximately 1 mile southeast of the site. Both schools are within the San José Unified School District, which serves over 30,000 students from transitional kindergarten through high school. San José Unified is home to 41 schools serving the student population from Downtown San José north of the city to Almaden Valley to the south (Unified 2020).

According to *Envision San José 2040 General Plan*, the City manages approximately 3,520 acres of parks (regional/city-wide and neighborhood/community), community gardens and open space lands for the residents of San José. In additions to the parks, the City provides 50 community facilities for indoor recreation (City 2011). The City of San José's Park, Recreation and Neighborhood Services Trails 2018-19 Annual Report states there are 61.61 miles of open and available trails within the City. There are no parks, community centers, or trails within a mile of the Project site. The closest park is Gran Paradiso Park, which is approximately 1.3 miles from the Project site. The remaining parks near the Project site include Townsend Park, 1.7 miles; Backesto Park, 2.12 miles; and Moitozo Park, 2.72 miles away (City 2020b). The Guadalupe River Trail, which spans 12.5 miles, is located approximately a mile southwest of the Project site.

The San José Public Library provides library services to the residents of the city of San José. The San José Public Library System consists of the main library (Dr. Martin Luther King Jr. Library) and 22 branch libraries. The closest library is the Northside Branch Library, which is 3.5 miles northwest of the Project site.

REGULATORY SETTING:

Federal and State:

There are no federal or state policies applicable to the proposed Project.

Local:

Envision San José 2040 General Plan

The Education and Services section of Quality of Life Chapter 4 of the *Envision San José 2040 General Plan* includes Goals, Policies and Implementation Actions for various public services, including Education, Libraries, Health Care, Public Safety (Police and Fire), and Emergency Management. There is also one policy from the Community Development section. The following policies apply to the Proposed Project:

ES-2.2 Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to

information sources. Provide at least 0.59 square feet of space per capita in library facilities.

ES-3.1 Provide rapid and timely Level of Service response time to all emergencies:

1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.

2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.

3. Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies, and operating models.

4. Measure service delivery to identify the degree to which services are meeting the needs of San José's community.

5. Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

ES-3.2 Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.

ES-3.3 Locate police and fire service facilities so that essential services can most efficiently be provided, and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.

ES-3.9 Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly visible and accessible spaces.

ES-3.11 Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

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

IMPACT ANALYSIS:

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant

environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire Services: The closest San José Fire Department fire station is Station 5 and is located less than a mile southeast of the Project site. The proposed Project construction does not involve alterations to government facilities. Construction would be required to comply with applicable Fire Code standards. The proposed Project is not anticipated to result in an excessive increase in calls for fire protection services due to the nature of the Project as a retail wholesale showroom or warehouse. The Project would be an extension of two existing warehouses onsite and would remain similar in size to the surrounding buildings. There would be **no impact** on existing fire services. It is not anticipated that project implementation would cause an increase in demand for fire department facilities, or interfere with existing emergency fire access and services.

Police Services: The San José Police Department headquarters is located less than 2 miles from the Project site. The proposed Project is located on a previously existing industrial site. The proposed Project would need access to police services, but it is not anticipated to cause an increase in police response from previous uses of the buildings on the Project site. The Project would not involve a significant increase of population to the City of San José. During construction or operation activities, there is no predicted interference with response time or ability to provide police services, and therefore, there would be **no impact.**

Schools: The proposed Project does not include any residential aspects that would induce population growth to the area. It is anticipated that the Project would use labor from an already existing labor pool within the City of San José. Due to the Project not directly or indirectly inducing population growth, it is not anticipated that there would be new school-aged students requiring the need for new or expanded school services. Therefore, the project would have **no impact** to nearby school facilities.

Parks: As previously mentioned**,** the proposed Project is not anticipated to induce population growth and would not directly increase the use or degradation to the City's parks. The Project's operational employees might use nearby parks and recreation facilities, but the small number of employees is anticipated to be drawn from existing residents of the City. Therefore, the Project would have **no impact** to park facilities.

Other public facilities: As discussed previously, development of the proposed Project would not induce population growth to the area. Furthermore, because the proposed Project does not include residential uses, it is unlikely that the implementation would increase demand for library facilities. Therefore, the Project would have **no impact** on library facilities.

XVI. RECREATION

Would the project:

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

EXISTING SETTING:

According to *Envision San José 2040 General Plan*, the City manages approximately 3,520 acres of parks (regional/city-wide and neighborhood/community), community gardens and open space lands for the residents of San José. In additions to the parks, the City provides 50 community facilities for indoor recreation (City 2011). The City of San José's Park, Recreation and Neighborhood services Trails 2018-19 Annual Report states there are 61.61 miles of open and available trails within the City. There are no parks, community centers, or trails within a mile of the Project site. The closest park is Gran Paradiso Park, which is approximately 1.3 miles from the Project site. The remaining parks near the Project site include Townsend Park, 1.7 miles; Backesto Park, 2.12 miles; and Moitozo Park, 2.72 miles away (City 2020b). The Guadalupe River Trail, which spans 12.5 miles, is located approximately a mile southwest of the Project site.

REGULATORY SETTING:

Federal and State:

There are no federal or state policies applicable to the proposed Project

Local:

Envision San José 2040 General Plan
The Parks, Open Space, and Recreation, section in Chapter 4 (Quality of Life) of the *Envision San José 2040 General Plan* specify objectives aimed at protecting recreational amenities for creating complete neighborhoods, providing recreation opportunities for residents, and enhancing the livability and the social and environmental quality of the City. The following policies apply to the proposed Project:

PR-1.1 Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

PR-1.2 Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.

PR-1.3 Provide 500 square feet per 1,000 population of community center space.

IMPACT ANALYSIS:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Envision San José 2040 General Plan policy PR-1.1, states that park and recreation facility standards must be maintained to serve residents. The proposed Project does not include a request for subdivision or other entitlement of land for any residential purpose, and the periodic use by employees would not be expected to accelerate deterioration of any recreational facilities in the vicinity of the Project site. The proposed Project is not a major employer that would generate of an influx of new residents to the City of San José. The closest park is Gran Paradiso Park, which is approximately 1.3 miles from the Project site and Guadalupe River Trail, approximately 1 mile from the Project site, would not be in range to encourage frequent use by the employees. The Project would not substantially increase the use of existing neighborhood and regional parks or other recreation facilities such that substantial physical deterioration of the facility would occur or be accelerated, and therefore, the Project would have a **less than significant** impact.

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?

The proposed Project would not include recreational facilities, nor would it require the construction or expansion of recreational facilities. As stated above, the Project development would not require an entitlement of land for any residential purpose; therefore, it would not trigger Chapter 19.38 of the San José Municipal Code, Parkland Dedication Ordinance and Park Impact Ordinance, which both require residential developers to dedicate public parkland, pay in-lieu fees or both. Due to no recreation facilities being involved and no requirement of construction or expansion of facilities being needed, the Project would have **no impact.**

XVII. TRANSPORTATION

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with an applicable program, plan, ordinance or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☑	☐
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☑	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☑	☐
d) Result in inadequate emergency access?	☐	☐	☑	☐

EXISTING SETTING:

The proposed Project would occur in an industrialized neighborhood of San José. Surrounding land uses include other building supply stores and service-based business including contractors and vehicle repair shops. The Project site is an existing, double-frontage lot with access onto two public streets: Rogers Avenue and Junction Avenue. These two streets intersect with East Brokaw Road, a City Connector street which in turn connects to the City's broader roadway network and state and interstate freeways.

Road Network – State and Federal Highways

U.S. Highway 101 (US 101)
US 101 is a federal interstate freeway that extends in a north/south direction through the western coastal states. In the vicinity of the Project site, US 101 has four automobile travel lanes in each direction, and it is accessed by an interchange at East Brokaw Road less than 1 mile west of the site. The *Envision San José 2040 General Plan* designates US 101 as a Freeway, a typology characterized as facilities designed exclusively for cars, trucks and transit buses and without direct access to abutting properties.

Interstate 880 (I-880)
I-880 is a federal freeway that extends northward to the City of Oakland and southward to the City of San José; south of San José, I-880 turns into State Route 17. In the vicinity of the Project site, I-880 has four travel lanes in each direction and is accessed by an interchange with East

Brokaw Road approximately 0.5 mile to the northeast of the site. The *Envision San José 2040 General Plan* also assigns I-880 with the Freeway typology.

Road Network – Local Streets:

The Project site fronts on both Rogers Avenue and Junction Avenue. Vehicular access to and from the site is provided via existing driveways from both streets.

Rogers Avenue

Rogers Avenue extends generally north/south, with terminuses at T-intersections with East Brokaw Road to the north and Queens Lane to the south. The intersection of Rogers Avenue and East Brokaw Road is unsignalized, with a stop sign on the Rogers Avenue minor approach to the intersection. The Rogers Avenue right-of-way adjoins the western property line of the Project site. In the vicinity of the Project site, Rogers Avenue has one northbound lane and one southbound lane separated by railroad tracks that extend through the center of the street. The street has parking lanes on both sides. While some properties have sidewalks along their frontages at Rogers Avenue, most properties do not, including the Project site, which has curb and gutter at its Rogers Avenue frontage but lacks sidewalk. Four driveways at the Rogers Avenue provide vehicle access to parking lots on the Project site, and a fifth driveway provides access to an existing loading dock. The posted speed limit on Rogers Avenue is 35 miles per hour.

Junction Avenue

Like Rogers Avenue, Junction Avenue extends generally north/south for the majority of its length. Approximately 1,000 feet south of the Project site, Junction Avenue turns westward to intersect with and terminate at Rogers Avenue; north of the Project site, Junction Avenue provides access to other industrial areas north of East Brokaw Road. The intersection of Junction Avenue and East Brokaw Road is signalized. Junction Avenue adjoins the eastern property line of the Project site. In the vicinity of the Project site, Junction Avenue has one northbound lane and one southbound lane separated by a center two-way turn lane. The street has parking lanes on both sides. Sidewalks have been installed on some site frontages; the Project site lacks sidewalk but has curb and gutter at its Junction Avenue frontage. Two curb cuts are installed at the Project site's Junction Avenue frontage, though neither connects to a paved driveway approach onto the site. The posted speed limit on Junction Avenue is 35 miles per hour.

East Brokaw Road

East Brokaw Road extends generally east/west between US 101 to the west, to just beyond I-880 to the east. In the vicinity of the Project site, the roadway has three automobile travel lanes and a bicycle lane in each direction, and sidewalks are installed on both sides of the street. On-street parking on East Brokaw Road is prohibited. Eastbound and westbound travel lanes are separated by a raised, landscaped median with left turn pockets at intersections. Unlike Rogers Avenue and Junction Avenue, public transit services are present along East Brokaw Road, with VTA Bus Route 60 stops located near the intersections of East Brokaw Road with Rogers Avenue and Junction Avenue. Headways for Route 60 range from approximately 20-30 minutes, with increased frequency during peak morning and evening travel periods.

The *Envision San José 2040 General Plan* designates East Brokaw Road as a City Connector Street, a typology that is characterized by four to six travel lanes, sidewalks and bicycle lanes, incidental transit use, and moderate to high volumes of traffic. The 2017 congestion management program (CMP) designates the roadway as a Bicycle Corridor and as a Principal Arterial, although neither of its intersections with Rogers Avenue or Junction Avenue is identified

as a CMP Intersection. Acceptable performance for the intersections with East Brokaw Road is Level of Service (LOS) E, as designated in the 2017 CMP, with the exception of East Brokaw Road and 1st Street northwest of the Project site (for which LOS F is accepted). The posted speed limit on East Brokaw Road is 40 miles per hour.

REGULATORY SETTING:

Federal:

There are no federal policies applicable to the proposed Project

State:

Senate Bill 743 (Steinberg)
Approved by the Governor in 2013 and codified in Section 21099 of Public Resources Code (CEQA), Senate Bill 743 (Steinberg) directs a change in transportation impact analysis conducted under CEQA, wherein transportation impacts of a project are evaluated using the metric of vehicle miles travelled (VMT) rather than other metrics, such as level of service, that measure automobile congestion and delay experienced by drivers of cars. Level of service (LOS), a frequently used method of describing how much relative delay an automobile driver experiences on a street segment or at an intersection, assigns facilities a letter grade of LOS A through LOS F, where LOS A indicates free flowing traffic with minimal delays, and LOS F indicates severe congestion. By contrast, VMT accounts for the number of trips generated by a project, multiplied by the length in miles of each trip. The intent of the legislation is to reduce greenhouse gas emissions from automobile use by reducing the length and/or number of automobile trips, and to promote shift from single-person automobile to group transit or non-automobile transportation modes.

Regional:

Plan Bay Area 2040
A joint effort by the Metropolitan Transportation Commission and the Association of Bay Area Governments, Plan Bay Area 2040 is the Regional Transportation Plan and Sustainable Communities Strategy (Government Code Section 65080) for the nine counties of the San Francisco Bay Area. The Plan identifies prioritized investments in transportation infrastructure and programs to sustainably accommodate projected growth in the region, while ensuring provision of adequate housing across income levels, fostering a healthy economy, promoting healthy and active communities, and reducing greenhouse gas emissions in the region.

2017 Congestion Management Program for Santa Clara County
California Government Code Section 65088 *et seq.* requires that each county that has an urbanized area of more than 50,000 residents have a CMP. The CMP must establish LOS standards for intersections (excluding intersections located proximate to corridors of frequent transit service); performance metrics for multiple modes on the transportation network; and a seven-year program of capital improvements that would enhance the performance of the multimodal transportation system and reduce single-occupant automobile trips. The CMP must be consistent with the Regional Transportation Plan. The VTA, as congestion management agency for Santa Clara County, cooperates with the County and the County's 15 municipal agencies to maintain the Santa Clara County CMP. The CMP was most recently updated in December 2017. Consistent with state statute, the 2017 CMP includes a capital improvement program, which lists major transportation system improvement projects intended to invest in

existing facilities throughout Santa Clara County, and improve the performance of the multimodal transportation network while reducing air pollution emissions from transportation.

Local:

Envision San José 2040 General Plan

The adopted goals and policies in the City's General Plan support creation of a vibrant and healthy City with a diversity of development types, and that balances economic growth with demand for housing. The General Plan emphasizes multiple sustainability objectives that include environmental resource preservation; land development that targets high-intensity infill projects in Planned Growth Areas of the City; and creation of a robust transportation system that reduces reliance on cars and aims to accommodate the needs of all users, including pedestrians, transit riders, and bicyclists in addition to drivers of automobiles. The *Envision San José 2040 General Plan* contains the following policies to encourage the use of non-automobile transportation modes to minimize vehicle trip generation and reduce VMT:

TR-1.1 Accommodate and encourage the use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and VMT.

TR-1.2 Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.

TR-1.4 Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand (TR-1.4).

TR-2.8 Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

TR-3.3 As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership, and require that new development is designed to accommodate and provide direct access to transit facilities.

TR-8.2 Balance business viability and land resources by maintaining an adequate supply of parking to serve demand while avoiding excessive parking supply that encourages automobile use.

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

CD-3.3 Within new development, create and maintain a pedestrian-friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian

connections between building entrances, other site features, and adjacent public streets.

North San José Area Development Policy (last amended 2017)
The Project site lies within the boundaries of the North San José Area and is therefore subject to development and infrastructure policies of that planning subarea, in addition to those of the General Plan. The North San José Area is considered a valuable industrial neighborhood and job center in San José. In this area of the City, builders of increased square footage, beyond previously-entitled development rights, are subject to payment of a traffic impact fee to fund transportation infrastructure projects. With payment of this fee, however, new development must still foster implementation of General Plan goals to reduce automobile reliance, by including "design features and programs that support multi-modal commute choices including provision of bicycle and pedestrian facilities and incorporation of transportation demand management (TDM) measures" (19).

Transportation Analysis Policy
City Council Policy 5-1 was adopted by the San José City Council on February 27, 2018, and established VMT as the City's metric for transportation analysis under CEQA, consistent with Public Resources Code Section 21099. In conjunction with the City's *Transportation Analysis Handbook* (2020), Policy 5-1 outlines procedures, screening criteria and significance thresholds for preparation of development transportation impact analysis studies. For Industrial Employment Uses such as the proposed Project, Policy 5-1 establishes a threshold of significance that is based on regional VMT, whereby a project would have a potentially significant impact requiring mitigation if it resulted in VMT per employee that was greater than existing regional VMT per employee. By establishing standards for development analysis based on VMT, the policy supports the City's General Plan goals toward creating more sustainable land use and transportation systems.

San José Municipal Code
Title 20 of the San José Municipal Code contains zoning regulations for the City that are intended to "guide, control, and regulate future growth and development in the city in a sound and orderly manner, and to promote achievement of the goals and purposes of the San José General Plan." The zoning classification of the Project site is HI Heavy Industrial, and in this zoning district, transportation-related development regulations are limited to a minimum setback of 15 feet from front property lines for parking and circulation for passenger vehicles (San José Municipal Code Section 20.50.200). Off-street parking regulations in Section 20.90.060 of San José Municipal Code establish minimum and maximum standards for vehicle and bicycle parking.

San José Bike Plan 2020
The San José Bike Plan 2020 was adopted by the City Council in November 2009 and provides a framework of strategies and action items for improving the convenience, safety and utilization of bicycles as a transportation mode in the City. While proposed bikeway projects are identified throughout the City, no bicycle improvements are proposed for streets located at either of the Project site frontages or elsewhere in the immediate vicinity of the Project site. The City is currently in the process of updating its city-wide bike plan with its "San José Better Bike Plan 2025."

IMPACT ANALYSIS:

Transportation system impacts of the Proposed Project were evaluated in a local transportation analysis (LTA) prepared for the Applicant by Hexagon Transportation Consultants (November

2020). Analysis in the LTA encompassed evaluation of both CEQA and non-CEQA impacts of the Project, including trip generation, multimodal and LOS impacts of the proposed Project. Information drawn from the LTA is referenced herein in this Initial Study.

> *a) Would the project conflict with an applicable program, plan, ordinance or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Proposed transportation impacts analyzed in this IS/MND comply with City of San José's General Plan Policy 5-1, which requires a Local Transportation Analysis (LTA) to identify potential traffic operational issues related to the project. The LTA includes an evaluation of weekday AM and PM peak-hour traffic conditions for two signalized intersections and one unsignalized intersections. The LTA also includes analyses of vehicle queuing at selected intersections, site access and on-site circulation, parking, and potential effects to transit, bicycle, and pedestrian facilities.

Vehicular Access and Circulation

As discussed in Section 4 Project Description, vehicular access to the project site would be provided via two driveways along Junction Avenue (one in and one out) and four existing driveways along Rogers Avenue. According to the City of San José Department of Transportation (DOT) Geometric Design Guidelines (Addendum Drawing No. R-7), the typical width for a driveway that serves a commercial development is 16 to 32 feet wide. One of the four existing driveways along Rogers Avenue would be widened to 32 feet in width to accommodate a 28-foot interior isle that would allow two-way traffic to access parking for warehouse and showroom buildings. The remaining driveways would remain as built to comply with City Design Guidelines. described above, the Project site has frontage on Rogers Avenue and Junction Avenue and has direct access to both roadways. Three driveways on the Rogers Avenue frontage provide access to 15 striped parking stalls on the west side of the building; two unpaved curb cuts at the Junction Avenue frontage provide access to a gravel-paved, open storage on the east side of the building.

The currently asphalt-paved areas on the west side of the building that would be accessed from Rogers Avenue would be striped with 63 parking stalls for employees and customers picking up purchases. The two existing curb cuts on Junction Avenue are currently 20 feet wide and meet City standards, though each would be improved with Portland cement concrete curb ramps to formalize the driveway entrances. The currently open area that would be accessed by these two new driveways would also be paved with asphalt, would be striped with 58 new automobile parking stalls, and would have new landscaping in parking lot islands and shade trees dispersed among the parking stalls. Bicycle racks for up to 12 bikes are proposed to be installed adjacent to the new building façade that would face onto Junction Avenue. At the Junction Avenue property line, the applicant also proposes installation of a minimum 5-foot wide sidewalk with four street trees spaced roughly evenly along the frontage. A 30-foot wide landscaping and stormwater treatment area between two central rows of parking stalls would also include a paved pedestrian walkway from Junction Avenue to the customer entrance to the building. No transit amenities are proposed with the Project, as transit does not extend to either Junction Avenue or Rogers Avenue, although the Project Site is within 0.25-mile walking distance of existing transit stops on East Brokaw Road and is therefore transit-accessible.

Pedestrian and Bicycle Facilities

The proposed Project includes site elements that support non-automobile travel modes, including addition of new sidewalk on the Junction Avenue property frontage, installation of a landscaped pedestrian pathway to the building from Junction Avenue, and provision of area at

the building entrances for racks for as many as 24 bicycles (12 on the east side of the building and another 12 on the west). As described in Section 4, Project Description, proposed bicycle and pedestrian improvements would include installation of a 10-foot wide detached sidewalk. These amenities could benefit customers visiting the showroom but would more likely support opportunities for employees of the showroom to make their daily trips to work by bike, or to utilize existing transit service on East Brokaw Road and then walk the roughly 0.25-mile to the site. Inclusion of these pedestrian and bicycle amenities into the site design is consistent with General Plan policies TR-1.1, TR-2.8 and CD-3.3, referenced above, and one of the intents of the North San José Area Development Policy to incorporate site "design features and programs that support multi-modal commute choices." With more than 5,000 square feet of new building area, the proposed Project would also be subject to payment of the North San José Traffic Impact Fee prescribed in the Development Policy as a funding mechanism for new transportation improvements in North San José.

Parking

The Project proposes to provide a total of 131 vehicle parking spaces; this number of stalls exceeds the minimum requirement of 39 off-street parking stalls required for retail warehouse uses pursuant to Section 20.90.060 of San José Municipal Code, but it is less than half of the maximum 313 off-street parking stalls allowed by the City's parking regulations for retail warehouse uses. The Project is therefore consistent with General Plan policies TR-8.2 and TR-8.4, which recognize parking as supportive for business viability but discourage excessive parking that could over-promote automobile use.

With installation of on-site amenities serving a variety of transportation modes, the proposed Project would partially implement adopted City policy encouraging site development that facilitates non-automobile transportation, and consistent with General Plan policies applicable to off-street parking, the number of vehicle stalls provided would not exceed the maximum specified in Section 20.90.060 of San José Municipal Code. Because the proposed Project would include sidewalks on both Rogers Avenue and Junction Avenue, the project would be consistent with the City's policy in support of non-automobile transit modes and this impact would be **less than significant**.

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

Together with City Council Policy 5-1, the City's *Transportation Analysis Handbook* (2020), provides technical guidance for analysis of VMT impacts of a proposed development or infrastructure project. Table 1 of the handbook prescribes screening criteria for CEQA transportation impacts for development projects. For industrial development, the handbook specifies a screening criterion of 30,000 square feet of gross floor area. Based on this size and corresponding average vehicle trip generation, these types of "small infill projects" would not be expected to generate more than 110 net new vehicles trips per day and would therefore not be expected to have a significant impact to VMT. The City's adopted screening criteria of 110 net new daily vehicle trips is mirrored in the screening criteria offered in the technical guidance prepared by the Governor's Office of Planning and Research in its "Technical Advisory on Evaluating Transportation Impacts in CEQA" (December 2018).

The proposed Project includes approximately 20,050 square feet of building additions to the eastern side of the existing, approximately 72,068 square foot building, facing Junction Avenue. With a net increase of fewer than 30,000 square feet of building area and an average trip generation of fewer than 110 net new daily vehicle trips, the proposed Project would fall below

the City's screening criteria for which analysis of project VMT would be required, and the Project's impacts to VMT would be considered to be **less than significant**.

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

Most construction activity associated with the Project would occur within the property lines of the Project site. However, construction of the Project would also include work within the public rights-of-way of Junction Avenue and Rogers Avenue to improve driveway approaches and install a frontage sidewalk. This off-site work could require partial obstruction of a travel or parking lane on either roadway. As part of the issuance of its encroachment permit for work in the public right-of-way, the City would require traffic control measures (such as flaggers or detour signage) to ensure safe use of the roadways by pedestrians, bicyclists and drivers at the project frontages. Potential impacts of the Project from construction work in the public right-of-way would be less than significant with implementation of the traffic control plan, and no mitigation for construction impacts would be required.

The Project LTA includes an evaluation of vehicle sight distance at the driveways along the property frontages at Junction Avenue and Rogers Avenue. The LTA notes that based on a posted speed limit of 35 miles per hour on both roadways, sight distance from the outbound access driveways is 300 feet. This distance indicates the minimum distance that an automobile traveling on the roadway would need to stop to avoid a collision with an obstruction in the roadway (in this case, a vehicle exiting one of the Project site's outbound driveways). Existing trees on Rogers Avenue do not obstruct driver sight distance because the canopies of the trees are above the height of a seated driver (approximately 3 feet). However, parking is permitted on Rogers Avenue and Junction Avenue, and a vehicle parked too close to the driveway could obstruct the view of a driver attempting to exit the Project site. Trees proposed to be planted on the Junction Avenue site frontage could also pose an obstruction to driver views if not properly maintained.

*d) Would the project result in inadequate emergency access**?***

Access to the site would be provided by driveways from Junction Avenue and Rogers Avenue, as previously described. Driveways would meet City standards for width, and the site plan for the Project indicates 21-foot or wider drive aisles on the northern and southern sides of the building, as well as between rows of parking stalls in the eastern and western parking areas. As the City of San José Fire Code requires a minimum driveway width and drive aisle width of 20 feet, the proposed Project would comply with emergency access requirements and would have a **less than significant** impact on emergency access.

Other Non-CEQA Transportation Analysis

While not a requirement of CEQA, the trip generation and Level of Service (LOS) analysis provided in the LTA is summarized herein for informational purposes only and does not provide basis for determining an environmental impact in this Initial Study.

In the LTA prepared for the Project, Hexagon Transportation Consultants estimated the net new trips from the Project using the typical trip generation rates from the Institute of Transportation Engineers' (ITE) *Trip Generation Manual*, 10th Edition (2017). Both the Building Materials and Lumber Store (ITE Land Use Code 812) and Warehousing (ITE Land Use Code 150) land uses were used, due to the combination of retail showroom and warehousing elements of the

proposed business operation. The typical daily trip generation rates were applied to the new building square footage, as summarized in **Table 17-1** below.:

Table 17-1: Typical Daily Trip Generation Rates

Land Use and ITE Code	Net New Sq. Ft.	Trip Generation Rate (per 1,000 sq. ft.)	Net New Project Trips	Net New AM Peak Hour Trips	Net New PM Peak Hour Trips
Building Materials and Lumber Store (812)	14,000	18.05	253	22	29
Warehousing (150)	6,050	1.74	11	1	1
Total Trip Generation			**264**	**23**	**30**

The LTA applied these estimated new Project trips to scenarios of existing, existing-plus-approved-projects, and cumulative traffic volumes at the following three intersections:

- Junction Avenue and East Brokaw Road
- Rogers Avenue and East Brokaw Road
- Zanker Road and East Brokaw Road

It is noted that the intersection of Zanker Road and East Brokaw Road, located west of the intersection of Rogers Avenue and East Brokaw Road, is also a CMP intersection. It is also noted that traffic volumes in the cumulative scenario included trips generated by 2,050,000 square feet of proposed office development at 550 East Brokaw Road, northeast of the proposed Project site.

As referenced above, state law requires that CMP establish LOS standards for intersections, performance metrics for multiple transportation modes, and a seven-year program of capital improvements supporting a multimodal transportation system. The Santa Clara County CMP identifies minimum automobile level of service as LOS E, except where intersections were already performing at LOS F in 1991 when the County first adopted a CMP. The LOS analysis in the LTA concluded that the intersection of Junction Avenue and East Brokaw Road, and the intersection of Zanker Road and East Brokaw Road, would operate at acceptable LOS C or D with or without the project, for all three analysis scenarios, during both AM and PM peak hours of traffic.

The intersection of Rogers Avenue and East Brokaw Road currently operates at LOS F, with left-turning drivers experiencing delays in excess of two minutes on the Rogers Avenue stop-sign controlled approach to the intersection. Traffic volumes at the intersection also meet the Peak-Hour Volume Signal Warrant, an indication that the jurisdiction should consider installation of a traffic signal at an intersection. However, as the trip distribution in the LTA does not anticipate Project-related increases to this turn movement, Project traffic is not anticipated to worsen operations at the Rogers Avenue and East Brokaw Road intersection.

XVIII. TRIBAL CULTURAL RESOURCES

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☑
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☑

EXISTING SETTING:

CEQA section 21074.2 requires the lead agency to consider the effects of a project on tribal cultural resources. As defined in Section 21074, tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are listed or determined to be eligible for listing on the national, state, or local register of historic resources.

On December 9, 2020, a Sacred Lands File (SLF) search was filed with the NAHC and completed on December 18, 2020. The sacred lands search was negative for cultural resources in the Project site (Appendix C). The NAHC letter noted that an absence of specific site information in the SLF would not indicate the absence of cultural resources in any project area..

Pursuant to CEQA section 21080.3.1(d), on April 8, 2021, the City planning department contacted the representative of Ohlone Indian Tribe, providing a description of the Project and requesting comments on the identification, presence, and significance of tribal cultural resources in the project vicinity. During the 30-day comment period, no Native American tribal representatives contacted the planning department to request consultation. Based on prior Native American consultation, the planning department considers all prehistoric archeological resources to be potential tribal cultural resources.

REGULATORY SETTING:

Federal:

There are no federal policies applicable to the proposed Project

State:

Assembly Bill 52 (Gatto)
As of July 1, 2015, California Assembly Bill 52 (Gatto) of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

- 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

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. The consultation process must be completed before a CEQA document can be certified. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project." Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

Local:

Envision San José 2040 General Plan
The Environmental Resources (ER) and Land Use/Transportation (LU) sections of the City's General Plan include the following goals and policies related to cultural resources that are applicable to the proposed Project:

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

ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during

construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable State laws shall be enforced.

IMPACT ANALYSIS:

a) Would the project be listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

The NAHC Sacred Lands File search discussed above indicated that no previously discovered cultural resources or traditional burial sites were present on the Project site. The subject property is located within an urbanized area and has been subjected to previous grading and development. The Sacred Lands File search further indicated that no known listed or eligible for listing tribal cultural resources are located in the Project site. The follow-up consultation with the groups identified by the NAHC did not result in the identification of tribal cultural resources within the Project area. As the Project site does not contain any identified archaeological, historic, or tribal cultural resources, as defined in Public Resources Code section 5020.1(k), there would be **no impact** on Tribal Cultural Resources.

b) Would the Project be a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Native American Tribes that were notified of the proposed Project did not request consultation or provide evidence indicating that tribal cultural resources were present on the Project site. Moreover, there is no evidence to suggest that cultural or historic resources are present on the site. Therefore, the proposed Project would have **no impact** on tribal cultural resources.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or 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 wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☑	☐
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☑	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☑

EXISTING SETTING:

Water Supply

The City of San José has three water service providers who each serve different regions of the City. The San José Water Company (SJWC) is the water service provider currently serving the Project site. The SJWC's main sources of water supply are from groundwater, imported treated water from the SCVWD, and surface water runoff from the surrounding mountains (SJMWS 2016). Water supply service for the Project area is provided by the SJWC, a privately-owned company regulated by the California Public Utilities Commission. The SJWC currently maintains water supply infrastructure located in Old Bayshore Highway along the Project frontage. Per the General Plan EIR, roughly 50 percent of the water supply for Santa Clara County is imported water from the Sacramento-San Joaquin Delta, delivered by the California Department of Water Resources' State Water Project and by the U.S. Bureau of Reclamation's Central Valley Project.

The San José Water Company currently serves the Project site and the surrounding commercial and industrial business (SJWC 2019). The source of water for the Project site is groundwater. The sources of water for the City of San José are groundwater, Santa Clara Valley Water District Imported Surface Water.

Wastewater Treatment

The Project site is located within the sewer service area of the City's San José-Santa Clara Regional Wastewater Facility (RWF), which is responsible for the primary, secondary, and tertiary treatment and disposal of treated wastewater. The existing capacity of the RWF is 167 million gallons per day (mgd), and the facility currently treats an average of approximately 110 mgd, about 65 percent of its total capacity (City 2021d). The RWQCB also has established an effluent flow trigger of 120 mgd to minimize the amount of freshwater effluent, which is discharged into the San Francisco Bay (San José 2017). The actual Average Dry Weather Influent flow in 2016 identified the highest 5-weekday period from June through October at 101.1 mgd, as well as the actual Average Dry Weather Effluent flow at 73.0 mgd occurring through the months of July to September. Based on the average daily dry weather flow from sources in San José, approximately 69.8 mgd, or 64 percent of the City's total allocated 108.6 mgd of wastewater flow to the RWF, the City currently has approximately 38.8 mgd of available treatment capacity (City 2014). The City's level-of service goal for sewage treatment is to remain within RWF's capacity.

Sanitary Sewer System

The City of San José's Environmental Services Department is the primary agency responsible for sewer facilities in the City. The City maintains approximately 2,294 miles of wastewater collection system pipeline that ranges from six to 90 inches in diameter, including approximately 45,000 manholes and 16 sewage lift stations. Collected wastewater is conveyed to the San José-Santa Clara Regional WPCP by major interceptor pipelines located in the northern portion of San José. The San José-Santa Clara Regional Wastewater Facility would receive wastewater generated from the proposed Project. The WPCP treats an average of 110 million gallons of wastewater per day (mgd), with a capacity of up to 167 mgd. Thus, remaining capacity of the plant is approximately 57 mgd. The General Plan calls for an LOS D for sanitary sewer lines. At LOS D, the sewer main is occasionally running full. New development is required by existing policies to avoid or minimize impacts upon any existing or anticipated LOS E sewer lines by constructing or contributing to the construction of new lines or by waiting for completion of planned sewer line improvements. The City's existing sanitary sewer system operates with approximately 95 percent of the trunk sewer pipelines at LOS D or better, under dry weather conditions.

Stormwater Treatment

As discussed in the Hydrology and Water Quality section, stormwater runoff from the Project site is conveyed to City storm drain systems. The City's stormwater drainage system flows into facilities that are owned, operated, and maintained by the Santa Clara Valley Urban Runoff Pollution Prevention Program, which is an association of 13 cities and towns in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District. The City of San José Public Works Department operates and maintains the City's storm drain system, which has over 1,150 miles of storm drains and drainage channels as well as 29 stormwater pump stations. City infrastructure such as catch basins and storm drainpipes collect stormwater runoff, which is eventually discharged into the San Francisco Bay. The U.S. Army Corps of Engineers and SCVWD jointly oversee and operate the region's flood control facilities and stream channels. In low-lying areas of the City, stormwater pump stations are employed to facilitate drainage when gravity drainage is not feasible (City 2011b). The existing storm drain system drains north and eventually connects to the City storm drain on Junction Avenue.

Solid Waste

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

REGULATORY SETTING:

Federal:

There are no federal policies applicable to the proposed Project.

State:

California Urban Water Management Planning Act

Under the California Water Code and Urban Water Management Planning Act of 1983, all California urban water suppliers are required to prepare and adopt an Urban Water Management Plan (UWMP) every five years, which promotes water conservation and efficiency measures. Urban watersuppliers that serve more than 3,000 customers or are supplying more than 3,000 acre-feet of waterannually are subject to this Act. This Act requires that the total project water use be compared to water supply sources over the next 20 years in five-year increments. Planning must occur for all drought years and must include a water recycling analysis that incorporates a description of the wastewater collection and treatment system, outlining existing and potential recycled water uses. In September 2014, the Act was amended by SB 1420, which now requires urban water suppliers to provide descriptions of their water demand management measures and similar information.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program. Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

State Updated Model Landscape Ordinance

The State Updated Model Landscape Ordinance requires the adoption of landscape water conservation ordinances or the adoption of a different ordinance that is at least as stringent as the updated Model Ordinance (MO). The City adopted Water Efficient Landscaping Standards for new and Rehabilitated Landscaping in 2013, as well as the revised San José Municipal Code Chapter 15.11.

Water Conservation Act of 2009

The Water Conservation Act of 2009 (SB X7-7) requires all water suppliers to increase water use efficiency by reducing per capita urban water use by 20 percent by December 31, 2020. This bill also set a goal for the state of reducing per capita water use by at least 10 percent by December 31,2015.

California Integrated Waste Management Act (AB 939)

AB 939 established the California Integrated Waste Management Board under CalRecycle, which required all counties within California to prepare integrated waste management plans. Additionally, it changed the focus of solid waste management from landfill to diversion strategies (e.g., source reduction, recycling, and composting), and required all municipalities to divert 25 percent of their solid waste from landfill disposal by January 1, 1995, and 50 percent by the year 2000. The City of San José currently generates 1.7 million tons of solid waste annually and diverts 60 percent of its waste streams by utilizing curbside recycling, yard waste collection, and composting programs.

CALGreen Building Code

CALGreen requires mandatory green standards that all buildings in California must abide by, including: reducing indoor water use, reducing wastewater, recycling and/or salvaging nonhazardous construction and demolition debris, and providing readily accessible areas for recycling by the occupant. The code includes different categories such as energy, water, material, and resource efficiency. These standards include a mandatory set of minimum guidelines, as well as more stringent voluntary measures for new construction projects that local communities can opt into.

Local:

Envision San José 2040 General Plan

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

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

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

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

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

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

IN-3.10 Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's NPDES.

Santa Clara Valley Water District 2015 Urban Water Management Plan

The Urban Water Management Planning Act (UWMP Act) (Division 6 Part 2.6 of California Water Code §10610 -10656) requires the preparation of an UWMP every five years by water suppliers that provide over 3,000 acre-feet of water annually or serve water for municipal purposes either directly or indirectly to 3,000 or more customers. The plan includes information on water supply, water usage, recycled water, water conservation programs, water shortage contingency planning, and water supply reliability in Santa Clara County. It also serves as a valuable resource for water supply planners and policy makers and addresses the water supply future of Santa Clara County over the next 25 years.

San José Zero Waste Strategic Plan/Green Vision

The Zero Waste Strategic Plan outlines policies to help the City foster a healthier community and achieve its Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. The Green Vision also includes ambitious goals for economic growth, environmental sustainability and an enhanced quality of life for San José residents and businesses.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

CALGreen is the first-in-the-nation mandatory green building standards code. In 2007, the California Building Standards Commission developed green building standards in an effort to meet the goals of California's landmark initiative AB 32, which established a program of cost-effective reductions of greenhouse gases (GHG) to 1990 levels by 2020. The CGBS is a code with mandatory requirements for new residential and nonresidential buildings (including industrial buildings) throughout California. The code is Part 11 of the California Building Standards Code in Title 24 of the CCR. The current 2019 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings went into effect on January 1, 2020. The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2000 for an alteration-renovation residential project and $5000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities. Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

IMPACT ANALYSIS:

a) Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Water and Wastewater:
The City currently maintains a six-inch and a 15-inch sanitary sewer main along the Rogers Avenue project frontage, and a 15-inch sanitary sewer main along the Junction Avenue project frontage which may serve the proposed site. The City currently maintains a 6-inch sanitary sewer pipe located west of the Project site in along Rogers Road. However, currently, the Project site is not connected to the City sewer system. Rather, the site is served by an on-site septic tank located southwest of the existing warehouse. Project expansion including a proposed showroom would require a reliable water source to serve retail customers. Water service would be provided by the SJWC via a connection to an existing water main located along Rogers Avenue or Junction Avenue. The Project site is within the North San José development area, and the Applicant would be required to provide necessary improvements to infrastructure, including water supply, storm drain and sanitary sewer systems. In some cases, these improvements would be made through on-site extensions of utilities or other services constructed as part of individual development projects.

Short-term demand for water may occur during construction activities on site. Water demand for soil watering (fugitive dust control), cleanup, masonry, painting, and other activities would be temporary and would cease at Project build out. Overall, demolition and construction activities require minimal water and are not expected to have any adverse impacts on the existing water system or available water supplies. Therefore, potential project impacts associated with short-term construction activities would be less than significant.

Storm Water and Drainage
As discussed in detail in the Hydrology and Water Quality section of this Initial Study, stormwater runoff from the Project site is conveyed to City storm drain systems. There is an existing 36-inch RCP storm drain main along Rogers Avenue project frontage and a 27-inch RCP storm drain main along Junction Avenue project frontage, which may serve the proposed Project site .The City's stormwater drainage system flows into facilities that are owned, operated, and maintained by the Santa Clara Valley Urban Runoff Pollution Prevention Program, which is an association of 13 cities and towns in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District. The City is responsible for regulating inflows to and discharges from its municipal storm drainage system.

The Project would require Low Impact Development (LID) Best Management Practices (BMPs) and hydromodification controls (HMCs) (bioretention, pervious pavement, and flow through planters) to reduce off-site runoff. With implementation of the LID BMPs and HMCs, post-development runoff would not exceed existing conditions and, therefore, the capacity of downstream storm drain systems would not be exceeded. Because the volume runoff from the site would be equal to existing conditions, the proposed Project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities beyond the on-site improvements included as part of the proposed Project. Therefore, impacts to stormwater drainage facilities would be **less than significant** with the inclusion of LID BMPs and HMCs. No mitigation would be required.

Electric Power
Natural Gas, and Telecommunications. Refer to the Energy section of this Initial Study for further discussion related to the Project's impacts with respect to existing and projected supplies of electricity. The Project would not require or result in the relocation or construction of new or expanded electric power facilities that would cause significant environmental effects. No mitigation would be required.

Telecommunications. Construction activities associated with the proposed Project would not increase the demand for telecommunications facilities. Similarly, operation of the proposed Project would not result in an increased demand for telecommunications facilities, as the Project would not increase employees on the site and does not include any uses that would induce population growth.

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

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

The proposed Project-related increases in water use would not necessitate new or expanded water entitlements, and the City would be able to accommodate the increased demand for water. Therefore, the City would have sufficient water supplies available to serve the project from existing entitlements and would not require new or expanded entitlements. In addition, the proposed project is consistent with the City's General Plan and the planned land uses for the project site. Impacts related to water supplies during normal, dry and multiple dry years would be **less than significant,** and no mitigation would be required.

c) Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As stated in above, the proposed Project would not generate a significant increase in wastewater from the Project site. The increased wastewater flows from the proposed Project can be accommodated within the existing design capacity of the treatment plants that currently serve the City. Therefore, the wastewater treatment providers would have adequate capacity to serve the Project's projected wastewater generation in addition to the providers' existing commitments. In addition, the proposed Project is consistent with the City's General Plan and the planned land uses for the Project site. Impacts related to wastewater generation would be **less than significant**, and no mitigation would be required.

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?

The proposed Project would generate approximately 0.01 tons of solid waste per day during Project operation, assuming that two employees are working concurrently. Solid waste generation rates are based upon California Department of Resources Recycling and Recovery (CalRecycle) values for warehouse waste generation sources (Cal Recycle 2021). Note that project operation would involve warehouse and retail showroom operation, and that actual waste generation may likely be less than the rate for warehousing facilities provided by CalRecycle. Trash facilities would be locked and would not be accessible to customers; only employees would have access to trash facilities. For these reasons, waste generation estimates are conservative because actual waste generation as a result of the Project is likely to be lower than estimated. The incremental increase of solid waste generated by the proposed Project would constitute approximately 0.0022 percent of the existing daily disposal (625 tons per day [tpd]) at the Newby Island Sanitary Landfill. Furthermore, permitted maximum tonnage is 4,000 tons per day. Therefore, solid waste generated by the proposed Project would not cause the capacity of the Newby Island Sanitary Landfill to be exceeded. The proposed Project would result in a **less than significant** impact to the generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, and it would not otherwise impair the attainment of solid waste reduction goals. Thus, no mitigation would be required.

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

The proposed Project would comply with existing and future statutes and regulations, including waste diversion programs mandated by City, State, or federal law. In addition, as discussed above, the proposed Project would not result in an excessive production of solid waste that would exceed the capacity of the existing landfill serving the Project site. Therefore, the proposed Project would result in **no impact** related to federal, State, and local management and reduction statutes and regulations related to solid wastes, and no mitigation would be required.

XX.WILDFIRE

Would the project:

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

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

EXISTING SETTING:

The proposed Project is located in a developed industrial part of the City of San José. The Project site is located centrally within the City, surrounded by other developed areas and is not near any rural woodlands, brush and or grass-covered areas. According to the CAL FIRE Very High Fire Hazard Severity Zone (VHFHSZ) Map for the Santa Clara County Region, the Project site is not located within a Very High Fire Hazard Severity Zone. The nearest VHFHSZ is along Alum Rock Road about 6 miles east of the Project site (CalFire 2021). The other areas of VHFHSZ are within the Saratoga Country Club and along the southern side of Saratoga Los Gatos Road.

REGULATORY SETTING:

Federal:

There are no federal policies applicable to the proposed Project.

State:

California Fire Code:
The City of San José's Municipal Code Chapter 17.12 incorporates the 2019 California Fire Code as copyrighted and published by the California Building Standards Commission. The California Fire Code includes regulations for emergency planning and preparedness, building services and systems, fire and smoke protection features, construction requirements for existing buildings and more.

Local:

Envision San José 2040 General Plan
The Envision San José 2040 General Plan was adopted by the City Council in November 2011. This General Plan centers on twelve Major Strategies that reflect the community's desire to see San José grow into a more prominent great City, taking on a growing environmental and economic leadership role in the region, nation and world. The Wildland and Urban Fire Hazards, section of Chapter 3 include policies aimed to protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface. The following policies apply to the Proposed Project:

EC-8.1 Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

EC-8.2 Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

San José Emergency Operations Plan
The City of San José has recently updated their Emergency Response Plan and was approved in early 2019. It identifies emergency response policies, describes the response and recovery organization, and assigns specific roles and responsibilities to City departments, agencies, and community partners. The Emergency Operations Plan has the flexibility to be used for all emergencies and will facilitate response and recovery activities in an efficient and effective way.

IMPACT ANALYSIS:

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?

The proposed Project is located in a developed industrial part of the city of San José. The proposed Project does not include any aspects that would impede the Emergency Operation Plan or other emergency responses for the city of San José, such as lane closures, impeding necessary resources or services or disrupting communication procedures. The proposed Project would follow all necessary City of San José emergency access standards. The proposed Project would also be required to comply with all applicable codes and ordinances for emergency vehicle access. The areas surrounding the Project site are developed/disturbed land with relatively flat topography. The Project is not located in or near a CAL FIRE VHFHSZ. The Project site has existing structures on the property, construction or operation of the Project would not exacerbate wildfire risks or expose people to significant fire risk and there would be **no impact**.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

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

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?

As discussed in section IV, Biology, impacts on nesting birds could be potentially significant and implementation of Mitigation Measure BIO-1, would reduce potential impacts to nesting birds. The mitigation measure would encourage construction of the Project to avoid nesting seasons and require on-site biologists to identify potential resources if construction is during nesting

season. The Project has no known impacts to historical or archeological resources; however, the Standard Permit Conditions are required by the City of San José to be implemented to avoid potential impacts to unknown paleontological or archeological resources. Therefore, this impact would be a **less than significant.**

> *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)?*

The Project would have no impact, a less than significant impact, or a less than significant impact with mitigation with respect to all environmental issues. The proposed Project can be accommodated by the existing road system, public parks, public services, and utilities. Based on the Project Description and the previous impact discussions, impacts related to the proposed Project are less than significant or can be reduced to less than significant levels with incorporation of Standard Permit Conditions and mitigation measures. There is one site on the corner of Brokaw Road and Junction Avenue that is zoned as Planned Development, however it does not have an active building application and therefore construction of the two projects would not happen concurrently. Individual resource areas such as Air Quality and Greenhouse Gases, have addressed cumulative impacts in their respective sections. The proposed Project's contribution to any significant cumulative impacts would be less than cumulatively considerable and therefore, 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 Project may have adverse impacts related to hazardous materials on the Project site. However, **Mitigation Measure HAZ-1** would address potential disturbance of historic soil contaminants that may be present on the site. **Mitigation Measure HAZ-1** would require compliance with provisions outlined in the RMP (Appendix E) to prevent any release of historical contaminants and exposure to nearby properties or people. Because the Project would adhere to these mitigation measures, direct or indirect substantial, adverse impacts on human beings would be **less than significant with mitigation incorporated.**

6.0 Lists and References

6.1 List of Preparers

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