Focused Initial Study

1660 Old Bayshore Highway Industrial Project

File No. H20-041
August 2021

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

1660 Old Bayshore Highway Industrial Project

Public Review Draft

Focused Initial Study

August 2021

Project File: H20-041

Prepared for:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Prepared by:

Kimley»Horn

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1.0 INTRODUCTION & PURPOSE

1.1 Project Background and Context for Analysis

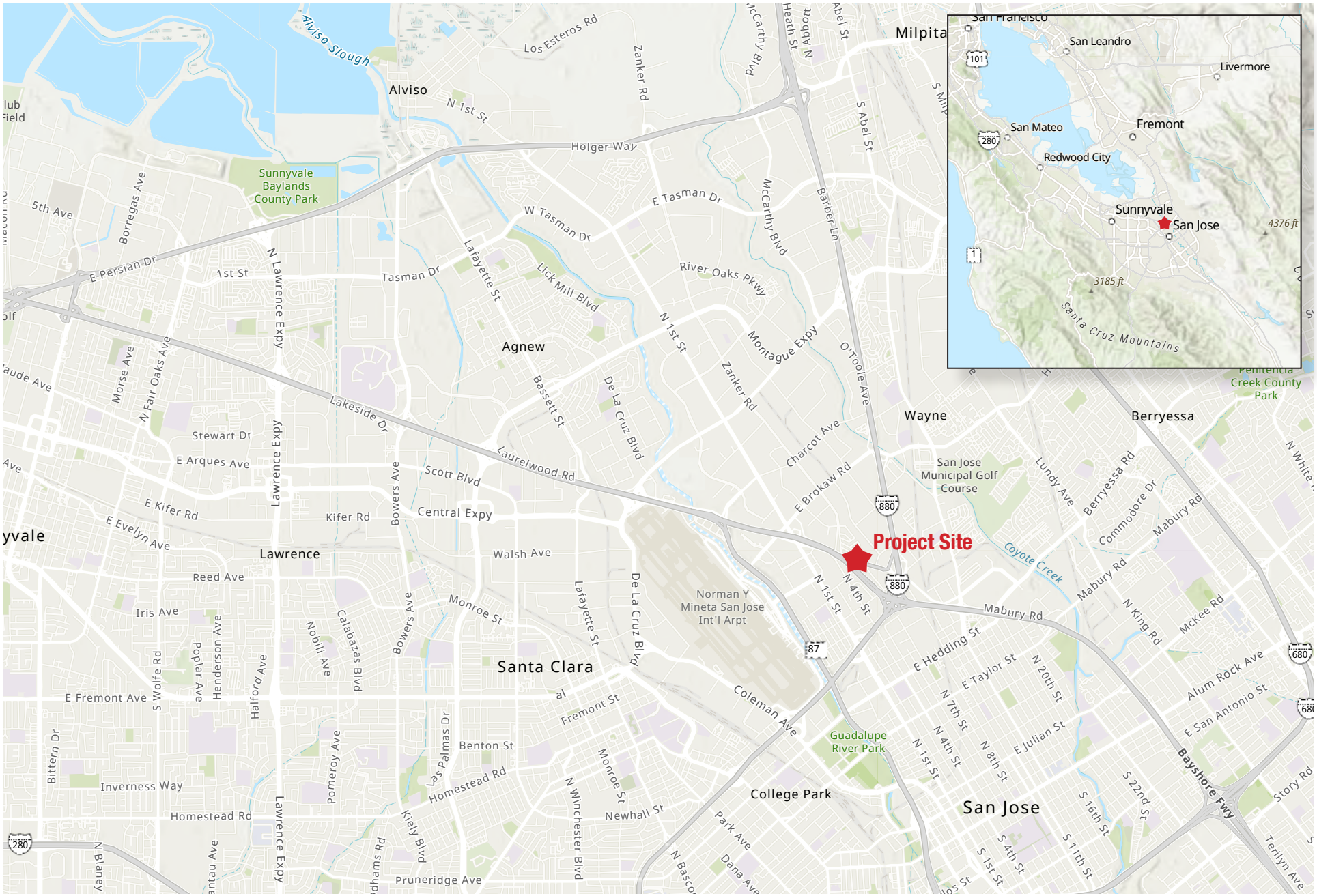
This Initial Study has been prepared by the City of San José (City) as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed project to the decision makers who will be reviewing and considering the project.

The project site is located at 1660 Old Bayshore Highway in the City of San José. The project site is located approximately three miles north of downtown San Jose. Surrounding land use is mainly industrial and warehouse in an urbanized area. See **Figure 1-1** and **Figure 1-2**.

The applicant's plans for this project site originally included the demolition of two existing buildings and the operation of a commercial vehicle storage facility. The project has since evolved to reflect current plans for an industrial warehouse use and last-mile delivery station. Based on City staff's review of the proposal and the limited environmental resources at the project site, the City has recommended preparation of a Focused Initial Study that provides more limited, focused discussion and analysis on only those environmental topics that could be present at this site.

Envision San José 2040 General Plan Final and Supplemental Environmental Impact Report

In November 2011, the City of San José approved the Envision San José 2040 General Plan (General Plan), which is a long-range program for the future growth of the City. The General Plan Final Environmental Impact Report (EIR) (SCH#2009072096), as amended, was a broad range "programmatic" analysis of the future growth pattern and did not analyze specific development projects. The intent was for the General Plan EIR to be a program level document from which subsequent development consistent with the General Plan could tier. The General Plan EIR did, however, develop project level information whenever possible, such as when a particular site was identified for a specific size and type of development. The General Plan EIR also identified mitigation measures and adopted Statements of Overriding Consideration for all identified traffic and air quality impacts resulting from the maximum level of proposed development. For all other effects, it was concluded that implementation of General Plan policies, existing regulations, and adopted plans and policies would reduce the impact of individual projects to a less than significant level. These conclusions are generally based on the assumption that all future projects allowed under the General Plan will reduce impacts to a less than significant level through measures included in project design or as conditions of approval, consistent with the policies and procedures for protecting environmental quality in the General Plan. Future development projects, such as this delivery station, are evaluated for consistency with this assumption and may require supplemental analysis to identify additional mitigation measures.



Source: USGS, 2021

Figure 1-1: Regional Map

1660 Old Bayshore Highway Industrial Project
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Not to scale

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Source: USGS, 2021

Figure 1-2: Project Vicinity Map

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2.0 PROJECT INFORMATION

2.1 Project Title and File Number

1660 Old Bayshore Highway Industrial Project
File No. H20-041

2.2 Project Location

The 6.07-acre project area is located on three addresses at 1660, 1720, and 1736 Old Bayshore Highway in the City of San José on four parcels – APNs 237-12-098, 237-12-101, 237-12-118, and 237-12-117. The site is located approximately three miles north of downtown San Jose. Surrounding land use is mainly industrial and warehouse in an urbanized area. See **Figure 1-1** and **Figure 1-2**.

2.3 Lead Agency Contact

City of San José
200 East Santa Clara Street, 3rd Floor
San José, California 95113

Supervising Environmental Planner: Thai-Chau Le
Phone: (408) 535-5658
Email: Thai-Chau.Le@sanjoseca.gov

2.4 Property Owner/Project Applicant

Contact: Scott Swenson
Prologis
3353 Gateway Boulevard
Fremont, CA 94538

2.5 Assessor's Parcel Number

- 237-12-098
- 237-12-118
- 237-12-117
- 237-12-101

2.6 Zoning District and General Plan Designation

General Plan: Heavy Industrial (HI)
Zoning: Heavy Industrial (HI)

2.7 Habitat Plan Designation

Land Cover Designation:	*Urban-Suburban*
Development Zone:	*Urban Development greater than two acres covered*
Fee Zone:	*Urban Area*
Owl Conservation Zone:	*North San José/Baylands Region*

2.8 Project-Related Approvals, Agreements and Permits

- Special Use Permit
- Site Development Permit
- A Grading Permit is required prior to the issuance of a Public Works Clearance
- Building Permit
- Demolition Permit issued by the City of San José. (Note: During the preparation of this Focused Initial Study the applicant obtained an emergency demolition permit of the existing structures for health and safety reasons. Demolition occurred in June 2021. The baseline environmental condition of the site therefore reflects the fact that the demolition has been completed.)

3.0 DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

3.1 Project Location

The 6.07-acre project site is located on three addresses at 1660, 1720, and 1736 Old Bayshore Highway in the City of San José on four parcels – APNs 237-12-098, 237-12-101, 237-12-118, and 237-12-117. Parcels have since been merged. The site is located approximately three miles north of downtown San Jose, near the junction of U.S. 101 and Interstate 880. The site is surrounded primarily by industrial and warehouse land uses in an urbanized area of the City. See **Figure 1-1** and **Figure 1-2**.

3.2 Existing Site Conditions

Until June 2021 the site consisted of five vacant structures, which included three industrial buildings and two ancillary steel structures. A summary of the buildings and their past uses are provided in Table 3-1: Recent Buildings and Structures on Site. See **Figure 1-2** for location of these buildings and ancillary steel structures. The 31,479-sf building was a two-story concrete building previously occupied by Smithfield Foods, Inc. and was used as a meat processing plant. The 17,527-sf building was a one-story concrete and wood building previously occupied by Recycling Specialists and was used as a recycling facility. Located on the northeast corner of the project site was a 24,486-sf building that was previously used as a warehouse for packing and shipping. This one-story sheet metal building was 23 feet 8 inches in height. The three industrial buildings on site totaled 73,492 square feet. Two steel structures located on this parcel were previously used for equipment storage and as an employee breakroom. In June 2021, the applicant was issued a demolition permit on an emergency basis for health and safety reasons due to the dilapidated condition of the structures and a history of problems including trespassing, vandalism and theft, typical of the buildings being an attractive nuisance. With the removal of the buildings the site is essentially an expanse of pavement with remnant foundations.

This area of San José was first developed during the 1940s with subsequent phases of industrial developing continuing through the 1980s. Various meat packing companies have occupied the site since the early 1960s to present.

The project site is completely surrounded by similar heavy industrial land uses to the north, east, and west and light industrial uses to the south. Immediately to the south and west of Old Bayshore Highway is U.S. 101 and further to the east is Interstate 880. The surrounding land uses are shown in **Figure 1-2.**

Table 3-1: Recent Buildings and Structures on Site

Address	APN	Total Building Area (sf)	Past Uses
1660 Old Bayshore Highway	237-12-098	31,479	Meat processing plant
1720 Old Bayshore Highway	237-12-118	17,527	Recycling facility
		3,287	Employee breakroom
		1,805	Equipment storage
1720 Old Bayshore Highway	237-12-117	24,486	Warehouse
1736 Old Bayshore Highway	237-12-101	N/A	Recycling yard

Land Use and Zoning

The project site is designated as Heavy Industrial (HI) by the General Plan, which allows for a range of warehousing uses. The project site is zoned as Heavy Industrial (HI). The HI Zoning District allows for warehouse and distribution facilities. The project would be consistent with the General Plan land use and zoning.

Parking, Circulation, Access

Surface parking is currently available throughout the site. No parking is allowed along the Old Bayshore Highway frontage. Designated Class II bike lanes are located along both sides of Old Bayshore Highway.

Trees and Landscaping

There is virtually no existing landscaping or trees located on site or along the Old Bayshore Highway frontage.

Utilities

There are existing 6-inch and 12-inch sanitary sewer laterals and manholes located along Old Bayshore Highway. An existing 12-inch storm drain is located on site and associated manholes are located along Old Bayshore Highway. Existing light fixtures and utility poles are located along the Old Bayshore Highway street frontage.

3.3 Project Description

Proposed Development

Building Program and Design

The project would redevelop and re-purpose the existing 24,486-sf warehouse structure located on APN 237-12-117, and resurface the site for parking to support the proposed use. The existing 24,486-sf industrial building would be repurposed into a last-mile distribution building with a new adjoining 3,000-sf office addition. A new 17,700 sf canopy structure would overhang the south side of this industrial building. See **Figure 3-1** for a site plan. The maximum height of the building and proposed canopy structure would be 23 feet and 8 inches, similar to existing conditions. See **Figure 3-2A** and **3-2B** for building elevations.

Parking, Circulation, and Access

The proposed project would resurface the site to provide a total of 228 surface parking spaces including 69 automobile spaces, 128 van spaces, 12 loading spaces, 12 queuing spaces, 3 induct[1] truck spaces, and 4 handicap spaces. The 12 loading spaces would be provided under the canopy and 68 automobile spaces for employees would be located throughout the eastern portion of the project site. Van spaces would be located in the southwestern portion of the project site. See **Figure 3-1** for parking details.

The project would provide four driveways along Old Bayshore Highway. The two driveways located to the most western front of Old Bayshore Highway would provide one-way circulation in the form of an internal road from a 20-foot driveway entrance and a 20-foot driveway exit for delivery trucks.

[1] Truck space for intake of packages for local deliveries.

The two driveways located to the most eastern front of Old Bayshore Highway would each provide two-way circulation. A 26-foot driveway would serve office employee traffic and a 32-foot driveway would serve induct truck traffic. See **Figure 3-3** for traffic circulation details.

Landscaping

The proposed landscape plan includes trees, shrubs, and groundcover throughout the project site and along the Old Bayshore Highway frontage. No landscaping or trees currently exist onsite. Forty-seven (47) trees of various species (e.g. Coast Live Oak, Santa Cruz Island Ronwood, and Chinese Pistach) would be planted on site. The project's landscape plan notes that trees would be a minimum 15-gallons in size. See **Figure 3-4** for the proposed landscape plan and plant palette. The proposed landscape plan would meet the City of San José Water Efficient Landscape Requirements. Proposed features include a low flow irrigation system equipped with a weather-based smart controller. On site landscaping would meet State water efficient landscape standards and stage 2 drought restrictions. Final landscape plans would be subject to review during Development Plan Review to ensure compliance.

Project Utilities/Engineering

Grading

Construction activities associated with re-development of this site would include demolition, site preparation, trenching, staking and flagging, and installation and extension of utility systems. The project site is relatively flat. The project would resurface portions of the site with asphalt pavement, which could involve some asphalt grinding to prepare and level the surface. Limited additional excavations may also be completed as necessary to re-align existing or install new utility facilities, comprised of two sections, which in total will extend approximately 450 feet in an approximate west-east alignment on the frontage of Old Bayshore Highway. See **Figure 3-5** for a preliminary grading and drainage plan.

Utilities

Sewer and water services would continue to be provided by the City of San José. As part of the proposed project, the sewer pipelines would be installed to connect to an existing 12-inch sanitary sewer lateral located along Old Bayshore Highway. The proposed project would connect to the existing water line located along Old Bayshore Highway. See **Figure 3-6**.

Storm drain facilities will be located on-site and connect to the existing 12-inch storm drain located along Old Bayshore Highway. As shown in **Figure 3-7**, storm water bioretention swales are proposed on the southern front of the property. New electrical lines will connect to existing utility poles along Old Bayshore Highway.

Project Construction and Phasing

Construction and demolition activities would occur in one phase over a 6-month period. As noted above, the applicant was granted a demolition permit on an emergency basis for health and safety reasons, and demolition of structures has already occurred. Construction activities are expected to commence in September 2021.

Project Operations

Tenant Profile and Hours of Operation

The proposed project is designed as a "last mile" e-commerce distribution center (delivery station). It is anticipated that this delivery station would be operated by a single tenant (Tenant) for their business operations. Delivery stations support the last mile of the Tenant's order fulfillment process and help to

expedite local deliveries for customers. Packages would be transported to the project site via line haul trailer trucks (18 wheelers) and would then be sorted, picked, and loaded into delivery vehicles on the project site.

The project would operate 24 hours per day, 7 days a week (24/7) to support delivery of packages to customer locations between 10:00 AM and 9:30 PM. At this facility, the Tenant anticipates approximately seven (7) line haul trucks delivering packages to the delivery station each day between 12:00 AM and 7:00 AM. The customer packages would then be sorted, picked to the delivery routes, placed onto movable racks and staged for dispatch. While the exact geographic range that the project would service is not rigidly defined, the Tenant operates last-mile delivery stations in order to provide expedited delivery to the local market.

Approximately 45 Tenant employees would support this operation on-site and approximately 86 delivery associates (delivery van drivers) would operate off-site. The majority of the on-site Tenant employees would arrive and depart between 2:00 AM and 12:30 PM (e.g. 17 employees), outside of traffic peak hour periods. Fourteen (14) additional Tenant employees would arrive for a second shift between 6:00 AM and 2:30 PM, and an additional fourteen (14) employees for a third shift between 1:30 PM and 10:00 PM, for a total of 45 Tenant employees throughout the day. As such, for the purposes of this CEQA analysis, it is assumed there would be 131 project-related jobs.

Delivery associates (delivery van drivers) would arrive the delivery station between 7:00 AM and 9:00 AM. Starting at 10:00 AM and ending at 11:30 AM, approximately 86 delivery vans will load and depart from the delivery station at an average rate of 30 vans every 20-30 minutes to facilitate a regulated traffic flow into the surrounding area. The departure window is designed to avoid peak period of local traffic. Approximately 8-10 hours after dispatch, delivery routes are completed, and the vans return to the station between 7:00 PM and 9:00 PM. The drivers park the delivery van onsite and leave using a personal vehicle or public transport.

The Tenant will also use independent contractors (“Tenant Flex”) to deliver packages from this location. The Tenant anticipates approximately 23 traditional passenger vehicles entering the facility, staggered between 4:00 PM and 5:00 PM. Flex vehicles will load and depart every 15 minutes.

Source: Project Plans for SP20-033, 2021

Figure 3-1: Site Plan
1660 Old Bayshore Highway Industrial Project
Focused Initial Study

Not to scale

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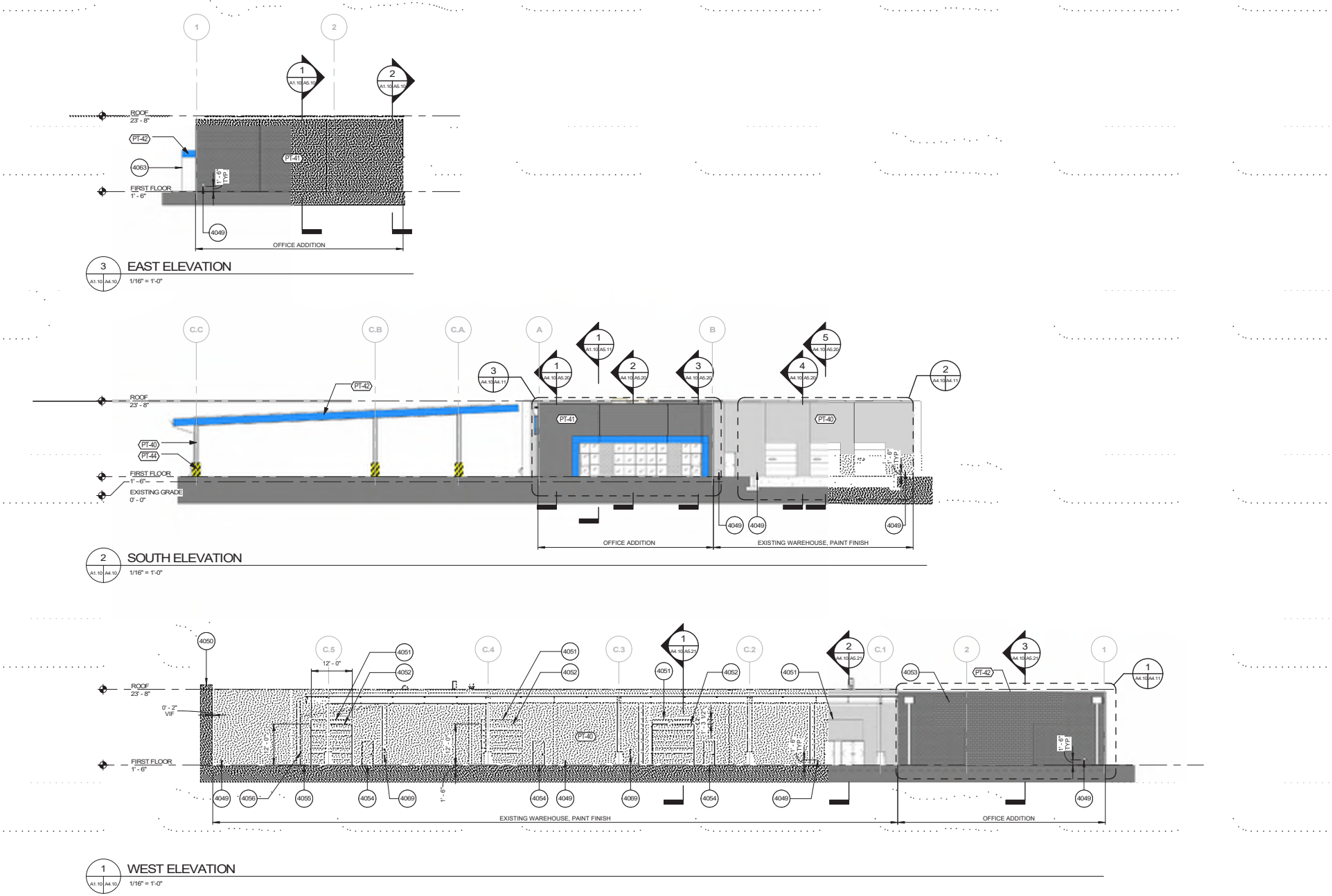

Source: Project Plans for SP20-033, 2021

Figure 3-2A: Building Elevations

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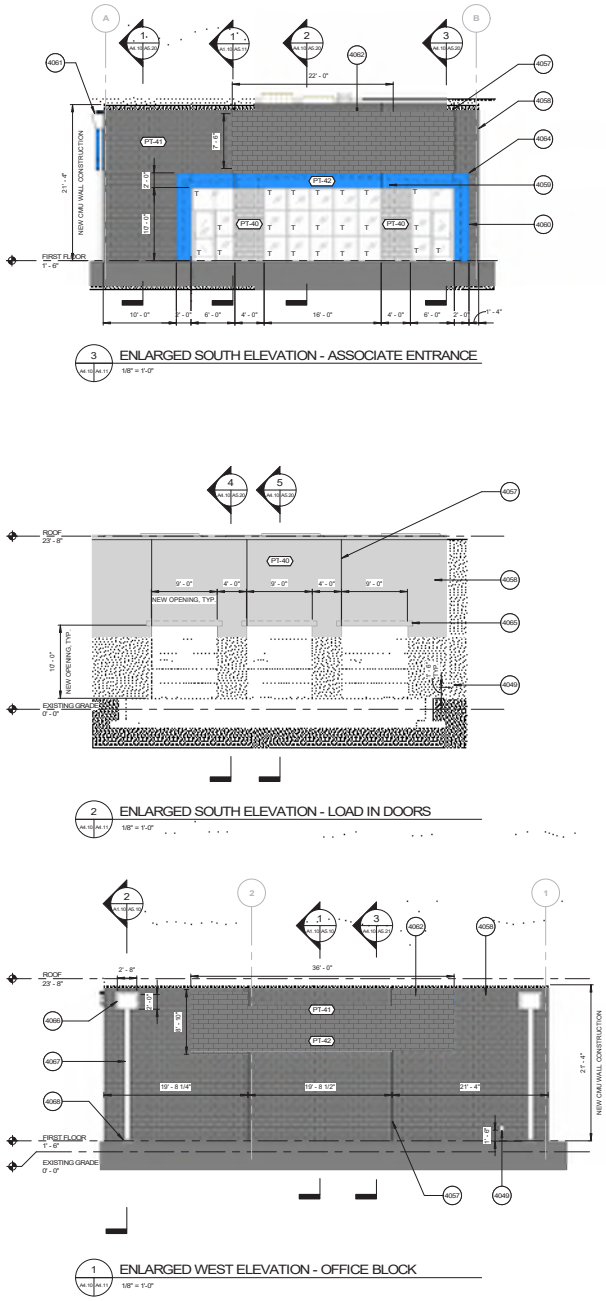

Source: Project Plans for SP20-033, 2021

Figure 3-2B: Building Elevations

1660 Old Bayshore Highway Industrial Project
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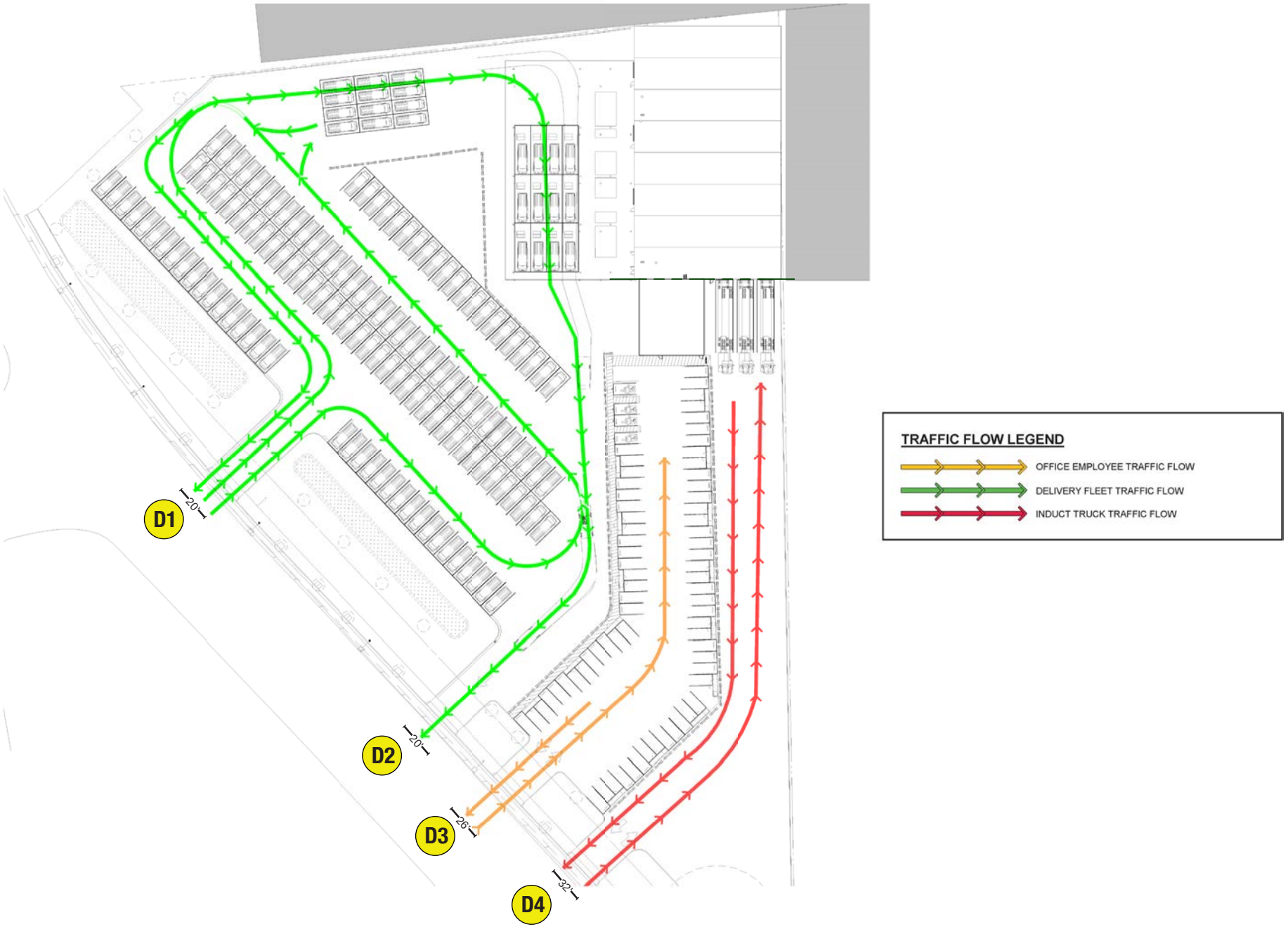

Source: Project Plans for SP20-033, 2021

Figure 3-3: Traffic Circulation

1660 Old Bayshore Highway Industrial Project
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Not to scale

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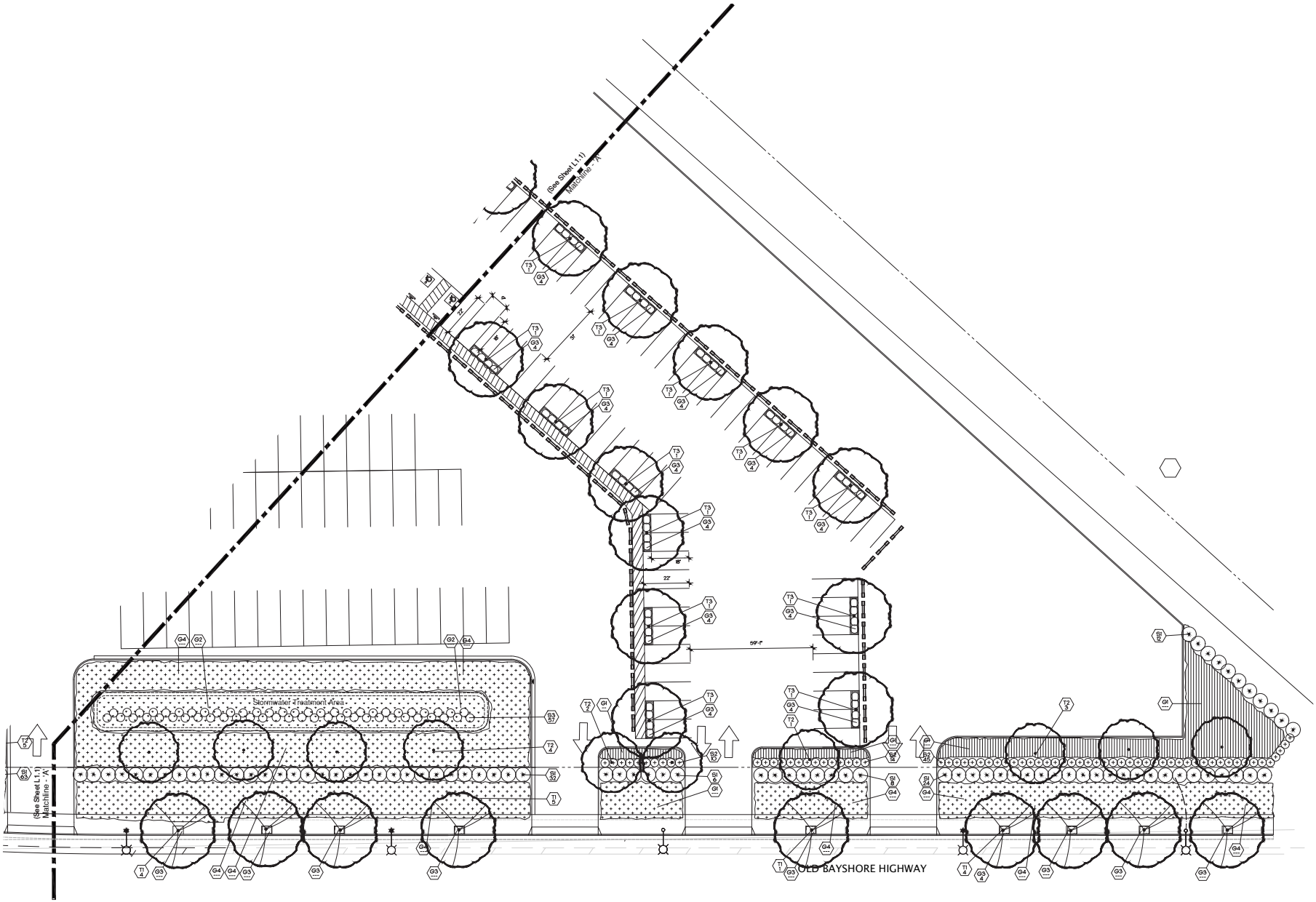

Source: Project Plans for SP20-033, 2021

Figure 3-4: Landscape Plan

1660 Old Bayshore Highway Industrial Project
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Not to scale

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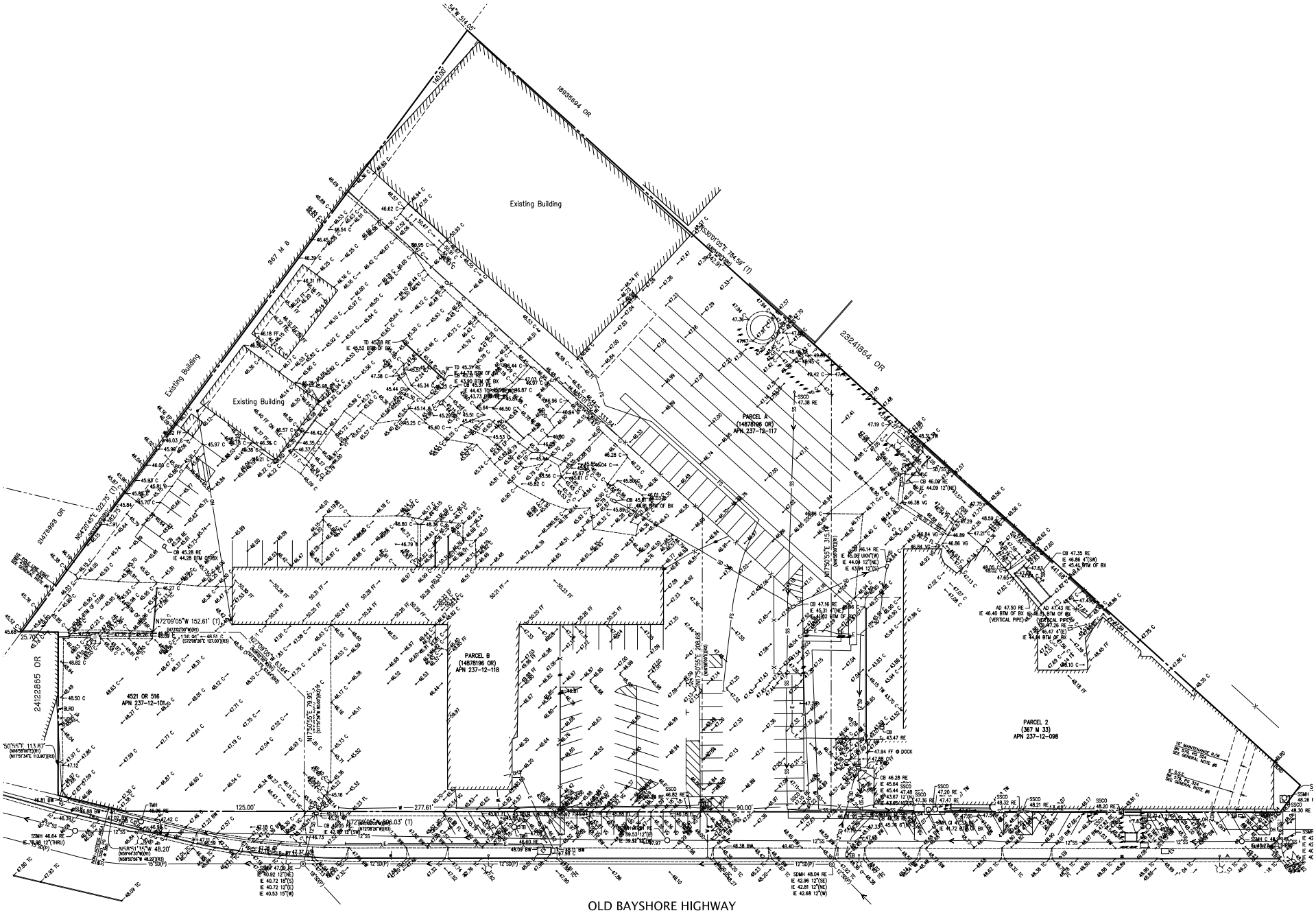

Source: Project Plans for SP20-033, 2021

Figure 3-5: Preliminary Grading and Drainage Plan

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Not to scale

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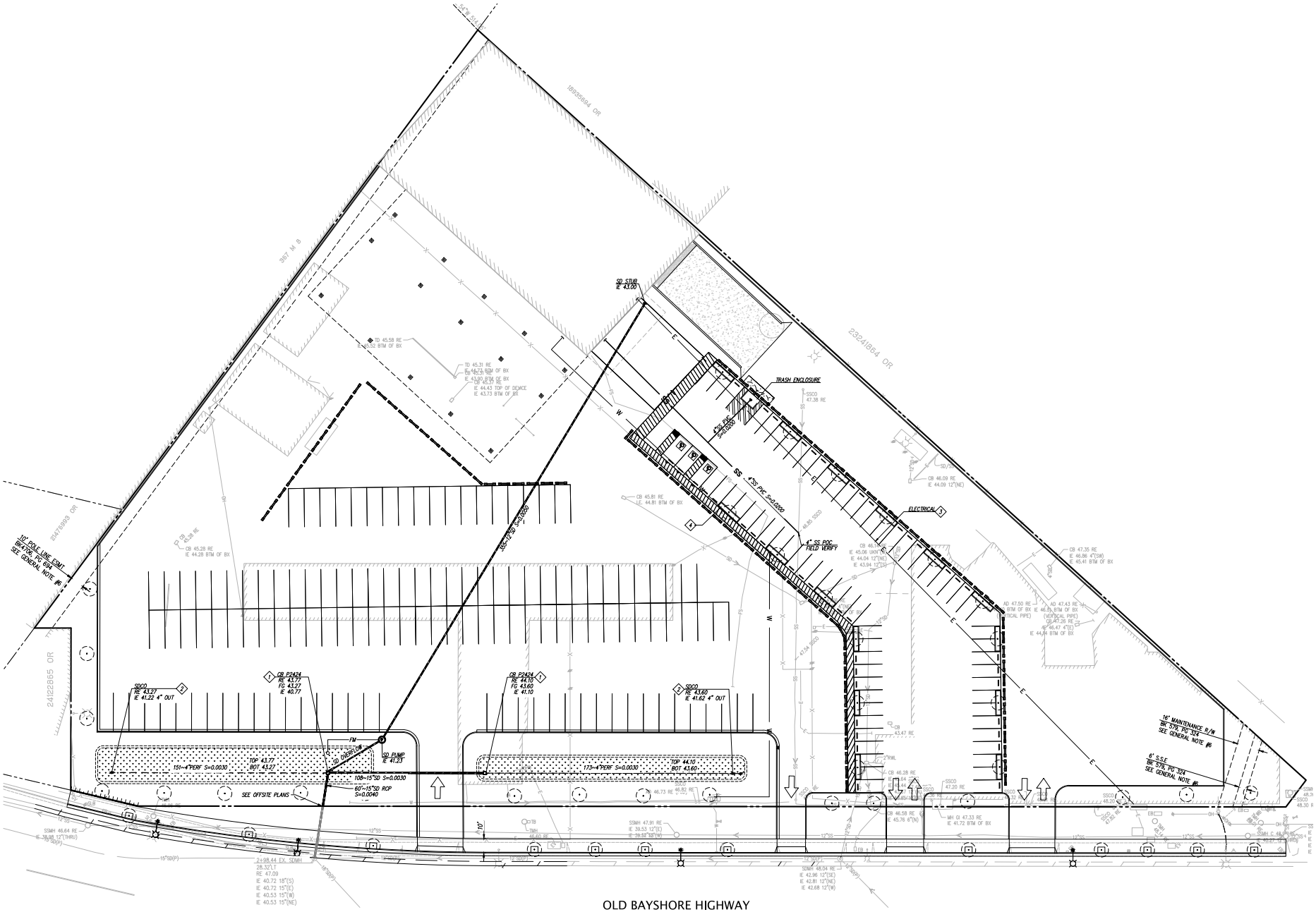

Source: Project Plans for SP20-033, 2021

Figure 3-6: Utility Plan
1660 Old Bayshore Highway Industrial Project
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Not to scale

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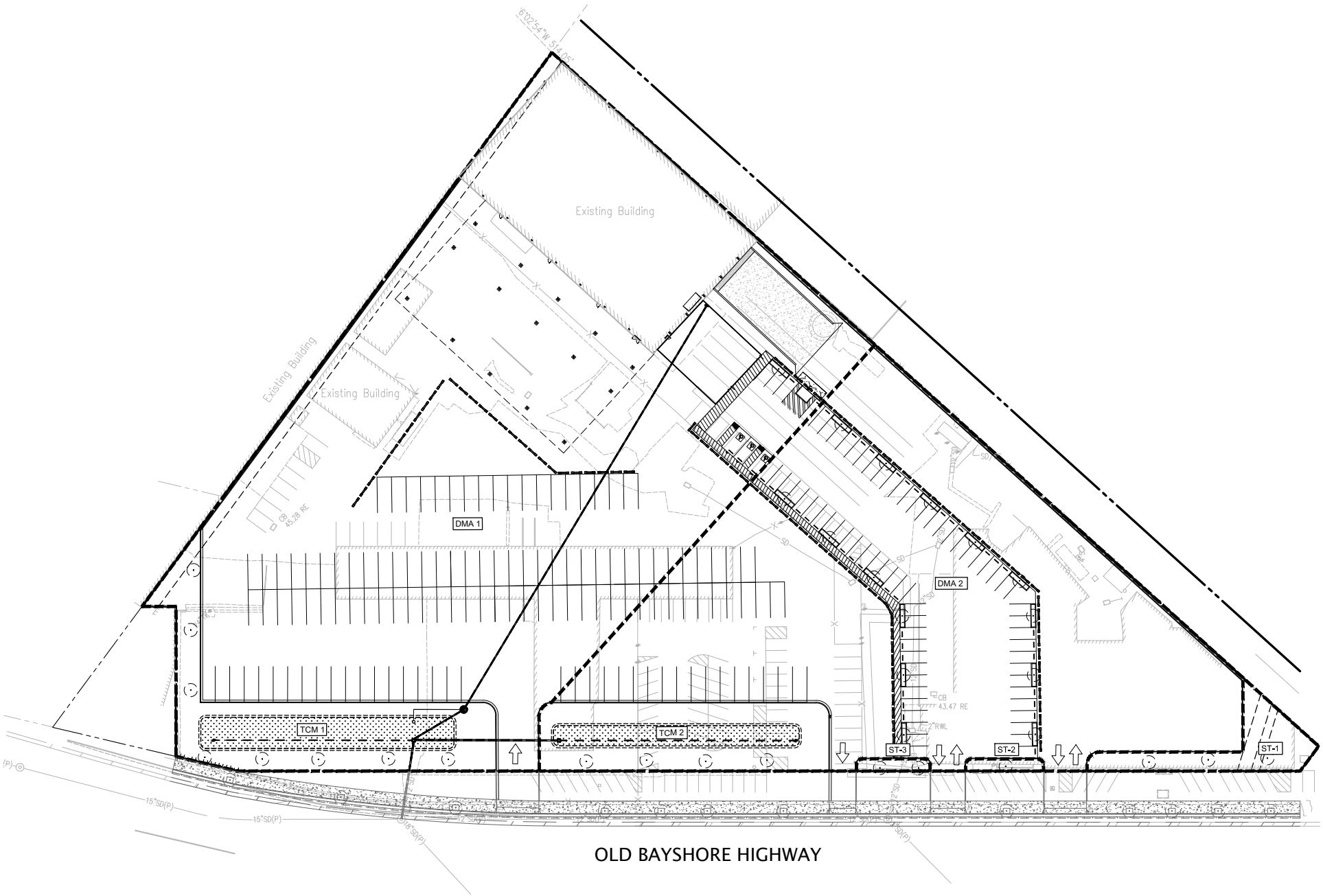

Source: Project Plans for SP20-033, 2021

Figure 3-7: Stormwater Plan
1660 Old Bayshore Highway Industrial Project
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4.0 ENVIRONMENTAL ANALYSIS

Based on review of the project application, City staff has determined a Focused Initial Study is the appropriate approach to determine if a Negative Declaration or a Mitigated Negative Declaration should be processed for CEQA compliance. As such, this Focused Initial Study focuses on four main areas of study, as many of the issue areas will not have the potential for significant effects (i.e., "No Impact" or "Less than Significant Impact") due to the type and size of the proposed project. For all remaining topics in the CEQA Guidelines Environmental Checklist not anticipated to have a potential for significant effects, a condensed analysis has been provided.

The four main areas of study will focus on the following environmental issue areas in Appendix G of the CEQA Guidelines Environmental Checklist: Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, and Transportation.

4.1 Aesthetics

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

The project site is located within an urbanized area and is surrounded by a combination of industrial buildings with a similar warehouse design and scale. The immediate area can be considered blighted, with public viewpoints limited to local roadways. There are no identifiable scenic vistas in the area. The project area is relatively flat and views to and from the project site are limited. In addition, the project site is not located along a State scenic highway or designated scenic corridor. The proposed project would be required to meet all setback and height requirements consistent with development regulations for the Heavy Industrial zone per Section 20.50.200 of the City Municipal Code. There are no residential uses or other sensitive receptors located adjacent to the project site that could be impacted by project lighting. For these reasons, impacts to aesthetics and visual resources would be less than significant.

4.2 Agriculture and Forestry Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
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?				X

The proposed project site and surrounding areas are not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the State of California Important Farmland Map. In addition, the proposed project site is not currently zoned for forest land or agricultural use and is not under a Williamson Act contract. No designated agricultural or forest land is located within the project site. For these reasons, no impacts would occur to agricultural resources.

4.3 Air Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

Existing Setting

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bounded to the north by the San Francisco Bay and the Santa Cruz Mountains to the southwest and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis.

Pollutants in the air can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive receptors in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

The project site is located in an urban area in City of San José. The surrounding land uses are mainly light industrial and warehouses in an urbanized area, with some residences to the south. The western boundary

of the site is North King Road. The nearest sensitive receptor is located approximately 1,500 feet south of the project site.

Applicable Plans, Policies, and Regulations

Ambient Air Quality Standards

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The federal Clean Air Act and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency (US EPA) and the California Air Resources Board (CARB) have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM_{10}), sulfur dioxide (SO_2), and lead (Pb). Secondary criteria pollutants include ozone (O_3), and fine particulate matter.

CARB and the U.S. Environmental Protection Agency (EPA) establish ambient air quality standards for major pollutants at thresholds intended to protect public health. The standards for some pollutants are based on other values such as protection of crops or avoidance of nuisance conditions. **Table 4-1** summarizes the State California Ambient Air Quality Standards (CAAQS) and the National Ambient Air Quality Standards (NAAQS).

Table 4-1: State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards[1]		National Standards[2]	
		Concentration	Attainment Status	Concentration[3]	Attainment Status
Ozone (O_3)	8 Hour	0.070 ppm (137 µg/m³)	N[9]	0.070 ppm	N[4]
	1 Hour	0.09 ppm (180 µg/m³)	N	NA	N/A[5]
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m³)	A	9 ppm (10 mg/m³)	A[6]
	1 Hour	20 ppm (23 mg/m³)	A	35 ppm (40 mg/m³)	A
Nitrogen Dioxide (NO_2)	1 Hour	0.18 ppm (339 µg/m³)	A	0.100 ppm[11]	U
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)	-	0.053 ppm (100 µg/m³)	A
Sulfur Dioxide[12] (SO_2)	24 Hour	0.04 ppm (105 µg/m³)	A	0.14 ppm (365 µg/m³)	A
	1 Hour	0.25 ppm (655 µg/m³)	A	0.075 ppm (196 µg/m³)	A
	Annual Arithmetic Mean	NA	-	0.03 ppm (80 µg/m³)	A
Particulate Matter (PM_{10})	24-Hour	50 µg/m³	N	150 µg/m³	-U
	Annual Arithmetic Mean	20 µg/m³	N[7]	NA	-
Fine Particulate Matter ($PM_{2.5}$) [15]	24-Hour	NA	-	35 µg/m³	U/A
	Annual Arithmetic Mean	12 µg/m³	N[7]	12 µg/m³	N
Sulfates (SO_{4-2})	24 Hour	25 µg/m³	A	NA	-
Lead (Pb)[13, 14]	30-Day Average	1.5 µg/m³	-	NA	A
	Calendar Quarter	NA	-	1.5 µg/m³	A
	Rolling 3-Month	NA	-	0.15 µg/m³	-

	Average				
Hydrogen Sulfide (H_2S)	1 Hour	0.03 ppm (42 µg/m³)	U	NA	-
Vinyl Chloride (C_2H_3Cl)	24 Hour	0.01 ppm (26 µg/m³)	-	NA	-
Visibility Reducing Particles[8]	8 Hour (10:00 to 18:00 PST)	-	U	-	-

A = attainment; N = nonattainment; U = unclassified; N/A = not applicable or no applicable standard; ppm = parts per million; µg/m³ = micrograms per cubic meter; mg/m³ = milligrams per cubic meter; – = not indicated or no information available.

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 CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.
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/m_3. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m³.
3. Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.
4. National air quality standards are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.
5. 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. 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.
6. The national 1-hour ozone standard was revoked by U.S. EPA on June 15, 2005.
7. In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.
8. 7 In June 2002, CARB established new annual standards for $PM_{2.5}$ and PM_{10}.
9. 8 Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.
10. The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006.
11. 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 “nonattainment” 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.
12. 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 0.100ppm (effective January 22, 2010). The US Environmental Protection Agency (EPA) expects to make a designation for the Bay Area by the end of 2017.
13. 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 SO_2 NAAQS however must continue to be used until one year following U.S. EPA initial designations of the new 1-hour SO_2 NAAQS.
14. CARB has identified lead and vinyl chloride as ‘toxic air contaminants’ with no threshold level of exposure below which there are no adverse health effects determined.
15. National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.
16. In December 2012, EPA strengthened the annual $PM_{2.5}$ National Ambient Air Quality Standards (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.

Source: Bay Area Air Quality Management District, *Air Quality Standards and Attainment Status*, 2017. http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status.

CARB designates all areas within the State as either attainment (having air quality better than the CAAQS) or nonattainment (having a pollution concentration that exceeds the CAAQS more than once in three years). The San Francisco Bay Area Air Basin is currently designated as a nonattainment area for state and national standards for ozone and $PM_{2.5}$, and state standards for PM_{10}.

Ambient Air Monitoring

The closest air monitoring station to the project site that monitors ambient concentrations of these pollutants is the San Jose-Jackson Street Monitoring Station (located approximately 3.6 miles northeast of the project site). The second closest is the Los Gatos Monitoring Station (located approximately 6.75 miles southeast of the project site). Local air quality data from 2016 to 2018 is provided in Appendix A.

National Ambient Air Quality Standards

As required by the Clean Air Act, the NAAQS have been established for the six primary criteria pollutants: carbon monoxide (CO), nitrogen oxides (NO_X), ozone (O_3), particulate matter (PM_{10} and $PM_{2.5}$), sulfur oxides, and lead. Pursuant to the California Clean Air Act, the state has also established the CAAQS, which are generally more stringent than the corresponding federal standards. The BAAQMD is primarily responsible for assuring that the national and state ambient air quality standards are attained and maintained in the San Francisco Bay Air Basin.

Santa Clara County, and the Bay Area as a whole, is classified as a nonattainment area for ozone, PM_{10}, and $PM_{2.5}$ under federal law. The County is either in attainment or unclassified for other pollutants.

- Ozone, often called photochemical smog, is classified as a secondary air pollutant, meaning it is not emitted directly into the air. It is created by the action of sunlight on ozone precursors, primarily reactive hydrocarbons and NO_X. The major sources of ozone precursors include combustion sources such as factories and automobiles and evaporation of solvents and fuels. The main public health concerns associated with ground level ozone pollution are eye irritation and impairment of respiratory functions.
- PM_{10} consists of solid and liquid particles of dust, soot, aerosols, and other matter which are less than 10 microns in diameter. Major sources of PM_{10} are combustion (including automobile engines – particularly diesel, fires, and factories) and dust from paved and unpaved roads. Public health concerns associated with PM_{10} include aggravation of chronic disease and heart/lung disease symptoms.
- $PM_{2.5}$, also known as Fine Particulate Matter, consists of the same type of matter as PM_{10}, but is less than 2.5 microns in diameter. The major source of $PM_{2.5}$ is combustion, but the particles can also be formed by chemical changes occurring in the air. $PM_{2.5}$ can cause respiratory problems and is of particular concern because the particles can penetrate deeper into the lungs.

The region is required to adopt clean air plans on a triennial basis that show progress towards meeting the state ozone standard. The latest regional plan was adopted in April 2017. This plan includes a comprehensive strategy to reduce emissions from stationary, area, and mobile sources through the expeditious implementation of all feasible measures, including transportation control measures (TCMs) and programs such as "Spare the Air.[2]"

[2] http://www.sparetheair.org/ accessed August 16, 2019.

Clean Air Act

The Clean Air Act (CAA) of 1970 and the CAA Amendments of 1971 required the EPA to establish NAAQS, with states retaining the option to adopt more stringent standards or to include other specific pollutants. On April 2, 2007, the Supreme Court found that carbon dioxide is an air pollutant covered by the CAA; however, no NAAQS have been established for carbon dioxide.

These standards are the levels of air quality considered safe, with an adequate margin of safety, to protect the public health and welfare. They are designed to protect those "sensitive receptors" most susceptible to further respiratory distress such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

The EPA has classified air basins (or portions thereof) as being in attainment, nonattainment, or unclassified for each criteria air pollutant, based on whether or not the NAAQS have been achieved. If an area is designated unclassified, it is because inadequate air quality data were available as a basis for a nonattainment or attainment designation.

National Emissions Standards for Hazardous Air Pollutants Program

Under federal law, 188 substances are listed as hazardous air pollutants (HAPs). Major sources of specific HAPs are subject to the requirements of the National Emissions Standards for Hazardous Air Pollutants (NESHAPS) program. The EPA is establishing regulatory schemes for specific source categories and requires implementation of Maximum Achievable Control Technologies (MACTs) for major sources of HAPs in each source category. State law has established the framework for California's Toxic air contaminant (TAC) identification and control program, which is generally more stringent than the federal program and is aimed at HAPs that are a problem in California. The state has formally identified 244 substances as TACs and is adopting appropriate control measures for each. Once adopted at the state level, each air district will be required to adopt a measure that is equally or more stringent.

California Air Toxics "Hot Spots" Information and Assessment Act (AB 2588)

The California Air Toxics "Hot Spots" Information and Assessment Act (AB 2588) is a state-wide program enacted in 1987. AB 2588 requires facilities that exceed recommended Office of Environmental Health Hazard Assessment (OEHHA) levels to reduce risks to acceptable levels.

Typically, land development projects generate diesel emissions from construction vehicles during the construction phase, as well as some diesel emissions from small trucks during the operational phase. Diesel exhaust is mainly composed of particulate matter and gases, which contain potential cancer-causing substances. Emissions from diesel engines currently include over 40 substances that are listed by EPA as hazardous air pollutants and by CARB as toxic air contaminants. On August 27, 1998, CARB identified particulate matter in diesel exhaust as a TAC, based on data linking diesel particulate emissions to increased risks of lung cancer and respiratory disease.

In September 2000, CARB adopted a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel-fueled engines and vehicles. The goal of the plan is to reduce diesel PM emissions and the associated health risk by 75 percent in 2010 and by 85 percent by 2020. As part of this plan, CARB identified Airborne Toxic Control Measures (ATCM) for mobile and stationary emissions sources. Each ATCM is codified in the California Code of Regulations, including the ATCM to limit diesel-

fueled commercial motor vehicle idling, which puts limits on idling time for large diesel engines (13 CCR Chapter 10 Section 2485).

California Clean Air Act

The California Clean Air Act (CCAA) allows states to adopt ambient air quality standards and other regulations provided that they are at least as stringent as federal standards. CARB, a part of the California Environmental Protection Agency, is responsible for the coordination and administration of both federal and state air pollution control programs within California, including setting the California ambient air quality standards. CARB also conducts research, compiles emission inventories, develops suggested control measures, and provides oversight of local programs. CARB establishes emissions standards for motor vehicles sold in California, consumer products (such as hairspray, aerosol paints, and barbecue lighter fluid), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions. CARB also has primary responsibility for the development of California's State Implementation Plan (SIP), for which it works closely with the federal government and the local air districts.

In addition to standards set for the six criteria pollutants, the State has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. Further, in addition to primary and secondary ambient air quality standards, the State has established a set of episode criteria for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter. These criteria refer to episode levels representing periods of short-term exposure to air pollutants that actually threaten public health.

California State Implementation Plan

The federal Clean Air Act (and its subsequent amendments) requires each state to prepare an air quality control plan referred to as the SIP. The SIP is a living document that is periodically modified to reflect the latest emissions inventories, plans, and rules and regulations of air basins as reported by the agencies with jurisdiction over them. The CAA Amendments dictate that states containing areas violating the national ambient air quality standards revise their SIPs to include extra control measures to reduce air pollution. The SIP includes strategies and control measures to attain the NAAQS by deadlines established by the Clean Air Act. The EPA has the responsibility to review all State Implementation Plans to determine if they conform to the requirements of the CAA.

State law makes CARB the lead agency for all purposes related to the SIP. Local air districts and other agencies prepare SIP elements and submit them to CARB for review and approval. CARB then forwards SIP revisions to the EPA for approval and publication in the Federal Register. As discussed below, the BAAQMD Final 2017 Clean Air Plan (Clean Air Plan) is the SIP for the Basin.

Senate Bill 1889, Accidental Release Prevention Law/California Accidental Release Prevention Program

Senate Bill (SB) 1889 required California to implement a new federally mandated program governing the accidental airborne release of chemicals promulgated under Section 112 of the Clean Air Act. Effective January 1, 1997, the California Accidental Release Prevention Law (CalARP) replaced the previous California Risk Management and Prevention Program and incorporated the mandatory federal requirements. CalARP addresses facilities that contain specified hazardous materials, known as regulated substances, which if involved in an accidental release, could result in adverse offsite consequences. CalARP defines regulated substances as chemicals that pose a threat to public health and safety or the environment because they are highly toxic, flammable, or explosive.

City of San José General Plan

The City's General Plan includes the following air quality policies applicable to the project:

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

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

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

Policy MS – 10.6: Encourage mixed land use development near transit lines and provide retail and other types of service-oriented uses within walking distance to minimize automobile dependent development.

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

Policy MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively, require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.

Policy MS-11.6: Develop and adopt a comprehensive Community Risk Reduction Plan that includes: baseline inventory of toxic air contaminants (TACs) and particulate matter smaller than 2.5 microns (PM2.5), emissions from all sources, emissions reduction targets, and enforceable emission reduction strategies and performance measures. The Community Risk Reduction Plan will include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, progress reporting to the public and responsible agencies, and periodic updates of the plan, as appropriate.

Policy MS-11.7: Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.

Policy MS-11.8: For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.

Policy MS-12.2: Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separation distance will be determined based upon the type, size and operations of the facility

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

Policy MS-13.3: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and the chronically ill are likely to be located. These facilities may include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, and people with illnesses.

Construction TAC and $PM_{2.5}$ Health Risks

Toxic air contaminants (TACs) are airborne substances that can cause short-term (acute) or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors.

Under the BAAQMD Air Quality Guidelines (as shown in Appendix A), an incremental cancer risk of greater than 10 cases per million for a 70-year exposure duration at the Maximally Exposed Individual or MEI will result in a significant impact. The 10 in 1 million threshold is based on the latest scientific data, and is designed to protect the most sensitive individuals in the population as each chemical's exposure level includes large margins of safety. In addition to this carcinogen threshold, OEHHA recommends that the non-carcinogenic hazards for TACs at ground level should not exceed a chronic hazard index of greater than one.

Discussion

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

The project site is located in the San Francisco Bay Area Air Basin (Basin) which includes all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, the southern portion of Sonoma County, and the southwestern portion of Solano County. The Bay Area Air Quality Management District (BAAQMD) and the California Air Resources Board (CARB) monitor air quality within the Basin. Air quality plans describe air pollution control strategies and measures to be implemented by a city, county, region, and/or air district. The primary purpose of an air quality plan is to bring an area that does not attain federal and State air quality standards into compliance with the requirements of the federal Clean

Air Act and California Clean Air Act. In addition, air quality plans are developed to ensure that an area maintains a healthful level of air quality based on the National Ambient Air Quality Standards (NAAQS) and the California Ambient Air Quality Standards (CAAQS). The Air Quality Management Plan (AQMP) is prepared by BAAQMD. The AQMP provides policies and control measures that reduce emissions to attain both State and federal ambient air quality standards.

The most recently adopted plan, the Clean Air Plan, outlines how the San Francisco area will attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions. The Clean Air Plan assumptions for projected air emissions and pollutants in the City of San José are based on the General Plan Land Use Designation Map which designates the project site use as "Heavy Industrial". The project site is zoned "Heavy Industrial". The HI Zoning District allows for warehouse and distribution facilities. The project as proposed would be consistent with the General Plan and proposed land use. Therefore, the project is consistent with the General Plan assumptions. The proposed project consists of a 23,000-sf last-mile distribution building with a 3,000-sf office addition. This use is consistent with the General Plan land use designation and would not increase the regional population growth or cause changes in vehicle traffic that would obstruct implementation of the Clean Air Plan in the San Francisco Bay Area Basin.

As described below, construction and operational air quality emissions generated by the proposed project would not exceed the BAAQMD's emissions thresholds. Since the proposed project will not exceed these thresholds, the proposed project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants, and would not contribute to any non-attainment areas in the Basin.

The proposed project would generate approximately 131 employees. The Association of Bay Area Governments (ABAG) predicts that job opportunities in the City of San José will grow from 387,510 in 2010 to 554,875 by 2040. As of 2015, there are 359,128 projected job opportunities in the City. The project is consistent with the City General Plan, therefore the addition of 131 new jobs would be within the ABAG growth projections for the City of approximately 554,875 job by 2040 and would not exceed the ABAG growth projections for the City. As identified in the General Plan FEIR, the City currently has an existing ratio of jobs per resident of 0.8. The General Plan FEIR identified that at full buildout of the General Plan, the existing ratio of jobs per employed resident would be increased to a job per employed resident ratio of 1.3. The increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City. The project would not exceed the level of population or housing in regional planning efforts. Additionally, the proposed project would not significantly affect regional vehicle miles travelled pursuant to the CEQA Guidelines (Section 15206). Therefore, population growth from the project would be consistent with ABAG's projections for the City and with the City's General Plan.

A project would be consistent with the 2017 Clean Air Plan Progress Report if it would not exceed the growth assumptions in the plan. The primary method of determining consistency with the 2017 Clean Air Plan growth assumptions is consistency with the General Plan land use designations and zoning designations for the site. It should be noted that the Clean Air Plan does not make a specific assumption for development on the site, but bases assumptions on growth in population, travel, and business, based on socioeconomic forecasts. As noted above, the project would not exceed the growth assumptions in the General Plan. Therefore, the growth assumptions in the Clean Air Plan would not be exceeded.

Given that approval of a project would not result in significant and unavoidable air quality impacts after the application of all feasible mitigation, the project is considered consistent with the 2017 Clean Air Plan.

In addition, projects are considered consistent with the 2017 Clean Air Plan if they incorporate all applicable and feasible control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures.

The project is consistent with the 2017 Clean Air Plan policies that are applicable to the project site. As discussed in Table 4-2, the project would comply with City, State, and regional requirements.

Table 4-2: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
Stationary Source Control Measures	
SS21: New Source Review of Toxic Air Contaminants	**Consistent**. The project would not include uses that would generate new sources of TAC that would impact nearby sensitive receptors.
SS25: Coatings, Solvents, Lubricants, Sealants and Adhesives	**Consistent**. The project would comply with Regulation 8, Rule 3: Architectural Coatings, which would dictate the ROG content of paint available for use during construction (also required per City of San José Environmental Standard Conditions).
SS26: Surface Prep and Cleaning Solvent	
SS29: Asphaltic Concrete	**Consistent**. Paving activities associated with the project would be required to utilize asphalt that does not exceed BAAQMD emission standards in Regulation 8, Rule 15.
SS31: General Particulate Matter Emissions Limitation	**Consistent**. This control measure is implemented by the BAAQMD through Regulation 6, Rule 1. This Rule Limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions and opacity. The project would be required to comply with applicable BAAQMD rules.
SS32: Emergency Back-up Generators	**Consistent**. Use of back-up generators by the project is currently not anticipated. However, if emergency generators were to be installed, they would be required to meet the BAAQMD's emissions standards for back-up generators.
SS34: Wood Smoke	**Consistent**. The project would comply with BAAQMD Regulation 6, Rule 3 and prohibit the construction of wood burning appliances/ fireplaces.
SS36: Particulate Matter from Trackout	**Consistent**. Mud and dirt that may be tracked out onto the nearby public roads during construction activities would be removed promptly by the contractor based on BAAQMD's requirements.
SS37: Particulate Matter from Asphalt Operations	**Consistent**. Paving and roofing activities associated with the project would be required to utilize best management practices to minimize the particulate matter created from the transport and application of road and roofing asphalt.
SS38: Fugitive Dust	**Consistent**. Material stockpiling and track out during grading activities as well as smoke and fumes from paving and roofing asphalt operations would be required to utilize best management practices, such as watering exposed surfaces twice a day, covering haul trucks, keeping vehicle speeds on unpaved roads under 15 mph, to minimize the creation of fugitive dust. See City of San José Environmental Standard Conditions for a more detailed list.
SS40: Odors	**Consistent**. The project is an industrial development and is not anticipated to generate odors. The project would comply with BAAQMD Regulation 7 to strengthen odor standards and enhance enforceability.
Transportation Control Measures	

TR2: Trip Reduction Programs	**Consistent**. The project is an industrial facility that would require on-site employees and delivery vehicle trips. The Project is an infill development, in the vicinity of different land use types, and within 0.5-mile of transit stops along North 1st Street, which would encourage alternative transportation modes and in turn help reduce vehicle miles traveled (VMT) and mobile greenhouse gas emissions.
TR8: Ridesharing and Last-Mile Connections	
TR9: Bicycle and Pedestrian Access Facilities	**Consistent**. Bicycle facilities in the area include Old Bayshore Highway, Zanker Road, and Rogers Avenue which provide Class II bike lanes with buffered striping to separate the vehicle and bike travel way. The proposed project would include 6 bicycle parking spaces as well as bicycle and pedestrian access on the driveway.
TR10: Land Use Strategies	**Consistent**. This measure is a BAAQMD funding tool to maintain and disseminate information on current climate action plans and other local best practices and collaborate with regional partners to identify innovative funding mechanisms to help local governments address air quality and climate change in their general plans. In addition, the proposed project site is located within 2,000 feet of transit stops along North 1st Street / Metro Drive intersection and North 1st Street / East Gish Road intersection. Therefore, these employment opportunities would be easily accessible via transit, furthering the City's General Plan goals to support a healthy community, reduce traffic congestion and decrease greenhouse gas emissions and energy consumption. The project would not conflict with implementation of this measure.
TR13: Parking Policies	**Consistent**. The proposed project would create approximately 228 surface parking spaces including 69 automobile spaces, 128 van spaces, 12 loading spaces, 12 queuing spaces, 3 induct truck spaces, and 4 handicap spaces. The proposed parking is sufficient for the proposed uses.
TR19: Medium and Heavy Duty Trucks	**Consistent.** The project includes a warehousing use that would generate truck trips. However, per the transportation analysis prepared for the project indicated there would be approximately 14 daily truck trips. The project would not conflict with the implementation of this measure.
TR22: Construction, Freight and Farming Equipment	**Consistent**. The project would comply through implementation of the BAAQMD standard condition, which requires construction equipment to be properly maintained.
Energy and Climate Control Measures	
EN1: Decarbonize Electricity Generation	**Consistent**. The project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance.
EN2: Decrease Electricity Demand	
Buildings Control Measures	
BL1: Green Buildings	**Consistent**. The project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance.
L2: Decarbonize Buildings	
BL4: Urban Heat Island Mitigation	**Consistent**. The project would demolish part of an existing warehouse building and associated asphalt surfaces. The project would include new landscaping.

Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	**Not Applicable**. The project site is in an existing warehouse building. The project includes new landscaping with native vegetation and trees.
Waste Management Control Measures	
WA1: Landfills	**Consistent**. The waste service provider for the project would be required to meet the AB 341 and SB 939, 1374, and 1383 requirements that require waste service providers to divert and recycle waste. Per Cal Green requirements the project would recycle construction waste.
WA3: Green Waste Diversion	
WA4: Recycling and Waste Reduction	
Water Control Measures	
WR2: Support Water Conservation	**Consistent**. The project would implement water conservation measures and low flow fixtures as required by Title 24, CalGreen, and the City of San José's Municipal Code Section 15-11 Water Efficient Landscaping Ordinance, which includes various specifications for plant types, water features, and irrigation design etc.
Source: BAAQMD, Clean Air Plan, 2017 and Kimley-Horn & Associates, 2021.	

Compliance with General Plan Policies and applicable State and local law would reduce air quality impacts to a less than significant level. No additional site-specific mitigation measures are required.

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

Construction Emissions

Project construction activities would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the project area include ozone (O_3)-precursor pollutants (i.e., reactive organic gases [ROG] and nitrogen oxides [NO_X]) and particulate matter 10 microns in size or less (PM_{10}) and particulate matter 2.5 microns in size or less ($PM_{2.5}$). Construction-generated emissions are short term and temporary, lasting only while construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the BAAQMD's thresholds of significance.

Construction results in the temporary generation of emissions during site preparation, site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities, as well as weather conditions and the appropriate application of water.

The duration of construction activities associated with the project are estimated to last approximately six months. The project's construction-related emissions were calculated using the BAAQMD-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Project demolition, site preparation, and grading coating are anticipated to begin in fall 2021. Paving and architectural coating was modeled to be completed early 2022. The project would redevelop and re-purpose an existing warehouse structure and therefore would not result in any new building construction. Architectural coating would begin fall of 2021 and end early 2022. The exact construction timeline is unknown, however, to be conservative, earlier dates were utilized

in the modeling. This approach is conservative given that emissions factors decrease in future years due to regulatory and technological improvements and fleet turnover. See **Appendix A** for additional information regarding the construction assumptions used in this analysis. **Table 4-3: Maximum Daily Construction Emissions (lbs/day)** displays the maximum daily emissions in pounds per day that are expected to be generated from the construction of the proposed project in comparison to the daily thresholds established by the BAAQMD.

Table 4-3: Maximum Daily Construction Emissions (lbs/day)

Construction Year	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
2021	15.71	40.53	2.05	1.88	7.86	4.28
2022	1.55	11.51	0.57	0.52	0.12	0.03
Maximum	**15.71**	**40.53**	**2.05**	**1.88**	**7.86**	**4.28**
BAAQMD Significance Threshold [2, 3]	*54*	*54*	*82*	*54*	*BMPs*	*BMPs*
Exceed BAAQMD Threshold?	**No**	**No**	**No**	**No**	**N/A**	**N/A**

1. Emissions were calculated using CalEEMod. Mitigated emissions include compliance with the BAAQMD's Basic Construction Mitigation Measures Recommended for All Projects. These measures include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours.
2. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, updated May 2017.
3. BMPs = Best Management Practices. The BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of Basic Construction Mitigation measures are considered to mitigate fugitive dust emissions to be less than significant.

Source: Refer to the CalEEMod outputs provided in Appendix A, *Air Quality Modeling Data*.

Fugitive Dust Emissions. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the project vicinity. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. The BAAQMD does not have quantitative thresholds for fugitive dust. The BAAQMD instead recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance and the project would implement the BAAQMD Basic Construction Control Measures as a Standard Permit Condition to control dust at the project site during all phases of construction. These Standard Permit Conditions would be incorporated as conditions of approval and the City would verify that these measures are incorporated on applicable plans and specifications prior to grading permit issuance. Implementation of the BAAQMD's Basic Construction Control Measures ensure that fugitive dust emissions would be less than significant.

Standard Permit Condition

These measures would be placed on the project plan documents prior to the issuance of any grading permits for the proposed project.

i. Water active construction areas at least twice daily or as often as needed to control dust emissions.
ii. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
iii. Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
iv. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
v. Pave new or improved roadways, driveways, and sidewalks as soon as possible.
vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
vii. Replant vegetation in disturbed areas as quickly as possible.
viii. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
ix. Minimizing idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
x. Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
xi. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Construction Equipment and Worker Vehicle Exhaust. Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported onsite or offsite. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, emissions produced on site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, NO_X, PM_{10}, and $PM_{2.5}$. The BAAQMD recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance thresholds. See the above listed Standard Permit Conditions. As detailed in **Table 4-3**, unmitigated project construction emissions would not exceed the BAAQMD thresholds and construction emissions would not result in a potentially significant impact. Therefore, construction air quality impacts would be less than significant.

ROG Emissions. In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O3 precursors. In accordance with the methodology prescribed by the BAAQMD, the ROG emissions associated with paving have been quantified with CalEEMod.

The highest concentration of ROG emissions would be generated from architectural coating beginning in Winter 2021 and lasting approximately one months. This phase includes the interior and exterior painting

as well as striping of all paved parking areas and driveways. Paints would be required to comply with BAAQMD Regulation 8, Rule 3: Architectural Coating. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint.

Summary. As shown in **Table 4-3**, all criteria pollutant emissions would remain below their respective thresholds. BAAQMD considers fugitive dust emissions to be potentially significant without implementation of the Construction Control Measures which help control fugitive dust. NO_X emissions are primarily generated by engine combustion in construction equipment, haul trucks, and employee commuting, requiring the use of newer construction equipment with better emissions controls would reduce construction-related NO_X emissions. With implementation of the Standard Permit Condition and project conditions of approval the proposed project's construction would not worsen ambient air quality, create additional violations of federal and state standards, or delay the Basin's goal for meeting attainment standards. Impacts would be less than significant.

Operational Emissions

Operational emissions for urban developments are typically generated from mobile sources (burning of fossil fuels in cars); energy sources (cooling, heating, and cooking); and area sources (landscape equipment and common consumer products). **Table 4-4** shows that the project's maximum emissions would not exceed BAAQMD operational thresholds.

Table 4-4: Operational Emissions (lbs/day)

Emissions Source	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO_X)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Existing Project Site						
Area	1.89	0.00	0.00	0.00	0.00	0.00
Energy	0.06	0.52	0.04	0.04	0.00	0.00
Mobile	1.22	1.50	0.03	0.03	2.47	0.63
Total Emissions	**3.17**	**2.02**	**0.07**	**0.07**	**2.47**	**0.63**
Proposed Project						
Area	0.74	0.00	0.00	0.00	0.00	0.00
Energy	0.00	0.03	0.00	0.00	0.00	0.00
Mobile	1.57	5.40	0.11	0.11	3.71	0.94
Total Project Emissions	**2.32**	**5.43**	**0.11**	**0.11**	**3.71**	**0.94**
Net Emissions						
Existing Project Site	3.17	2.02	0.07	0.07	2.47	0.63
Proposed Project	2.32	5.43	0.11	0.11	3.71	0.94
Net Change	**-0.85**	**+3.41**	**+0.04**	**+0.04**	**+1.24**	**+0.31**
BAAQMD Significance Threshold[2]	*54*	*54*	*82*	*54*	*N/A*	*N/A*
BAAQMD Threshold Exceeded?	**No**	**No**	**No**	**No**	**N/A**	**N/A**

1. Emissions were calculated using CalEEMod.
2. Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, 2017.

Source: Refer to the CalEEMod outputs provided in Appendix A, *Air Quality and GHG Data*.

Area Source Emissions. Area source emissions would be generated due to the use of consumer products, architectural coating, and landscaping.

Energy Source Emissions. Energy source emissions would be generated as a result of electricity and natural gas (non-hearth) usage associated with the project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics.

Mobile Sources. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents readily transport PM_{10} and $PM_{2.5}$). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. Trip generation rates associated with the project were based on the Project's Local Transportation Analysis prepared by NV5 (2021). Based on the Project's Local Transportation Analysis, the project would result in a gross total of 574 daily vehicle trips. Per the Local Transportation Analysis, the fleet mix for the proposed project is 388

passenger vehicles, 14 heavy-duty trucks, and 172 delivery vans. The existing site generates 392 vehicle trips; therefore, the project would generate a net total of 182 additional daily trips.

Total Operational Emissions. As indicated in **Table 4-4**, net project operational emissions would not exceed BAAQMD thresholds. As noted above, the BAAQMD has set its CEQA significance threshold based on the trigger levels for the federal NSR Program and BAAQMD's Regulation 2, Rule 2 for new or modified sources. The NSR Program was created to ensure projects are consistent with attainment of health-based federal ambient air quality standards. The federal ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, the project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts would occur. Project operational emissions would be less than significant.

Cumulative Emissions

The SFBAAB is designated nonattainment for O_3, PM_{10}, and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for Federal standards. As discussed above, the project's construction-related and operational emissions would not have the potential to exceed the BAAQMD significance thresholds for criteria pollutants.

Cumulative Construction Impacts. The SFBAAB is designated nonattainment for O_3, PM_{10}, and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for Federal standards. discussed above, the project's construction-related emissions with the Standard Permit Conditions would not have the potential to exceed the BAAQMD significance thresholds for criteria pollutants.

Since these thresholds indicate whether an individual project's emissions have the potential to affect cumulative regional air quality, it can be expected that the project-related construction emissions would not be cumulatively considerable. The BAAQMD recommends Basic Construction Control Measures for all projects whether or not construction-related emissions exceed the thresholds of significance. Compliance with BAAQMD construction-related mitigation requirements are considered to reduce cumulative impacts at a Basin-wide level. As a result, construction emissions associated with the project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

Cumulative Operational Impacts. The BAAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The BAAQMD developed the operational thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the BAAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.

As shown in **Table 4-3** and **Table 4-4**, the project's construction and operational emissions would not exceed BAAQMD thresholds. As a result, air quality emissions associated with the project would not result

in a cumulatively considerable contribution to significant cumulative air quality impacts. With compliance with standard conditions and City policies, impacts would be less than significant in this regard.

c) Expose sensitive receptors to substantial pollutant concentrations?

Sensitive land uses are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The State CEQA Guidelines indicate that a potentially significant impact could occur if a project would expose sensitive receptors to substantial pollutant concentrations. The criteria used in the General Plan Final EIR to address this impact included the preparation of a localized impact traffic analysis and a CO hot spot analysis. CO concentrations would be well below the State and Federal standards according to the General Plan Final EIR. The nearest sensitive receptor is located approximately 1,500 feet south of the project site.

Construction Toxic Air Contaminants

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust which is a known Toxic Air Contaminants (TAC). Diesel exhaust from construction equipment operating at the site poses a health risk to nearby sensitive receptors. However, the use of diesel-powered construction equipment would be episodic and would occur in various phases throughout the project site. Construction is subject to and would comply with California regulations (e.g., California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Sections 2485 and 2449), which reduce DPM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes. These regulations would further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions.

Given the temporary and intermittent nature of construction activities likely to occur within specific locations in the project site (i.e., construction is not likely to occur in any one location for an extended time), the dose of DPM of any one receptor is exposed to would be limited. Additionally, as the project site is already disturbed and would not require excavation, grading operations would take approximately 25 days, which further limits the intensity and duration of heavy-duty equipment use. The majority of construction (i.e., the construction phase with the longest duration) would occur during the paving phase.

Furthermore, even during the most intense month of construction, emissions of DPM would be generated from different locations on the project site rather than in a single location because different types of construction activities (e.g., site preparation and paving) would not occur at the same place at the same time. The California Office of Environmental Health Hazard Assessment has not identified short-term health effects from DPM. Construction is temporary and would be transient throughout the site (i.e., move from location to location) and would not generate emissions in a fixed location for extended periods of time. Additionally, the closest sensitive receptors are more than 1,500 feet from the project site and are outside of BAAQMD's zone of influence to have significant risk effects from and hazards. For these reasons, DPM generated by project construction activities would not expose sensitive receptors to

substantial amounts of air toxics and the project would result in a less than significant impact. Therefore, impacts associated with construction activities would be less than significant.

Operational Toxic Air Contaminants

The project includes the partial demolition and remodeling of one industrial building. According to the Transportation Analysis prepared, the project would include passenger vehicles, vans, and trucks. The project is anticipated to generate approximately 574 daily vehicle trips (of which 182 would be net additional trips). However, the nearest sensitive receptor is approximately 1,500 feet from the project site. Operational TAC impacts would be less than significant.

Stationary sources within a 1,000-foot radius of the project site were reviewed using BAAQMD's Stationary Source Screening Analysis Tools. There were seven stationary sources located within a 1,000-foor radius of the project site, as indicated in **Table 4-5: Cumulative Operational Health Risk**.

Table 4-5: Cumulative Operational Health Risk

Emissions Sources	$PM_{2.5}$ (µg/m³)	Cancer Risk (per million)	Hazard
Stationary Sources			
Smithfield Packaged Meats Corp	0.04	0.02	0.00
Caltrans-San Jose Maintenance Station	0.00	0.18	0.001
Central Concrete Supply	2.36	0.0	0.00
Robles Brothers, Inc	0.31	0.01	0.00
Casino M8trix	0.00	0.15	0.00
Caliber Collision Centers	0.003	0.003	0.00
Service King Paint & Body	0.001	0.00	0
Cumulative Health Risk Values	**2.71**	**0.36**	**0.001**
BAAQMD Cumulative Threshold	*0.8*	*100*	*10*
Threshold Exceeded?	**Yes**	**No**	**No**
Source: BAAQMD's Stationary Source Screening Analysis Tools, 2020.			

Cumulative impacts are defined as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. As described above, the project is more than 1,500 feet away from the closest sensitive receptors and would be outside the zone of influence as defined by the BAAQMD. Worst-case $PM_{2.5}$ concentrations associated with existing cumulative conditions would exceed the BAAQMD's thresholds. CEQA Guidelines 15065(a)(3) states "… 'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

As described above in project $PM_{2.5}$ emissions would be well below BAAQMD thresholds. Although **Table 4-5** shows that cumulative $PM_{2.5}$ concentrations from existing sources exceed BAAQMD's threshold of 0.8 µg/m³, the primary contributor to those concentrations is an existing Central Concrete Supply facility located approximately 610 feet north of the project site. The Central Concrete Supply facility has high

$PM_{2.5}$ risk (2.36 µg/m^3) representing more than 87 percent of the total concentrations and are completely unrelated to the project. Additionally, the nearest sensitive receptors are located more than 1,500 feet from the project site. The project would not result in any combined effects to create a new impact, and the project-related incremental contribution would not be cumulatively considerable for the following reasons:

- The project is outside of BAAQMD's 1,000-foot health risk influence area and project emissions would disperse/dissipate before reaching sensitive receptors;
- The project would have 14 heavy-duty trucks, which is less than the screening criterion of 100 trucks per day in CARB's Air Quality and Land Use Handbook (2005);
- The project's $PM_{2.5}$ emissions (refer to **Table 4-4**) are well below thresholds, which indicates that the project would not significantly contribute to pollutant concentrations; and
- Cumulative cancer risk and chronic hazards are below thresholds; therefore, even with the exceedance of the cumulative $PM_{2.5}$ threshold solely due to other projects, health effects would not occur.

Therefore, although the related cumulative sources in the project area exceed BAAQMD cumulative $PM_{2.5}$ thresholds, the project's combined and incremental effects would not be cumulatively considerable. The project's cumulative impacts would be less than significant.

The incremental effect of the individual project is less than significant. As the project is more than 1,500 feet away from sensitive receptors it would not have a combined effect. As such, although the related cumulative TAC sources in the project area exceed BAAQMD cumulative thresholds for $PM_{2.5}$ risk, the project's incremental effects would not be cumulatively considerable. Therefore, the project's cumulative impacts would be less than significant.

Mobile Sources

The project would not place sensitive receptors within 1,000-feet of a major roadway (mobile TAC source). Additionally, the project's effects to existing vehicle distribution and travel speeds would be nominal. According to the Transportation Analysis, the project would generate 182 net new daily trips. Any changes to vehicle distribution and travel speeds can affect vehicle emissions rates, although these changes would be minimal and would not substantially change criteria pollutant emissions, which are primarily driven by vehicle miles travelled (VMT). Traffic is also predominantly light-duty and gasoline powered and therefore any shifts in traffic would not constitute a change in substantial cancer risk. The project does not involve the increase of transit trips or routes and would not generate increased emissions from expanded service (e.g., increased bus idling service).

Carbon Monoxide Hotspots

The primary mobile-source criteria pollutant of local concern is carbon monoxide. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Transport of this criteria pollutant is extremely limited; CO disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Areas of high CO

concentrations, or "hot spots," are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. CO concentration modeling is therefore typically conducted for intersections that are projected to operate at unacceptable levels of service during peak commute hours.

The SFBAAB is designated as in attainment for carbon monoxide (CO). Emissions and ambient concentrations of CO have decreased dramatically in the SFBAAB with the introduction of the catalytic converter in 1975. No exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since 1991. As a result, the BAAQMD screening criteria notes that CO impacts may be determined to be less than significant if a project would not increase traffic volumes at local intersections to more than 44,000 vehicles per hour, or 24,000 vehicles per hour for locations in heavily urban areas, where "urban canyons" formed by buildings tend to reduce air circulation. Traffic would increase along surrounding roadways during long-term operational activities.

According to the Transportation Analysis prepared for the project (2021), the project would generate 45 new a.m. peak hour trips and 14 new p.m. peak hour trips. The project's effects to existing vehicle distribution and travel speeds would be nominal. Therefore, the project would not involve intersections with more than 24,000 or 44,000 vehicles per hour. As a result, the project would not have the potential to create a CO hotspot and impacts would be less than significant.

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

Construction

According to the BAAQMD, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The project, a warehouse and distribution facility, does not include any uses identified by the BAAQMD as being associated with odors.

Construction activities associated with the project may generate detectable odors from heavy duty equipment (i.e., diesel exhaust), as well as from architectural coatings and asphalt off-gassing. Odors generated from the referenced sources are common in the man-made environment and are not known to be substantially offensive to adjacent receptors. Any construction-related odors would be short-term in nature and cease upon project completion. As a result, impacts to existing adjacent land uses from construction-related odors would be short-term in duration and therefore would be less than significant.

Operational

BAAQMD has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants. BAAQMD's thresholds for odors are qualitative based on BAAQMD's Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds.

The project includes a 23,000-sf last-mile distribution building with a 3,000-sf office addition. Both of these land uses are not anticipated to generate odors. None of the above listed uses are located near the project

site. Impacts would be less than significant. Compliance with General Plan Policies and applicable State and local law would reduce impacts associated with odors to a less than significant level. No additional site-specific mitigation measures are required.

4.4 Biological Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
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 Game or US Fish and Wildlife Service?				X
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				X
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?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
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?			X	

The project site is fully developed and located within an urban area and there are no natural features that could otherwise be modified. No landscaping or trees currently exist onsite. Further, no candidate, sensitive, or special status species could be expected to exist in the project area. The project area is not identified to contain any riparian habitat or other sensitive natural community in any local or regional plans, policies or regulation. In addition, the project site is fully developed and does not contain any wetlands. The nearest waterway is located approximately 0.8 mile east of the project site. Because there no existing trees on site, there would be no impacts to nesting migratory birds that are known to use the urban forest for nesting. The project would add trees to the urban forest by planting 47 trees, minimum 15-gallon size, of various species (e.g. Coast Live Oak, Santa Cruz Island Ronwood, and Chinese Pistach) throughout the site to achieve a level of tree coverage in compliance with City guidelines (Policy MS-21.6).

Furthermore, the project site does not contain any land cover types that would support any of the wildlife or vegetation that is covered by the Santa Clara Valley Habitat Plan (SCVHP). Native vegetation in the area has been cleared for commercial, industrial, transportation, and recreational structures. Given the site and its surroundings are currently developed with industrial uses and does not contain land cover types covered by the SCVHP, payment of SCVHP fees would not be required. However, the project would still be subject to payment for nitrogen deposit fees for projects that are expected to generate new vehicle trips.

Standard Permit Condition

Santa Clara Valley Habitat Plan. The proposed 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.

With implementation of the Standard Permit Condition listed above, General Plan policies, and existing regulations such as the Municipal Code, development of the proposed project would result in a less than significant impact with relation to local policies and ordinances protecting biological resources, such as trees.

4.5 Cultural Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?			X	
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X	

The project site contains a former meat processing and packing facility (Mohawk Packing Company). The original industrial building on the site was built in the 1940s and various other structures and building additions were constructed on site in 1977 and 1983. Until recently the site was characterized by a collection of one and two-story industrial buildings that were simply designed for their function. The structures had flat and side gabled roofs clad with a variety of materials including concrete block, stucco and corrugated metal. The applicant was recently granted a demolition permit for health and safety reasons, and the structures were removed in June 2021.

The project site is associated with San Jose's meat packing and processing industry, which contributed to the broad patterns of the history of San Jose and Santa Clara County; however, the site does not possess specific, important associations with this historic context. The site is not associated with the lives of persons important in the region or the City's past. The recently removed buildings on site did not embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possesses high artistic values as the industrial buildings are of common construction. In addition, much of the site was developed in the late 1970s and 1980s and the structures developed on site during that period are not 50 years or older. Therefore, the project site does not appear to qualify as a "historical resource" for the purposes of CEQA.

A review of the City of San José General Plan EIR and the Cultural Resources Impact Report (City of San José General Plan EIR, Appendix J) revealed no archaeological or cultural resources previously identified on the project site. The project site is identified as an area of "high sensitivity at depth" for paleontological resources (General Plan EIR, Figure 3.11-1). The project will not involve grading at depth. Based on the review of the General Plan EIR, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project site. However,

there is the remote possibility that previously unknown archaeological or Native American resources or grave sites could be present and be uncovered during construction activities. California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and grave-associated items from vandalism and inadvertent destruction and any substantial change to or destruction of these resources would be a significant impact. Therefore, the City would require the project to comply with all applicable regulatory programs and standard permit conditions pertaining to subsurface cultural resources. Compliance with General Plan policies and the following Standard Permit Conditions would substantially reduce potential impacts to cultural resources if encountered. Therefore, this impact would be less than significant.

Standard Permit Conditions

Subsurface Cultural Resources. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist shall examine the find. He archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and 2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

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

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

4.6 Energy

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

Energy consumption associated with the project would occur over two phases: construction and operation. The energy consumption associated with project construction includes primarily diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips. Temporary electric power for as-necessary lighting and electronic equipment would be powered by a generator and the amount of electricity used during construction would be minimal. In addition, some incidental energy conservation would occur during construction through compliance with State requirements and EPA and CARB engine emissions standards. The use of construction fuel and energy demand would cease once the project is fully developed.

Energy consumption associated with operation of the project would include building electricity, water, and natural gas usage, as well as fuel usage from on-road vehicles. Electricity and natural gas are currently used by existing buildings on the project site and the project would continue to be served by the existing facilities. The project design and materials would comply with the 2019 Building Energy Efficiency Standards, which take effect on January 1, 2020, and/or future 2019 Building Energy Efficiency Standards depending on when construction permits are issued. Prior to issuance of a building permit, the City of San José would review and verify that the project plans demonstrate compliance with the current version of the Building and Energy Efficiency Standards.

Additionally, the project would also be required adhere to the provisions of CALGreen, which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The insulation and design code requirements would minimize wasteful energy consumption.

The project would be required to comply with existing regulations, including applicable measures from the City's General Plan, or would be directly affected by the outcomes (vehicle trips and energy consumption would be less carbon intensive due to statewide compliance with future low carbon fuel

standard amendments and increasingly stringent Renewable Portfolio Standards). As such, operational fuel and energy consumption associated with the Project would not be inefficient, wasteful, or unnecessary and the project would not conflict with any other state-level regulations pertaining to energy.

4.7 Geology and Soils

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
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.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	
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?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

The project site is flat with 0 to 2 percent slopes and is underlain by soils consisting of silt loam and silty clay.[3] The project area is not located within the Alquist-Priolo Earthquake Fault Zone or the Santa Clara County Geologic Hazard Zone and no active faults have been mapped on the project site. The nearest active fault to the project site is the Hayward Fault (Southeast Extension) which is located approximately 4.5 miles to the east along the foothills of the San José Foothills. Therefore, the possibility of significant fault rupture on the project site would be less than significant. The project site is not located within a designated Landslide Zone, but is within a designated Liquefaction Zone.[4] All structures and foundations requiring building permits would be required to meet California Building Code requirements to withstand ground shaking, minimizing potential impacts resulting from liquefaction. Grading during the construction phase of the project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. However, the project would be required to be constructed in conformance with the California Building Code, City regulations, and other applicable seismic construction standards. Conformance with these standard engineering practices and design criteria would reduce the effects of seismic ground shaking and potential for soil erosion. Furthermore, the project would be built and maintained in accordance with the Standard Permit Conditions outlined below. A less than significant impact would occur.

Standard Permit Conditions

Seismic Ground Shaking. To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the California Building Code.

Construction Stormwater Management.

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.

[3] California, State of, Department of Conservation. Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed May 18, 2021.
[4] City of San José. General Plan Environmental Impact Report, Figure 3.6-1. https://www.sanJoséca.gov/home/showdocument?id=22039. Accessed March 21, 2021.

- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

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

4.8 Greenhouse Gas Emissions

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

Existing Setting

A Greenhouse Gas Assessment was prepared for the project and is included as Appendix A.

Global climate change refers to changes in average climatic conditions on Earth as a whole, including temperature, wind patterns and precipitation. Global temperatures are moderated by naturally occurring atmospheric gases, including water vapor, carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O), as well as hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These "greenhouse" gases (GHGs) allow solar radiation (sunlight) into the Earth's atmosphere but prevent radiative heat from escaping, thus warming the Earth's atmosphere. GHGs are emitted by both natural processes and human activities. Concentrations of GHG have increased in the atmosphere since the industrial revolution. Human activities that generate GHG emissions include combustion of fossil fuels (CO_2 and N_2O); natural gas generated from landfills, fermentation of manure and cattle farming (CH_4); and industrial processes such as nylon and nitric acid production (N_2O).

GHGs have varying global warming potential (GWP). The GWP is the potential of a gas or aerosol to trap heat in the atmosphere; it is the "cumulative radiative forcing effect of a gas over a specified time horizon resulting from the emission of a unit mass of gas relative to a reference gas." The reference gas for GWP is CO_2; therefore, CO_2 has a GWP factor of 1. The other main GHGs that have been attributed to human activity include CH_4, which has a GWP factor of 28, and N_2O, which has a GWP factor of 265. When accounting for GHGs, all types of GHG emissions are expressed in terms of CO_2 equivalents (CO_2e) and are typically quantified in metric tons (MT) or million metric tons (MMT).

Assembly Bill (AB) 32, the California Global Warming Solutions Act of 2006, established a State goal of reducing GHG emissions to 1990 levels by the year 2020, which would require a reduction of approximately 173 MMT net CO_2e below "business as usual" emission levels. Senate Bill (SB) 97, a companion bill, directed the California Natural Resources Agency (Resources Agency) to certify and adopt guidelines for the mitigation of GHGs or the effects of GHG emissions. SB 97 was the State Legislature's

directive to the Resources Agency to specifically establish that GHG emissions and their impacts are appropriate subjects for CEQA analysis. Executive Order (EO) S-3-05 was enacted in June 2005 and calls for an 80 percent reduction below 1990 levels by 2050. SB 32 was signed into law in 2016 and establishes an interim GHG emission reduction goal for the State to reduce GHG emissions to 40 percent below 1990 levels by the year 2030.

Applicable Plans, Policies, and Regulations

To date, no national standards have been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020, and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding

The EPA's authority to regulate GHG emissions stems from the U.S. Supreme Court decision in Massachusetts v. EPA (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Clean Air Act and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence, it was found that six GHGs constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing Act and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, the George W. Bush Administration issued Executive Order 13432 in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012 – 2016.

In 2010, President Barack Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and

GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017 – 2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO2 in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017 – 2021, and NHTSA intends to set standards for model years 2022 – 2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022 – 2025 cars and light trucks. It should be noted that the EPA is currently proposing to freeze the vehicle fuel efficiency standards at their planned 2020 level (37 mpg), canceling any future strengthening (currently 54.5 mpg by 2026).

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014 – 2018. The standards for CO2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO2 emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

In 2018, the President and the EPA stated their intent to halt various federal regulatory activities to reduce GHG emissions, including the phase two program. California and other states have stated their intent to challenge federal actions that would delay or eliminate GHG reduction measures and have committed to cooperating with other countries to implement global climate change initiatives. The timing and consequences of these types of federal decisions and potential responses from California and other states are currently speculative.

Clean Power Plan and New Source Performance Standards for Electric Generating Units

On October 23, 2015, the EPA published a final rule (effective December 22, 2015) establishing the carbon pollution emission guidelines for existing stationary sources: electric utility generating units (80 FR 64510–64660), also known as the Clean Power Plan. These guidelines prescribe how states must develop plans to reduce GHG emissions from existing fossil-fuel-fired electric generating units. The guidelines establish CO2 emission performance rates representing the best system of emission reduction for two subcategories of existing fossil-fuel-fired electric generating units: (1) fossil-fuel-fired electric utility steam-generating units and (2) stationary combustion turbines. Concurrently, the EPA published a final rule (effective October 23, 2015) establishing standards of performance for GHG emissions from new, modified, and reconstructed stationary sources: electric utility generating units (80 FR 64661–65120). The rule prescribes CO2 emission standards for newly constructed, modified, and reconstructed affected fossil-fuel-fired electric utility generating units. The U.S. Supreme Court stayed implementation of the Clean Power Plan pending resolution of several lawsuits. Additionally, in March 2017, President Trump

directed the EPA Administrator to review the Clean Power Plan in order to determine whether it is consistent with current executive policies concerning GHG emissions, climate change, and energy.

Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006

California AB 32 was signed into law in September 2006. The bill requires statewide reductions of GHG emissions to 1990 levels by 2020 and the adoption of rules and regulations to achieve the most technologically feasible and cost-effective GHG emissions reductions.

Assembly Bill 1493

AB 1493 (also known as the Pavley Bill) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of GHG emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State."

To meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) in 2004 by adding GHG emissions standards to California's existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 and adoption of 13 CCR Section 1961.1 require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016. When fully phased in, the near-term standards will result in a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards will result in a reduction of about 30 percent.

Assembly Bill 3018

AB 3018 established the Green Collar Jobs Council (GCJC) under the California Workforce Investment Board (CWIB). The GCJC will develop a comprehensive approach to address California's emerging workforce needs associated with the emerging green economy. This bill will ignite the development of job training programs in the clean and green technology sectors.

Senate Bill (SB) 97 – Modification to the Public Resources Code

In August 2007, Governor Schwarzenegger signed SB 97. SB 97 required the Office of Planning and Research to prepare, develop, and transmit guidelines to the Resources Agency for the mitigation of GHG emissions or the effects of GHG emissions including, but not limited to, the effects associated with transportation and energy consumption. The Resources Agency adopted the CEQA Guidelines Amendments addressing GHG emissions on December 30, 2009.

Senate Bill 375 – Sustainable Communities and Climate Protection Act

SB 375 encourages housing and transportation planning on a regional scale in a manner designed to reduce vehicle use and associated GHG emissions. The bill requires the California Air Resources Board (CARB) to set regional targets for the purpose of reducing GHG emissions from passenger vehicles for 2020 and 2035. Per SB 375, CARB appointed a Regional Targets Advisory Committee on January 23, 2009 to provide recommendations on factors to be considered and methodologies to be used in CARB's target setting process. The per capita reduction targets set for passenger vehicles in the San Francisco Bay Area are a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Senate Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Senate Bill 1368

SB 1368 (Chapter 598, Statutes of 2006) is the companion bill of AB 32 and was signed into law in September 2006. SB 1368 required the California Public Utilities Commission (CPUC) to establish a performance standard for baseload generation of GHG emissions by investor-owned utilities by February 1, 2007. SB 1368 also required the CEC to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards could not exceed the GHG emissions rate from a baseload combined-cycle, natural gas fired plant. Furthermore, the legislation states that all electricity provided to California, including imported electricity, must be generated by plants that meet the standards set by CPUC and CEC.

Senate Bill 32

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

Senate Bill 100 (California Renewables Portfolio Standards Program: Emissions of Greenhouse Gases)

Signed into Law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

CARB Scoping Plan

CARB adopted its Scoping Plan on December 11, 2018. The Scoping Plan functions as a roadmap to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California will implement to reduce CO2eq emissions by 174 million metric tons (MT), or approximately 30 percent, from the State's projected 2020 emissions level of 596 million MT CO2eq under a business as usual (BAU) scenario. This is a reduction of 42 million MT CO2eq, or almost ten percent, from 2002 to 2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.

CARB's Scoping Plan calculates 2020 BAU emissions as the emissions that would be expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, electrical power, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. The measures described in CARB's Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050

goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the State stays on course to meet our long-term goal." The Scoping Plan update did not establish or propose any specific post-2020 goals, but identified such goals adopted by other governments or recommended by various scientific and policy organizations.

Santa Clara County Climate Action Plan 2009

The Santa Clara County Climate Action Plan (CAP) focuses on County operations, facilities and employee actions that will reduce not only GHG emissions but also energy and water consumption, solid waste and fuel consumption. These are areas of opportunity for the County to make a difference, set a good example, and in many cases, save money. The GHG emission reduction goals require a change from "business as usual" to attain them. The goals were to stop increasing the amount of emissions by 2010, decrease emissions by 10 percent every 5 years from 2010 – 2050, and reach an 80 percent reduction by 2050. The CAP is being issued in the context of legislative and regulatory action at the federal and state level. California's climate change goals are set forth in AB 32, the Global Warming Solutions Act of 2006. This legislation requires a reduction of California GHG emissions to 1990 levels by 2020. In December 2008, CARB approved the Climate Change Scoping Plan Document required by AB 32. The Scoping Plan Document, which provides a roadmap for California to reduce its GHG emissions, recognizes the importance of development and implementation of Climate Action Plans by California cities and counties. Executive Order S-03-05 goes even further by requiring statewide reductions in GHG emissions to 80 percent below 1990 by the year 2050.

City of San José Municipal Code

The City's Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Regulations for Private Development (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

BAAQMD CEQA Guidelines and 2017 Bay Area Clean Air Plan

BAAQMD recently adopted new CEQA Guidelines (June 2010, Updated May 2017). The new guidelines supersede the previously adopted 2010 CEQA Guidelines and include new and updated thresholds for analyzing air quality impacts, including a threshold for GHG emissions. Under these thresholds, if a project would result in an operational-related GHG emission of 1,100 metric tons (MT) (or 4.6 MT per service population[5]) of carbon dioxide equivalents (CO2e) per year or more, it would make a cumulatively considerable contribution to GHG emissions and result in a cumulatively significant impact to global climate change. The BAAQMD CEQA Guidelines also outline a methodology for estimating GHGs.[6]

[5] Service Population (SP) is an efficiency-based measure used by BAAQMD to estimate the development potential of a general or area plan. Service Population is determined by adding the number of residents to the number of jobs estimated for a given point in time

[6] Bay Area Air Quality Management District, *CEQA Guidelines*, May 2011

Envision San José 2040 General Plan

The General Plan includes strategies, policies, and action items that are incorporated in the City's Greenhouse Gas (GHG) Reduction Strategy to help reduce GHG emissions. The GHG Reduction Strategy identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The City of San José approved a Supplemental Program EIR for the General Plan to include and update the greenhouse gas emissions analysis in December 2015. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for "qualified plans" as set forth by BAAQMD.

City of San José Greenhouse Gas Reduction Strategy

The City of San José updated its Greenhouse Gas Reduction Strategy, to the 2030 Greenhouse Gas Reduction Strategy (GHGRS), in August 2020, in alignment with SB 32. SB 23 has established an interim statewide greenhouse gas reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (EO B-55-18). SB 32 expands upon AB 32, the Global Warming Solutions Act of 2006, and requires a reduction in greenhouse gas emissions of at least 40% below the 1990 levels by 2030.

The 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA because it serves as a qualified Climate Action Plan for the City of San José. The 2030 GHGRS identifies major General Plan strategies and polices to be implemented by development project such as green building practices, transportation strategies, energy use, water conservation, waste reduction and diversion, and other sectors that contribute to GHG reductions and advancements of the City's broad sustainability goals.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

Compliance with the mandatory measures and voluntary measures required by the City would ensure an individual project's consistency with the 2030 GHGRS. Implementation of the proposed General Plan through 2030 would not constitute a cumulatively considerable contribution to global climate change.

Reach Building Code

In 2019, the San José City Council approved Ordinance No. 30311 and adopted Reach Code Ordinance (Reach Code) to reduce energy-related GHG emissions consistent with the goals of Climate Smart San José. The Reach Code applies to new construction projects in San José. It requires new residential construction to be outfitted with entirely electric fixtures. Mixed-fuel buildings (i.e., use of natural gas) are required to demonstrate increased energy efficiency through a higher Energy Design Ratings and be electrification ready. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

Discussion

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

Short-Term Construction Greenhouse Gas Emissions

Construction of the proposed project would result in minor increases in GHG emissions from on-site equipment and emissions from construction workers' personal vehicle travelling to and from the project construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of construction workers. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The CalEEMod outputs prepared for the proposed project (refer to Appendix A) calculated emissions with project construction to be 132 $MTCO_2e$ for the total construction period (six months). Because project construction will be a temporary condition (a total of six months) and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the temporary increase in emissions would be less than significant.

Long-Term Operational Greenhouse Gas Emissions

The proposed project would include the partial demolition and remodeling of one industrial building. Operational or long-term emissions would occur over the project's life. GHG emissions would result from direct emissions such as project generated vehicular traffic, on-site combustion of natural gas, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power over the life of the project, the energy required to convey water to, and wastewater from the project site, the emissions associated with solid waste generated from the project site, and any fugitive refrigerants from air conditioning or refrigerators. It should be noted that the project would comply with the 2019 Title 24 Part 6 Building Energy Efficiency Standards. The standards require updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements that would cut residential energy use by more than 50 percent (with solar) and nonresidential energy use by 30 percent. The standards also encourage demand responsive technologies including battery storage and heat pump water heaters and improve the building's thermal envelope through high performance attics, walls and windows to improve comfort and energy savings (California Energy Commission, March 2018). The project would also comply with the appliance energy efficiency standards in Title 20 of the California Code of Regulations. The Title 20 standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances. The project would be constructed according to the standards for high-efficiency water fixtures for indoor plumbing and water efficient irrigation systems required in 2019 Title 24, Part 11 (CALGreen).

At the State and global level, improvements in technology, policy, and social behavior can also influence and reduce operational emissions generated by a project. The State is currently on a pathway to achieving the Renewable Portfolio Standards goal of 33 percent renewables by 2020 and 60 percent renewables by 2030 per SB 100.

The majority of project emissions would occur from mobile and energy sources. Energy and mobile sources are targeted by statewide measures such as low carbon fuels, cleaner vehicles, strategies to promote sustainable communities and improved transportation choices that result in reducing VMT, continued implementation of the Renewable Portfolio Standard (the target is now set at 60 percent renewables by 2030), and extension of the Cap and Trade program (requires reductions from industrial sources, energy generation, and fossil fuels). The Cap and Trade program covers approximately 85 percent of California's GHG emissions as of January 2015. The statewide cap for GHG emissions from the capped sectors (i.e., electricity generation, industrial sources, petroleum refining, and cement production) commenced in 2013 and will decline approximately three percent each year, achieving GHG emission reductions throughout the program's duration. The passage of AB 398 in July 2017 extended the duration of the Cap and Trade program from 2020 to 2030. With continued implementation of various statewide measures, the project's operational energy and mobile source emissions would continue to decline in the future.

As discussed in Impact Statement (b) below, the proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance which will ensure operational emissions reductions consistent with the 2030 GHG Reduction Strategy. The proposed project, therefore, would be consistent with the City's GHG Reduction and General Plan and would have a less than significant GHG emissions impact.

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

The City of San José 2030 Greenhouse Gas Reduction Strategy (GHGRS) serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City's Development Compliance Checklist serves to apply the relevant General Plan and 2030 GHGRS policies. Implementation of applicable reduction actions in new development projects will help the City achieve incremental reductions toward its target. It should be noted that the Development Compliance Checklist serves as a guide to help the City understand which strategies new development would achieve. Projects do not need to be strictly consistent with each and every policy. Consistency with Table A, Strategy 1 (Consistency with the Land Use/Transportation Diagram [Land Use and Density]) and compliance with Table B (2030 Greenhouse Gas Reduction Strategy Compliance) are the primary basis for consistency with the GHGRS. Refer to **Appendix A** for completed checklist.

Projects that propose alternative GHG mitigation measures must also complete Section C (Alternative Project Measures and Additional GHG Reductions). As discussed above, the project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance. The project would include a number of travel demand measures (TDM) such as mix of land uses and ride sharing. These TDM measures would help reduce vehicle miles traveled (VMT) and mobile greenhouse gas emissions. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the Greenhouse Gas Reduction Strategy.

Per General Plan Policy IP -3.7 and Policy IP-17.2, the GHGRS demonstrates progress towards achieving

required State GHG reduction targets and allows the City to develop and maintain a GHGRS that reduces GHG emissions within the City. As noted in the comment, local governments may prepare a GHGRS that can be used for CEQA review of subsequent plans and projects that are consistent with the GHG reduction strategies and targets. The GHGRS must address GHG emissions at a communitywide and municipal operations level to determine most effective and efficient method to reduce GHG emissions; identify reduction measures that promote goals of the General Plan; and implement reduction measures that achieve multiple City priorities (such as improving mobility and access, advancing local economic development, reducing household and business utility and transportation costs, improving public health, etc.).

The GHGRS has seven strategies to reduce GHG emissions to achieve the 2030 target. These strategies are in order of calculated $MTCO_2e$/year reductions. For instance, GHGRS 1 San Jose Clean Energy is estimated to be approximately 655,104 $MTCO_2e$/year reduction (page 55 of the GHGRS), or approximately 55 percent of the total emissions reductions per year for the City. While consistency with all seven strategies is the goal, as noted previously, compliance with GHGRS 1 is the primary criterion to ensure that the project is consistent with the City's reduction targets. The purpose of the Development Consistency Checklist is to apply the 2030 GHGRS to provide a streamlined review process for proposed new development projects subject to discretionary review and the environmental review under CEQA. Consistency with Consistency with Table A, Strategy 1 (Consistency with the Land Use/Transportation Diagram [Land Use and Density]) is the key criterion for determining consistency, because projects that are consistent with the Land Use/Transportation Diagram have already been accounted for in the 2030 GHGRS emissions and growth projections.

As shown **Table 4-6: 2030 GHGRS Table A - Project Compliance with General Plan Polices** and **Table 4-7: 2030 GHGRS Table B GHGRS Compliance**, the project would comply with the 2030 GHG Reduction Strategy. The Development Consistency Checklist applies to all discretionary reviews through the City's Planning, Building and Code Enforcement Department (PBCE). To help facilitate the implementation of the 2030 GHGRS, each strategy contains implementation information that identifies the strategy's GHG reduction potential in 2030, the performance standards associated with the GHG reduction estimates, and the initial implementation steps to help achieve the reduction levels. Compliance with applicable GHGRS policies will be enforced as standard conditions and would be verified during design review, plan check, and permit issuance.

Table 4-6: 2030 GHGRS Table A - Project Compliance with General Plan Polices

General Plan Measures	General Plan Policies	Project Compliance
1) Consistency with the Land Use/ Transportation Diagram (Land Use and Density)	*Is the proposed project consistent with the Land Use/Transportation Diagram?*	**Consistent**. The proposed project is consistent with the Land Use/Transportation Diagram.
2) Implementation of Green Building Measures	***MS-2.2**: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.*	**Consistent.** The project would be solar-ready by including building roof space and conduit infrastructure for a "Future PV Array" per California Code. The project would also enroll in San José Clean Energy (SJCE) GreenSource program which includes 40 percent renewable energy.

General Plan Measures	General Plan Policies	Project Compliance
	***MS-2.3**: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.*	**Consistent**. The project would comply with the latest energy efficiency standards. The State goal is to increase the use of green building practices. The project would implement required green building strategies through existing regulation that requires the project to comply with various CalGreen requirements. Additionally, the project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 40 percent renewable energy.
	***MS-2.7**: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.*	**Consistent**. This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. The project would be solar-ready by including building roof space and conduit infrastructure for a "Future PV Array" per California Code. Future tenants within the project would be able to take advantage of incentives that are in place at the time of construction.

General Plan Measures	General Plan Policies	Project Compliance
	***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).*	**Consistent**. The State goal is to increase the use of green building practices. The project would implement required green building strategies through existing regulation that requires the project to comply with various CalGreen requirements to reduce energy use.
	***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.*	**Consistent.** The project would be solar-ready by ensuring roof space and conduit infrastructure for "Future PV Array" per California Code. Additionally, the project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 40 percent renewable energy.
	***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.*	**Consistent.** The proposed project is in a heavy industrial area. There are existing Class II bike lanes on both sides of Old Bayshore Highway that will remain. The project would not alter existing street, pedestrian walkways or bike lanes. However, the proposed project would include 6 bicycle parking spaces as well as bicycle and pedestrian access on the driveways. Additionally, the project would include TDM measures discussed below.
3) Pedestrian, Bicycle & Transit Site Design Measures	***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.*	**Consistent.** The proposed project would include landscaping and shading of the parking areas and walkways. Additionally, 12 percent of the site would be pervious. The project would comply with all applicable stormwater regulations.

General Plan Measures	General Plan Policies	Project Compliance
	***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.*	**Not Applicable.** The proposed project is not located within the Downtown or Urban Village Overlay areas.
	***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.*	**Consistent.** The proposed project would include 6 bicycle parking spaces as well as bicycle and pedestrian access on the driveways.
	***CD-3.4**: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.*	**Consistent** As discussed above, the proposed project would include bicycle parking spaces as well as access for bicyclists and pedestrian to access the site. This would promote safety and encourage employees to use alternative sources of transportation.
	***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.*	**Not Applicable.** The project is not located in the Downtown area.
	***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.*	**Consistent.** The project includes connections to existing bicycle lane facilities and bicycle parking.
	***TR-7.1:** Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-*	**Consistent.** While the project is not a larger employee-generating use, the project would include TDM measures such as transit passes for employees,

General Plan Measures	General Plan Policies	Project Compliance
	sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.	carpool and vanpool ride-matching services, bicycle parking, guaranteed ride home program, and a designated employee transportation coordinator onsite. These TDM measures would reduce trips and vehicle miles generated by employees.
	***TR-8.5**: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.*	**Consistent.** The project would include TDM measures to reduce VMT and parking onsite such as transit passes for employees, carpool and vanpool ride-matching services, bicycle parking, guaranteed ride home program, and a designated employee transportation coordinator onsite.
	***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.*	**Consistent**. The proposed project would comply with the State's Model Water Efficient Landscape Ordinance and the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code). project landscaping would include all water efficient landscaping.
4) Water Conservation and Urban Forestry Measures	***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.*	**Consistent**. The project includes low-flow fixtures and appliances. These measures are required by City Code. The project would comply with measures to increase water efficiency and green building techniques per building codes.
	***MS-19.4**: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.*	**Consistent.** The City does not provide recycled water in the vicinity of the project site. The project would utilize recycled water for the outdoor landscaping based on availability.
	***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.*	**Consistent**. The project would comply with City landscaping requirements through plan check and design review processes. This would include water-efficient landscaping, pest resistance, and diversity requirements.
	***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*	**Consistent.** The project would comply with City landscaping requirements and criteria to incorporate existing trees with new landscaping.

General Plan Measures	General Plan Policies	Project Compliance
	with and that implements City laws, policies or guidelines.	
	***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.*	**Consistent**. The Municipal Regional Permit (MRP) allows development projects to use infiltration, evapotranspiration, harvesting and use, or biotreatment to treat full water quality design flow or volume of stormwater runoff, as specified in MRP Provision C.3.d. Project applicants are no longer required to evaluate the feasibility of infiltration of rainwater harvesting and use before proceeding to biotreatment. If a project applicant desires to use rainwater harvesting systems to meet LID treatment requirements, there must be sufficient demand on the project site to use the water quality design volume, i.e., 80% of the average annual rainfall runoff, from the collection area. Appendix I from SCVURPPP provides guidance on how to estimate the required landscaping or toilet flushing demand to meet C.3.d requirements. If the project appears to have sufficient demand for captured rainwater, Appendix I provides guidance on sizing the cistern (or other storage facility) to achieve the appropriate combination of drawdown time and cistern volume.

Table 4-7: 2030 GHGRS Table B GHGRS Compliance

GHGRS Strategy and Consistency Options	Project Consistency
Renewable Energy Development 1. *Install solar panels, solar hot water, or other clean energy power generation sources on development sites,* *or* *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	**Alternative Measure Proposed.** The project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 40 percent renewable energy.
Building Retrofits – Natural Gas[7] 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	**Consistent.** The project does include a retrofit of the remaining structure. However, no natural gas appliances are currently used and therefore no natural gas appliances will be replaced.
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	**Consistent.** The proposed development includes an exterior trash enclosure with space for recycling and organic waste collection. Additionally, construction and demolition waste would be diverted to meet City requirements.
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* *or* *2. Develop a program that provides project tenants*	**Not Applicable.** The proposed project is not located within ½ mile of a Caltrain station. Therefore, this strategy is not applicable to the project.

[7] GHGRS Strategy #4 applies to existing building retrofits and not to new construction; Strategy #2 applies to new construction to reduce natural gas related GHG emissions.

GHGRS Strategy and Consistency Options	Project Consistency
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	
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	**Consistent.** The proposed project would comply with water conservation per the California Green Building Standards Code, which requires a 20 percent reduction in indoor water use. The project would include low flow appliances and fixtures. The project would also comply with the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code).

As demonstrated in **Table 4-6** and **Table 4-7**, the project would not conflict with the 2030 GHGRS Table A General Plan Policies or the 2030 GHGRS Table B Strategies, respectively. The GHGRS Strategies focus on:

- The City providing access to clean energy (via the San José Clean Energy program) (GHGRS #1)
- Implementing building codes, improving energy efficiency and alternative energy requirements, as well as providing technical assistance and supportive financial incentives (GHGRS #2 and #3)
- Reduce the use of natural gas appliances and equipment (GHGRS #4)
- City solid waste diversion goals (GHGRS #5) and improving water conservation requirements (GHGRS #7)
- Enhance local transit opportunities for projects within ½ mile of a Caltrain station (GHGRS #6)

The seven strategies focus on City clean energy programs and energy efficiency standards. As discussed in **Table 4-7**, the project would be consistent with the GHGRS strategies and would comply with all building code energy efficiency requirements, City code energy efficiency requirements, and solid waste diversion requirements. The project would benefit from the availability of clean energy via the San José Clean Energy program. Additionally, the project would not include natural gas appliances or equipment. Therefore, as the project would be consistent with the GHGRS, GHG impacts would be less than significant.

CARB Scoping Plan

The California State Legislature adopted AB 32 in 2006. AB 32 focuses on reducing GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, CARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan provides a range of GHG reduction actions that include direct regulations, alternative compliance

mechanisms, monetary and non-monetary incentives, voluntary actions, market- based mechanisms such as the cap-and-trade program, and an AB 32 implementation fee to fund the program.

The latest CARB Climate Change Scoping Plan (2017) outlines the state's strategy to reduce state's GHG emissions to return to 40 percent below 1990 levels by 2030 pursuant to SB 32. The CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

The 2017 Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the First Update to the Climate Change Scoping Plan (2013). Although a number of these measures are currently established as policies and measures, some measures have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions would be adopted as required to achieve statewide GHG emissions targets. As shown in **Table 4-8: Project Consistency with Applicable CARB Scoping Plan Measures**, the project is consistent with most of the strategies, while others are not applicable to the project.

Table 4-8: Project Consistency with Applicable CARB Scoping Plan Measures

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Transportation	California Cap-and-Trade Program Linked to Western Climate Initiative	Regulation for the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanism October 20, 2015 (CCR 95800)	**Consistent.** The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. However, the regulation indirectly affects people who use the products and services produced by these industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period.

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
	California Light-Duty Vehicle Greenhouse Gas Standards	Pavley I 2005 Regulations to Control GHG Emissions from Motor Vehicles	**Consistent**. This measure applies to all new vehicles starting with model year 2012. The project would not conflict with its implementation as it would apply to all new passenger vehicles purchased in California. Passenger vehicles, model year 2012 and later, associated with construction and operation of the project would be required to comply with the Pavley emissions standards.
		2012 LEV III Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards	**Consistent.** The LEV III amendments provide reductions from new vehicles sold in California between 2017 and 2025. Passenger vehicles associated with the site would comply with LEV III standards.
	Low Carbon Fuel Standard	2009 readopted in 2015. Regulations to Achieve Greenhouse Gas Emission Reductions Subarticle 7. Low Carbon Fuel Standard CCR 95480	**Consistent.** This measure applies to transportation fuels utilized by vehicles in California. The project would not conflict with implementation of this measure. Motor vehicles associated with construction and operation of the project would utilize low carbon transportation fuels as required under this measure.
	Regional Transportation-Related Greenhouse Gas Targets	SB 375. Cal. Public Resources Code §§ 21155, 21155.1, 21155.2, 21159.28	**Consistent**. The project would provide development in the region that is consistent with the growth projections in the Regional Transportation Plan/Sustainable Communities Strategy (SCS) (Plan Bay Area 2040).
	Goods Movement	Goods Movement Action Plan January 2007	**Not applicable**. The project does not propose any changes to maritime, rail, or intermodal facilities or forms of transportation.
	Medium/Heavy-Duty Vehicle	2010 Amendments to the Truck and Bus Regulation, the Drayage Truck Regulation and the Tractor-Trailer Greenhouse Gas Regulation	**Consistent**. This measure applies to medium and heavy-duty vehicles that operate in the state. The project would not conflict with implementation of this measure. Medium and heavy-duty vehicles associated with construction and operation of the project would be

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
			required to comply with the requirements of this regulation.
	High Speed Rail	Funded under SB 862	**Not applicable**. This is a statewide measure that cannot be implemented by a project Applicant or Lead Agency.
Electricity and Natural Gas	Energy Efficiency	Title 20 Appliance Efficiency Regulation	**Consistent.** The project would not conflict with implementation of this measure. The project would comply with the latest energy efficiency standards.
		Title 24 Part 6 Energy Efficiency Standards for Residential and Non-Residential Building	
		Title 24 Part 11 California Green Building Code Standards	
	Renewable Portfolio Standard/Renewable Electricity Standard.	2010 Regulation to Implement the Renewable Electricity Standard (33% 2020)	**Consistent**. The project would obtain electricity from the electric utility company, PG&E. PG&E obtained 39 percent of its power supply from renewable sources in 2018. Therefore, the utility would provide power when needed on site that is composed of a greater percentage of renewable sources.
		SB 350 Clean Energy and Pollution Reduction Act of 2015 (50% 2030)	
	Million Solar Roofs Program	Tax incentive program	**Consistent.** This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. Future tenants within the project would be able to take advantage of incentives that are in place at the time of construction.
Water	Water	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The project would comply with the California Green Building Standards Code, which requires a 20 percent reduction in indoor water use. The project would also comply with the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code).
		SBX 7-7—The Water Conservation Act of 2009	
		Model Water Efficient Landscape Ordinance	

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Green Buildings	Green Building Strategy	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The State goal is to increase the use of green building practices. The project would implement required green building strategies through existing regulation that requires the project to comply with various CalGreen requirements.
Industry	Industrial Emissions	2010 CARB Mandatory Reporting Regulation	**Consistent.** The project includes light industrial uses such as a warehouse. However, the project would comply with CARB Mandatory Reporting Regulation.
Recycling and Waste Management	Recycling and Waste	Title 24 Part 11 California Green Building Code Standards AB 341 Statewide 75 Percent Diversion Goal	**Consistent.** The project would not conflict with implementation of these measures. The project is required to achieve the recycling mandates via compliance with the CALGreen code. The City has consistently achieved its state recycling mandates.
Forests	Sustainable Forests	Cap and Trade Offset Projects	**Not applicable.** The project site is an existing disturbed site located in an urban area. No forested lands exist on-site.
High Global Warming Potential	High Global Warming Potential Gases	CARB Refrigerant Management Program CCR 95380	**Not applicable**. The regulations are applicable to refrigerants used by large air conditioning systems and large commercial and industrial refrigerators and cold storage system. The project is not expected to use large systems subject to the refrigerant management regulations adopted by CARB.
Agriculture	Agriculture	Cap and Trade Offset Projects for Livestock and Rice Cultivation	**Not applicable**. The project site is an infill site. No grazing, feedlot or other agricultural activities that generate manure currently exist on-site or are proposed to be implemented by the project.

Source: California Air Resources Board (CARB), *California's 2017 Climate Change Scoping Plan*, 2017b and CARB, *Climate Change Scoping Plan*, December 2008.

As demonstrated in **Table 4-8**, the project would not conflict with the CARB Scoping Plan. As discussed above, the Scoping Plan reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. GHG emissions caused by long-term operation of the proposed would be less than significant.

Appendix B, Local Action, of the 2017 CARB Scoping Plan lists potential actions that support the State's climate goals. However, the Scoping Plan notes that the applicability and performance of the actions may vary across the regions. The document is organized into two categories (A) examples of plan-level GHG reduction actions that could be implemented by local governments and (B) examples of on-site project design features, mitigation measures, that could be required of individual projects under CEQA, if feasible, when the local jurisdiction is the lead agency.

The project would implement a number of the Standard Permit Conditions during construction. For example, a few of the construction measures include enforcing idling time restrictions on construction vehicles, use of added exhaust muffling and filtering devices, replant vegetation in disturbed areas as quickly as possible, and posting a publicly visible sign with the telephone number and person at the lead agency to contact regarding dust complaints. As indicated above, GHG reductions are also achieved as a result of State of California energy and water efficiency requirements for new non-residential developments. These efficiency improvements correspond to reductions in secondary GHG emissions. For example, in California, most of the electricity that powers homes is derived from natural gas combustion. Therefore, energy saving measures, such as Title 24, reduces GHG emissions from the power generation facilities by reducing load demand.

The project would be required to comply with existing regulations, including applicable measures from the City's General Plan, or would be directly affected by the outcomes (vehicle trips and energy consumption would be less carbon intensive due to statewide compliance with future low carbon fuel standard amendments and increasingly stringent Renewable Portfolio Standards). As such, the project would not conflict with any other state-level regulations pertaining to GHGs.

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the project would benefit from implementation of current and potential future regulations (e.g., improvements in vehicle emissions, SB 100/renewable electricity portfolio improvements, etc.) enacted to meet an 80 percent reduction below 1990 levels by 2050.

Plan Bay Area

The project would be consistent with the overall goals of Plan Bay Area 2040 to provide housing, healthy and safe communities, and climate protection with an overall goal to reduce VMT. As noted above, the project would develop the project site with light industrial uses consistent with the General Plan. The project would add some additional employment, trips related to employees that work directly at the project site. Thus, implementation of the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and this impact would be less than significant.

4.9 Hazards and Hazardous Materials

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
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?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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?		X		
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?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

Existing Setting

A Phase I Environmental Site Assessment (ESA) was prepared for the project by Langan Engineering and Environmental Services, Inc. (Langan) in January 2020 and is included in **Appendix B**. The ESA was conducted to review historical site usage information including aerial photographs and maps, search environmental databases, obtain previous environmental investigation records and documents, and collect current samples of soil and groundwater quality. The site is being enrolled in the Santa Clara County Department of Environmental Health Voluntary Cleanup Program for oversight during redevelopment.

Past Site Use

Based on review of historic aerial imagery, the project site and surrounding area were primarily occupied by agricultural land with a mix of cultivated fields and orchards by the late 1930s, initial site development in the mid-1940s, and variable commercial entities through 2020. On the western portion of the site, primary onsite operations included transportation or equipment sales and service companies. Meat packaging companies occupied the eastern-most portion of the site. Additional operations included a commercial gasoline station at the western-most corner of the site between 1975 to 1985, and a metals recycler in the middle and western portions of the site between 1991-2020. Based on environmental records, various site operators are known to have handled or used hazardous materials and wastes with uses centered around several vehicle servicing or machinery workshop areas, nine underground storage tanks (USTs), and a wastewater treatment plant. The nine USTs ranged in size from 500 to 10,000 gallons, containing waste oil, gasoline, and diesel, and have been removed by the mid-1990s.

Historical Environmental Activities

The primary historical environmental issue at the site has been the resolution of three leaking underground storage tank (LUST) cases that were established after phased removal of the USTs during the 1990s. In each case, completed activities included removals of the tank and most heavily affected soils, sampling of surrounding soils left in place, and sampling of groundwater quality in established monitoring wells for several years. Santa Clara Valley Water District, the local regulatory oversight entity for the USTs at the time, ultimately provided low-threat No Further Action (NFA) closures for each LUST case. See **Appendix B** for details of the UST closures.

Current Subsurface Condition

Lagan evaluated the site's subsurface in November 2019 with the completion of eight (8) investigation borings and the collection of nine (9) soil and five (5) groundwater samples. The collected samples suggest that soil and groundwater at the site are relatively unencumbered for a site with the known industrial use

and history. Sampled soil only included one result over typical San Francisco Bay Area commercial/industrial regulatory screening or background levels (e.g. arsenic at 45 mg/kg in a 4 foot below ground surface [bgs] sample). No detection of volatile organic compounds (VOCs) were identified in the groundwater samples. There was only one detection of a petroleum hydrocarbon, and metals content that included one arsenic result that was over typical San Francisco Bay Area commercial/industrial regulatory screening levels. A Soil Management Plan for the site has been prepared to guide excavation activities and the proper handling of impacted materials if identified during redevelopment.

Off-Site Sources of Contamination

A review of the Environmental Data Resources (EDR) listings of off-site facilities exhibiting the greatest likelihood to represent potential environmental concerns to the site revealed four properties adjacent or near the project site. The LUST cases associated with these facilities have all been closed.

- 1675 Rogers Avenue – The municipal waste pickup company, Recology South Bay, located approximately 268 feet east of the site, has a historical LUST case associated with the facility, but has been closed as of 1993. However, there is an active UST permitted facility on site that is approximately 6 years old. Santa Clara Department of Environmental Health (SCDEH) records indicate the UST is permitted to store B5 biodiesel.
- 1650 Old Bayshore Highway – This property is occupied by Galli Produce and located immediately adjacent to the east of the project site. Records indicate a historic LUST case occupied by previous tenants. Five USTs were removed from the facility in 1990 and the case has been closed as of 1992. No leaks were reported in association with the closed USTs.
- 1615 Terminal Avenue – This property is occupied by the Cascade Computer Coatings property and located approximately 308 feet south of the project site. Records indicate a LUST listing in EDR records. While SCDEH and Envirostor do not contain records of release, Geotracker does have a petroleum LUST case plotted at 1611 Terminal Ave, currently occupied by an exterminator. The case has been closed as of 2015.
- 1555 Old Bayshore Highway – This property is occupied by Coca Cola Bottling Company and is located approximately 817 feet south east of the project site. Geotracker and EDR records indicate a historical LUST case for a diesel UST, which has been closed as of 1996.

Airports

The Norman Y. Mineta San José International Airport is located approximately 0.85 mile west of the project site. Federal Aviation Regulations, Part 77, “Objects Affecting Navigable Airspace” (referred to as FAR Part 77), requires that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport’s runways or which would otherwise stand at least 200 feet in height above ground. For the project site, the maximum allowable height is 50 feet in height above ground per the City of San José Municipal Code. The proposed building would be within the allowable height of 50 feet and FAA notification would not be required.

Wildland Fire Hazards

The project site is not located within a Very-High Fire Hazard Severity Zone for wildland fires.[8]

Applicable Plans, Policies, and Regulations

Hazardous waste generators and users in the City are required to comply with regulations enforced by several federal, State, and county agencies. The regulations are designed to reduce the risk associated with human exposure to hazardous materials and minimize adverse environmental effects. The San José Fire Department coordinates with the Santa Clara County Hazardous Materials Compliance Division to implement the Santa Clara County Hazardous Materials Management Plan and to ensure that commercial and residential activities involving classified hazardous substances are properly handled.

Government Code Section 65962.5 (Cortese List)

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency (Cal/EPA) to develop at least annually an updated Cortese List. The Cortese List includes lists maintained by the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB).

California Department of Forestry and Fire Protection (CAL FIRE)

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California. CAL FIRE ranks fire threats based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threats.

City of San José Envision San José 2040 General Plan

The General Plan includes the following hazardous material policies applicable to the project:

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

Action EC-6.8: The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.

Action EC-6.9: Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by September 2011. The

[8] California Department of Forestry and Fire Protection. FHSZ Viewer. Available at https://egis.fire.ca.gov/FHSZ/. Accessed May 10, 2021.

City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.

Policy EC-7.1: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.

Policy EC-7.2: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.

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

Policy EC-7.5: In development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.

Action EC-7.8: When 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 hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

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

Action 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.

Discussion

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

Less than Significant Impact. The project site was recently occupied by five vacant structures, which include three industrial buildings and two ancillary structures until the recent removal of those structures. The proposed project would redevelop one remaining existing industrial building and introduce office and warehouse uses as a "last mile" e-commerce distribution center (delivery station). The proposed project would include limited hazardous materials and substances such as cleaners, paints, solvents; and fertilizers and pesticides for site landscaping. Operation of the project would include the use and storage of cleaning supplies and maintenance chemicals in small quantities, similar to other businesses nearby and would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses. All materials and substances would be subject to applicable health and safety requirements. Compliance with applicable federal, local, and State requirements would ensure no significant hazard to the public or the environment are created through the routine transport, use, or disposal of hazardous materials. Thus, impacts would be less than significant.

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

Less than Significant Impact. The project is not anticipated to result in a release of hazardous materials into the environment. The proposed facility would be expected to use limited hazardous materials and substances such as cleaners, paints, solvents; and fertilizers and pesticides for site landscaping typical of office/warehouse uses. All materials and substances would be subject to applicable health and safety requirements. While the project site has known historical releases of hazardous materials (e.g. oil, gasoline, diesel, and petroleum), it is understood that the remediation is complete and RWQCB has stated no further action related to UST release is required. However, concentrations observed from the soil borings and groundwater samples indicate arsenic levels in excess of the RWQCB's Maximum Containment Level (MCL) Priority List. It is understood that the site has been enrolled in the Santa Clara County Department of Environmental Health Voluntary Cleanup Program for oversight during redevelopment. In addition, a Soil Management Plan (SMP) has been prepared to guide excavation activities and the proper handling of impacted materials if identified during redevelopment. Thus, close coordination with the County DEH and compliance with the SMP during construction activities that involve disturbance of on-site soils would not result in the release of hazardous materials. Thus, impacts would be less than significant.

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

No Impact. The closest school, Bachrod, is located at 102 Sonora Avenue, approximately 0.55 mile south of the project site. Because the project site would be located more than one-quarter mile from this school, any emissions and hazardous materials handling at the site, during construction and operations, would not pose a significant health risk to nearby schools. Thus, no impacts would occur.

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?

Less than Significant Impact with Mitigation. As discussed above, the project site is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. A review of historical imagery revealed a historical presence of a larger stained area that was determined to be de minimus condition because it was observed only in a 2006 aerial photograph and was not present during site reconnaissance. While minimal detections of Total Petroleum Hydrocarbons (TPH) in gasoline, diesel, and motor oil were detected in surficial soils samples collected from 2 feet below ground surface (bgs), the concentrations were determined to be de minimus condition. No detections of volatile organic compounds (VOCs) have been detected in groundwater.

As discussed above, the primary historical environmental issue at the site has been records pertaining to three LUSTs located at the project site that have since been remediated and cleaned up. The RWQCB issued UST Case Closure letters for each of the three sites, indicating no further action related to the UST release is required. However, as mentioned above, while the State has historically obtained UST Case Closures, concentrations of arsenic were detected at a peak concentrations of 45 mg/L in a 4 foot bgs soil sample during the soils investigation, which is at a level in excess of the RWQCB's MCL Priority List.

It is understood that the site has been enrolled in the Santa Clara County Department of Environmental Health Voluntary Cleanup Program for oversight during redevelopment. As such, a Soils Management Plan (SMP) has being prepared by Lagan to guide excavation activities and the proper handling of impacted materials if identified during redevelopment. The project would be required to incorporate recommended measures from the SMP, as appropriate, as conditions of approval of any grading permit. Implementation of Mitigation Measure HAZ-1 would reduce impacts related to hazards and hazardous materials sites to a less than significant level. Thus, impacts would be less than significant.

Mitigation Measures

MM HAZ-1: Prior to the issuance of any grading permits, the project applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) under their Site Cleanup Program or other appropriate agency (Regional Water Quality Control Board, Department of Toxic Substance Control) and provide the completed Phase I with limited soil sampling completed by Langan from January 2020 for their review. Any further investigation and remedial actions must be performed under regulatory oversight to mitigate the contamination and make the site suitable for the proposed development. The project applicant shall provide the City with proof that SCCDEH or other appropriate agency has reviewed the proposed project and has determined that the SMP will ensure the project is safe for the public, construction workers, and the environment. Proof must consist of a letter or email from the regulatory agency case worker and be submitted to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department prior to issuance of any grading permits.

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

No Impact. The closest public airport the project site is located to is Mineta San José International Airport, which is located approximately 0.9 mile west of the project site. The closest minor airport is Reid Hillview Airport, located approximately 5 miles southeast of the project site. The project site is not located within the "Airport Influence Area" defined by the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan (CLUP). According to Figures 3.8-1 and 3.8-2 in the General Plan EIR, the proposed project is not located within the San José International or Reid-Hill Airport Safety Zones. In addition, the project would not be subject to FAA airspace safety review because the proposed structure's maximum height is below the FAR Part 77 notification surface elevation over the site. The project site would be within the maximum allowable height of 50 feet in height above ground per the City of San José Municipal Code. As such, the project site would not result in a safety hazard or excessive noise for people residing or working in the project area. No impacts in this regard would occur.

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

Less than Significant Impact. Implementation of the project would not impair or physically interfere with an adopted emergency response or evacuation plan. The City of San José Emergency Operations Plan (EOP) was prepared by the City describing the City's response to emergency situations associated with natural disasters, technological incidents and nuclear defense operations. The EOP outlines the overall organizational and operational concepts in relation to response and recovery and includes the roles and responsibilities of the various committees and agencies during an emergency; and the activation and execution procedures of the emergency response system. No revisions to the EOP would be required as a result of the proposed project.

Primary access to all major roads would be maintained during construction of the proposed project and circulation paths would be required to comply with all emergency-access related development standards. Additionally, the project would be reviewed for conformance during the building permit stage with all applicable Fire Code and Building Code requirements.

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

No Impact. CAL FIRE identifies Fire Hazard Severity Zones (FHSZ) and designates State of Local Responsibility Areas within the state of California. New developments located in 'Very High' Fire Hazard Severity Zones are required to comply with exterior wildfire design and construction codes as well as vegetation clearance and other wildland fire safety practices for structures. As discussed above, the project is zoned as a "Non-Very High Fire Hazard Safety Zone" on the Very High Hazard Severity Zones on CAL FIRE's FHSZ Viewer.

The City's General Plan EIR contains Wildland and Urban Fire policies specific to development within "Very High" hazard zones or near urban/wildlife interfaces. The proposed project is not located in a "Very High" zone and would not conflict with the wildland fire hazard policies identified in the General Plan EIR. In

addition, the project site is in a developed urban area and is not within a wildland interface area or directly adjacent to a wildland interface area. For these reasons, there are no impacts in this regard.

4.10 Hydrology and Water Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?				X
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?			X	
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			X	
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?			X	
iv. Impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

The project site is located in an urban area with connections to the City's water, storm drain and sewer infrastructure. The closest waterway to the project site is Coyote Creek, which is located approximately 0.80-mile northeast of the project site, and ultimately flows into the San Francisco Bay.[9] Based on the effective FEMA Flood Insurance Rate Maps for the City of San Jose, the project site is not located within a 100-year floodplain and would therefore have no impact on 100-year flows. Flood zone X is an area of moderate or minimal flood hazard. The project would not expose people to flood hazards associated with the 100-year flood. The site is not subject to seiche or tsunami. The project site is fully impervious and is not located within a natural or facility groundwater recharge area.

Redevelopment of the site would decrease the amount of impervious area from 264,250 SF to 233,231 SF. Thus, the amount of surface runoff associated with the site would decrease. The proposed project would comply with the C.3 Provision "New Development and Redevelopment" of the Municipal Regional Stormwater Permit (MRP) (NPDES Permit No. CAS612008) which aims to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff from projects. The provision requires regulated projects to include LID practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

All development projects, whether subject to the Construction General Permit or not, shall comply with the City of San Jose's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

Construction of the proposed project would require compliance with the City's standard permit conditions to prevent stormwater pollution and minimize potential sedimentation during construction. During project operations, stormwater runoff would drain into on-site flow through planters along Old Bayshore Highway, which would help limit the release of storm water from the project site; and direct runoff from roofs and sidewalks to landscaped areas and planting trees adjacent to impervious areas. For these reasons, proposed project drainage patterns would be consistent with existing conditions and would not redirect site flows.

The General Plan EIR, as supplemented, concluded that with the regulatory programs currently in place stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's standard permit conditions pertaining to stormwater runoff, construction and operation of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality and impacts would be less than significant.

[9] https://www.fws.gov/wetlands/data/mapper.html

Standard Permit Conditions

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

4.11 Land Use and Planning

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?			X	
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?			X	

The project site was recently developed with existing industrial buildings and associated automobile and truck parking. The project would be in an urban area with similar surrounding land uses, specifically warehouse uses, and would be consistent with the mix of surrounding uses. Further, the project would comply with all applicable City policies, actions, and ordinances and would be consistent with goals for the North San José Planning Area that were outlined in the City General Plan. Thus, the proposed project would not result in the physical division of the established community.

The City's Development standards for the Heavy Industrial (HI) zoning designation apply to the proposed project site and require a minimum lot area of 6,000 SF, a minimum street frontage of 60 feet, and a maximum building height of 50 feet. Consistent with the HI development regulations, the project is located on a 299,102 SF lot with an appropriate street frontage and maximum building height of 23 feet and 8 inches. The proposed project would exceed parking requirements for the HI zone and provide a total of 228 parking stalls, including 69 automobile spaces, 128 van spaces, 12 loading spaces, 12 queuing spaces, 3 induct spaces, and 4 handicap spaces. No electric vehicle (EV) charging spaces are required for project additions or alterations.

The proposed project is located within the SCVHP study area, however it is not designated as a natural community area or identified as an important habitat for endangered and threatened species and native vegetation has been cleared for residential, commercial, industrial, transportation, and recreational structures. As such, the proposed project would comply with the General Plan land use, Zoning designation, and SCVHP. Impacts would be less than significant.

4.12 Mineral Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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?				X
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?				X

The General Plan identifies the area around Communications Hill as the only area in the City containing mineral deposits of regional significance by the State Mining and Geology Board under SMARA. The proposed project site is located more than 10 miles north of Communications Hill. The proposed project is not located in an area known to contain regionally significant mineral resources and would not result in the loss of the availability of a known mineral resource of regional value. Thus, no impacts to mineral resources would occur in this regard.

4.13 Noise

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
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?				X

The project site is primarily surrounded by industrial and commercial uses. Existing mobile noise sources in the project area are generated primarily along 1660 Bayshore, which is south of the project site. However, the project's proximity U.S. 101 and Interstate 880 also adds to the overall ambient noise environment in this area. The primary sources of stationary noise in the project vicinity are those associated with the operations of nearby industrial and commercial uses in active operation. The nearest sensitive receptor is a multi-family residential use located approximately 1,500 feet south of the project site. The nearest airport is the Norman Y. Mineta San José International Airport located approximately 0.85 miles west of the project site. The project site lies outside of the 65 dBA CNEL noise contours shown in the Norman Y. Mineta San José International Airport Master Plan Update Project report published in October 2019.

The majority of construction would occur throughout the project site and would not be concentrated at a single point near sensitive receptors. Additionally, construction activities would be limited to daytime hours and would conform to the time-of-day restrictions of the City's Municipal Code. The proposed project would be required to adhere to the Standard Permit Conditions which would ensure that all construction equipment is equipped with properly operating and maintained mufflers and other State required noise attenuation devices, helping to reduce noise at the source. Additionally, project construction would be more than 50 feet from the closest structure and construction equipment vibration

velocities would not exceed the FTA's 0.20 PPV threshold. Therefore, following compliance Standard Permit Conditions, construction noise and vibration levels would not exceed the City's standards.

Project implementation would create new sources of noise in the project vicinity, but would be located at a considerable distance – approximately 1,500 - feet from the nearest sensitive receptors. New sources of noise associated with the project that could potentially impact the nearest residences include offsite traffic, mechanical equipment, delivery trucks, loading, parking areas, and landscape maintenance. However, the project would be compatible with land uses in the surrounding area and would not generate a substantial increase in the ambient noise environment over existing conditions. Further, implementation of Standard Permit Conditions and adherence to Municipal Code requirements, would reduce noise impacts associated with traffic, mechanical equipment, deliveries, loading/unloading activities, parking lot noise, and landscape equipment. Impacts would be less than significant.

Standard Permit Conditions

Construction-Related Noise. Noise minimization measures include, but are not limited to, the following:

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

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

4.14 Population and Housing

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

As identified in the General Plan EIR, the City currently has an existing ratio of jobs per resident of 0.8. The General Plan EIR identified that at full buildout of the General Plan, the existing ratio of jobs per employed resident would be increased to a job per employed resident ratio of 1.3. The increase in jobs caused by the project will incrementally increase the overall jobs/housing ratio within the City, and the proposed project is consistent with employment projections outlined in the General Plan for the City.

The proposed project is not of the scope or scale to induce population growth within the City. On site employees during both construction and operational phases of the project are expected to come from the surrounding area. Further, the project site is developed with existing industrial use buildings. Implementation of the project would not result in the removal of any residential units or displacement of people such that construction of replacement housing would be required. Therefore, no impact would occur.

4.15 Public Services

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
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:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?				X
v) Other public facilities?				X

Development of the proposed project may incrementally increase the demand for fire and police protection services, however, not to a substantial level considering the existing onsite and historic use and the site's urbanized location. Because on-site employees and delivery drivers would likely come from surrounding areas, the project is not anticipated to induce population growth within the City that could impact service ratios. The General Plan found with implementation of Policy ES-3.1, planned construction and/or relocation of stations as described in the General Plan, will improve response times of police and fire. Furthermore, the proposed project would be constructed in accordance with current Building codes, Fire Codes, and City policies (e.g. Policy ES-3.9) to avoid unsafe building conditions and promote public safety. Thus, impacts to police and fire services would be less than significant.

The project site is located within the OESD and ESUHSD boundaries. As discussed in Section 4.14, Population and Housing, the proposed project would not generate substantial population growth within the City that could increase demand for services within OESD or ESUHSD. Further, the proposed project is part of the planned growth in the City and would not increase students in the OESD or ESUSD beyond what was anticipated in the General Plan. The project would also be subject to Government Code Section 65995, which requires a new development project's impacts on school facilities are fully mitigated via the

payment of the requisite new school construction fees established. Thus, the project would not increase the number of school children attending public schools in the project area and it would be consistent with the increases identified in the General Plan, and would mitigate its impact through compliance with State law regarding school impacts. Impacts would be less than significant.

The project would not induce population growth in the project vicinity that could increase demand on local parks or other public facilities. As discussed below in Section 4.16, visitors and on-site employees may visit nearby park facilities, however, this nominal increase would not impact the City's parkland ratios. The General Plan EIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned public facilities, such as libraries. For these reasons, there would be no impact on parks and other public facilities.

4.16 Recreation

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
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?				X
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?				X

The proposed project would not increase the City's population, as discussed in Section 4.14, Population and Housing. The increase of employees and visitors to the project site could conceivably result in additional visitors to nearby parks and recreation facilities. However, this relatively few number of people, combined with the City's on-going park operation and maintenance plans (for which this proposed project would contribute to by way of property taxes) would not result in a substantial physical deterioration of parks or other recreation facilities. Therefore, there would be no impact. Although the project could increase the use of these recreational facilities, this increased use was accounted for in the General Plan EIR. Therefore, there would be no impact.

4.17 Transportation

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

Existing Setting

The project site is currently developed with five vacant structures, which include three industrial buildings and two ancillary steel structures, and access is provided via Old Bayshore Highway. A Trip Generation Analysis Memorandum prepared by NV5, dated May 17, 2021, provides a trip generation comparison between the former land use and the proposed delivery station during the normal seasonal operation. Additionally, existing traffic operations were evaluated at the study intersections within one-half mile of the proposed site on Thursday, February, 4, 2021, within the typical PM peak travel hours of 4:00-6:00 PM (see **Appendix C**).

Regional and Local Access

The following local and regional roadways provide access to the project site:

Old Bayshore Highway is a freeway in the north-south direction, extending from Zanker Road to Oakland Road in San Jose. Near the project site, Old Bayshore Highway is a four-lane road with Designated Class II bike lanes and a center turn lane that provides direct access to commercial and industrial businesses. On-street parking is restricted along Old Bayshore Highway and there are intermittent existing sidewalk facilities for pedestrians. The proposed project is located north of Old Bayshore Highway, proximate to Terminal Avenue.

Zanker Road is a city connector street in the north-south direction, extending from Los Esteros Drive to Old Bayshore Highway in San Jose. Near the project site, Zanker Road is a four-lane road with Class II bike

lanes. On-street parking is available along Zanker Road and turn lanes provide direct access to commercial and industrial businesses. There are existing sidewalk facilities for pedestrians.

Interstate 880 (I-880) is primarily a six-lane freeway that is aligned in a north-south orientation between Interstate 80 in Oakland and Interstate 280 in San Jose at which it transitions into Highway 17 to Santa Cruz. Access to the project site to and from I-880 is provided by nearby ramps at Brokaw Road.

Highway 101 is an 8-lane freeway that connects with I-880 and travels in an east-west direction in the City of San José, even though the freeway is labeled as northbound and southbound. Access to and from the project site is provided by ramp terminals at Brokaw Road.

Pedestrian and Bicycle Facilities

Pedestrian activity within the North San Jose area is sparse. Connected sidewalks at least six feet wide are available along all major roadways in the study area with adequate lighting and signing. At signalized intersections, marked crosswalks, Americans with Disabilities Act (ADA) standard curb ramps, and count down pedestrian signals provide improved pedestrian visibility and safety.

Bicycle facilities in the area include Old Bayshore Highway and Zanker Road which provide Class II bike lanes with buffered striping to separate the vehicle and bike travel way. Most of these corridors feature green paint markings in potential conflict areas and at signalized intersections. Bicycle parking in the North San Jose area is limited to private commercial and industrial lots.

Transit Service

Transit services in the study area include light rail, shuttles, and buses provided by the Santa Clara Valley Transportation Authority (VTA). Per the updated February 8, 2021 service schedule, the project study area is served by the following major transit routes.

- Frequent Bus Route 60
  - Milpitas BART – Winchester Station via SJC Airport
  - Local service every 12-15 minutes on weekdays and every 15-30 minutes on weekends
  - Nearest transit stop to project – Brokaw Rd / 1st Street intersection
- Light Rail Green Line
  - Winchester – Old Ironsides
  - Nearest transit stop to project – Metro/Airport Station
- Light Rail Blue Line
  - Baypointe – Santa Teresa
  - Nearest transit stop to project - Metro/Airport Station

Most regular bus routes operate on weekdays from early in the morning (5:00 AM to 6:00 AM) until late in the evening (10:00 PM to midnight) and on weekends from early morning (5:00 AM to 6:00 AM) until mid-evening (8:00 PM to 10:00 PM). Bus headways during peak commute periods vary between 12 to 30 minutes. The study area is served by Bus Route 60 in the VTA system which provides local and regional bus service for commuters between San José downtown and major transit destinations in Santa Clara County. This bus routes also provide transit connections to the Valley Fair Transit Center, San Jose Diridon Station (Caltrain, ACE, Amtrak), Santa Clara Transit Center, VTA Light Rail stations, and Berryessa Transit Center (BART).

Bus stops with benches, shelters, and bus pullout amenities are not provided within 0.5-mile walking distance from the project site. The closest transit stops to the project are located at the intersection of Brokaw Road and North 1st Street and intersection of Technology Place and North 1st Street.

Applicable Plans, Policies, and Regulations

Metropolitan Transportation Commission

Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted the final Plan Bay Area in July 2013 which includes the region's Sustainable Communities Strategy and the most recently adopted Regional Transportation Plan (2040).

Santa Clara Valley Transportation Agency Congestion Management Program

In accordance with California Statute, Government Code 65088, Santa Clara County has established a CMP. The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency (CMA) for Santa Clara County and maintains the County's CMP. The CMP requires review of substantial individual projects, which might on their own impact the CMP transportation system. Specifically, the CMP Traffic Impact Analysis measures impacts of a project on the CMP Highway System. Compliance with the CMP requirements ensures a city's eligibility to compete for State gas tax funds for local transportation projects.

San José Transportation Impact Policy 5-1

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development under CEQA, as suggested by SB 743. According to the policy, a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average citywide per capita VMT. An employment (e.g., office, R&D) project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per employee VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per employee VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, which may include local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and to recommend needed transportation improvements.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following transportation policies applicable to the proposed project:

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

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

Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

Policy TR-1.6: Require that public street improvements provide safe access for motorists and pedestrians along development frontages per current City design standards.

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

Policy TR-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. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

Policy TR-5.3: The minimum overall roadway performance during peak travel periods should be level of service "D" except for designated areas and specified exceptions identified in the General Plan including the Downtown Core Area. Mitigation measures for vehicular traffic should not compromise or minimize community livability by removing mature street trees, significantly reducing front or side yards, or creating other adverse neighborhood impacts.

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

Policy TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

Policy TR-8.7: Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

Policy TR-8.8: Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.

Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

Policy TR-9.1: Enhance, expand and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

Action TR-10.4: In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code's parking space requirements.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life-span. Strongly discourage small-lot and single-family detached residential product types in growth areas.

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

Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

Discussion

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

No Impact. In accordance with General Plan policies, the proposed project would facilitate pedestrian and bicycle access and safety. The project site plan includes minor changes to the existing sidewalk, bicycle, and transit facilities along the project frontage on Old Bayshore Highway that would not impede or conflict with existing facilities.

The existing network of sidewalks and crosswalks in the study area is relatively sparse with limited connectivity and walkable routes to nearby bus stops, retail, and other points of interest in the immediate North San Jose area. This is largely a function of the industrial land use pattern. In addition, the nearest transit stops to the project site are located at the intersection of Brokaw / 1st Street which is over 0.5-mile away. Regarding bicycle connectivity, Old Bayshore Highway provides Class II bike lanes in the northbound and southbound direction near the project site.

Due to the function and operational characteristics of the proposed delivery station, the project is not anticipated to add substantial project trips to the existing pedestrian, bicycle, or transit facilities in the area. Therefore, the project would not create an adverse effect to the existing pedestrian, bicycle, or transit facility operations.

Further, per the City of San José, Class IV protected bike lanes will be implemented on Old Bayshore Highway per the 2025 Better Bike Plan. Under a separate project, a pedestrian rail crossing will be provided at the intersection of Old Bayshore Highway and Queens Lane, which would include installing a missing gate arm at the rail crossing and installing updated signs and markings per the California Manual of Uniform Traffic Control Devices (CAMUTCD). It is expected that this delivery station project would contribute an amount to the Queens Lane pedestrian rail crossing project which would equate to the cost of implementing the Class IV protected bike lanes along the frontage of Old Bayshore Highway.

For these reasons, the proposed project is consistent with goals, policies, and programs adopted by the City and VTA and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Therefore, impacts would not occur in this regard.

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

No Impact. The City of San José's Transportation Analysis Policy, Council Policy 5-1, establishes the threshold for transportation impacts under CEQA based on Vehicle Miles Traveled (VMT) in accordance with California Senate Bill 743 (SB 743). Per the City of San José's Transportation Analysis Handbook dated April 2020, the proposed industrial square footage of 26,000 square feet would meet the screening criteria for a VMT analysis exemption as an industrial small infill project of 30,000 square feet of gross floor area or less; therefore, a CEQA Transportation Analysis is not be required.

Notwithstanding, the project would include six bicycle parking spaces on-site, provide employee travel behavior change program assistance, and contribute to the construction of the Queens Lane pedestrian rail crossing to facilitate multi-modal connectivity within the project vicinity. For these reasons, the project would not conflict or be inconsistent with the City's Transportation Analysis Policy and no impact would occur.

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

No Impact. A review of the project was prepared (see **Appendix C**) to determine if adequate site access and on-site circulation is provided to identify any access issues that should be improved. The review was based on current site plans and conducted in accordance with generally accepted traffic engineering standards and City of San José requirements. A summary of the review is presented below.

Site Access

As shown in **Figure 3-3**, the project would provide site access via four driveways along Old Bayshore Highway. Driveway one would relocate the existing driveway to the east, away from US 101 on and off ramps. This driveway would be 20 feet wide and would serve as a right-in only for delivery vans and personal vehicles of delivery van drivers from westbound OId Bayshore Highway. Driveway two would be

20 feet wide and serve as a one-way egress only for delivery vans and delivery van driver personal vehicles. This driveway would operate as right-out only onto Old Bayshore Highway westbound due to an existing double-yellow painted median and future extension of the flexible delineators from the US 101 on and off ramps. Driveway three would be 26 feet wide and would provide full access ingress and egress for employees. Entry would be restricted to right turns only from westbound Old Bayshore Highway. Eastbound traffic on Old Bayshore Highway is restricted from turning left since the existing two-way left turn lane begins at the western limit of this driveway. Driveway four would provide full access ingress and egress for line haul trucks and is thirty-two feet in width.

The width of driveway four would accommodate line haul truck turning movements from and onto Old Bayshore Highway to prevent conflicts with other travel lanes or Terminal Avenue located south of the site. Line haul trucks would enter driveway four and utilize the turn-around space to its east within the site property limits. This turn-around space would allow drivers to enter the site, then turn-around to back into the loading bays. Once loading operations are complete, the line haul trucks would be able to depart directly onto Old Bayshore Highway unencumbered.

Vehicular Circulation and Parking

Per the City of San José Zoning Code, warehouse uses require a minimum of one (1) parking space per 5,000 sf of gross floor area for warehouses in excess of 25,000 sf of total gross floor area. Bicycle parking spaces are also required at a number of one (1) per ten (10) full-time employees. Any warehouse facility having a floor area of 10,000 square feet or more shall provide at a minimum one (1) off-street loading space, plus one (1) additional such loading space for each 20,000 square feet of floor area. The site will exceed the six (6) off-street total parking spaces required by the City and provide 226 parking spaces, including 12 van loading spaces and three (3) freight loading spaces. The parking supply is needed to accommodate employees, delivery vans, the delivery service partners, and site managers to ensure successful business operations and to avoid vehicles parking off-site.

As shown in **Figure 3-1** above, the proposed project would resurface the site to provide 69 automobile spaces, 128 van spaces, 12 loading spaces, 12 queuing spaces, 3 induct spaces, and 4 handicap spaces. The 12 loading spaces would be provided under the canopy and 68 automobile spaces for employees would be located throughout the eastern portion of the project site. Van spaces would be located in the southwestern portion of the project site. The standard parking spaces on-site are dimensioned 9-feet by 18-feet and the truck parking spaces are dimensioned 10-feet by 53-feet, which satisfy City parking standards. For these reasons, the proposed project would not substantially increase hazards due to a geometric design feature.

d) Result in inadequate emergency access?

No Impact. In the event of an emergency, it is assumed that fire apparatus vehicles will stage adjacent to the project site along Old Bayshore Highway. The proposed driveways are 26-feet wide minimum, provide at least 10-feet high clearance, and satisfy the 20-foot horizontal and 10-foot- vertical minimum access clearances from the 2016 CA Fire Code. For these reasons, the project would provide adequate emergency access and no impact would occur in this regard.

Operational Transportation Issues Not Required Under CEQA

The following information is not required under CEQA, but is provided here for informational purposes to help the decision makers in their consideration of the proposed project.

Trip Generation

Trip generation for the proposed project land uses was calculated using trip generation rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*. Per the 2018 *Transportation Analysis Handbook*, trip generation reduction credits were applied to the project including location-based mode-share and potential VMT credits.

Development of the proposed project with all applicable trip reductions and credits is anticipated to generate a net total of 182 additional daily trips, 1 AM, and 35 PM peak hour trips to the roadway network as shown in Table 4-9: Estimated Project Trip Generation.

Since the proposed project is expected to generate less trips during the PM peak hour compared to the pre-existing land use, it can be concluded that the proposed project would not add any new PM peak hour trips to the surrounding roadway network. For these reasons, the proposed site trips would be exempt from any traffic impact fee related to the US 101/Oakland/Mabury Transportation Development Policy. In addition, since the project would be converting existing building square footage and not constructing any new building square footage other than the 3,000 sf of supporting office, the proposed site would be exempt from any traffic impact fees, transportation demand management (TDM) measures, and/or infrastructure improvements that would be required as part of the North San Jose Area Development Policy.

Table 4-9: Estimated Project Trip Generation

Project Land Use		Project Density	Project Trips		
			Total	Inbound	Outbound
Pre-Existing Condition		73,492 SF			
Meat Processing Plant	Daily		392	196	196
ITE Land Use Code 140	AM Peak Hour		46	35	11
Manufacturing	PM Peak Hour		49	15	34
Proposed Condition		26,000 SF			
Delivery Station	Daily		574	287	287
User Defined - See Attachment A	AM Peak Hour		1	0	1
	PM Peak Hour		35	23	12
DIFFERENCE	**Daily**		**182**	**91**	**91**
	AM Peak Hour		**(45)**	**(35)**	**(10)**
	PM Peak Hour		**(14)**	**8**	**(22)**

4.18 Tribal Cultural Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California			X	
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?			X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			X	

Previously unknown and/or unrecorded archeological deposits could be discovered during ground disturbing construction activities. Project implementation activities such as project site clearing, preparation, excavation, grading, trenching, boring etc. could potentially encounter buried tribal resources. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, as possessing traditional or cultural significance to the Native American or other descendant communities, would be materially impaired. The project would be required to comply with the General Plan goals and policies, which include direction for the protection of such resources. However, future ground-disrupting activities within the project site could have the potential to uncover and damage or destroy unknown resources. Implementation of the Standard Permit Conditions

listed in the Section 4.5, Cultural Resources, would reduce the project's potential impact to uncover and damage or destroy unknown tribal cultural resources to a less than significant level.

Assembly Bill (AB) 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency.

At the time of project application submittal and beginning of the CEQA review process in April 2021, no Native American tribes that are or have been traditionally culturally affiliated with the project vicinity had requested notification from the City of San José. Interest by previously recognized tribes has typically been for projects within the Coyote Valley (approximately 22 miles southeast of the site) or in downtown San José (approximately 5.5 miles south of the site). However, the City did receive a response from tribal representatives of the Tamien Nation on August 16, 2021, requesting formal consultation pursuant to AB 52. Based on this request, the City is currently in consultation with the representative.

4.19 Utilities and Service Systems

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
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?				X
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?				X
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X

The project site is located within the Urban Service Area of the City of San José and is currently served by City services. Off-site facilities would not be required to be upgraded or expanded to serve the project. Water service to the project site is currently provided by San José Water Company (SJWC) by a connection to an existing water main along Old Bayshore Highway and would continue to supply the project site. The proposed project would be consistent with planned growth in the General Plan, in that it would be consistent with the type of development planned for this area in the General Plan. Based on on-site employee numbers, the project is not of the scope or scale to result in a significant water demand that

would result in or require construction of new or expanded water facilities. Further, the project is within the bounds of maximum build out considered by the General Plan, therefore, the project demand is within normal growth projections for water demand in the SJWC system.

Sewer services would continue to be provided by the City of San José. As part of the proposed project, the sewer pipelines would be installed to connect to an existing 12-inch main located along Old Bayshore Highway. The San José-Santa Clara Regional Wastewater Facility (RWF) in Alviso is the regional wastewater treatment facility that provides wastewater treatment services for the project area. Since the project is within the bounds of the maximum build out considered by the General Plan the project would not increase wastewater generation beyond what was previously analyzed in the General Plan EIR, and treatment capacity of the San José-Santa Clara RWF would not be exceeded as a result of the proposed project.

Storm drainage infrastructure to serve the project site would be installed to connect to an existing 12-inch storm main located along Old Bayshore Highway. As discussed in Section 4.10, Hydrology and Water Quality, implementation of the proposed project would decrease impervious surfaces on-site with the installation of new trees and landscaping. With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would not require or result in the relocation or construction of new stormwater drainage facilities and there would be no impact caused by the construction of those facilities.

As the project site is currently operating as an existing industrial use building and is surrounded by urban uses, infrastructure on the project site is already established. PG&E is the main electricity and natural gas provider for the City of San José and would continue to provide these services for the proposed project as needed. Telecommunications would continue to be provided by AT&T, Comcast, Viasat, Frontier, and Spectrum.

The General Plan EIR concluded that the increase in solid waste generated by full buildout under the General Plan would not cause the City to exceed the capacities of the operating landfills that serve the City. Solid waste generation from implementation of the proposed project would be avoided with the ongoing implementation of the City's Zero Waste Strategic Plan. Compliance with the General Plan policies, existing regulations, and local programs would ensure that the proposed project would not result in significant impacts to water, wastewater, and landfill capacities to accommodate the City's increased service population. Therefore, there would be no impact. For these reasons, the proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities and there would be no impact.

4.20 Wildfire

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
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?				X
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?				X
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?				X

The project site is located within an urban area and is predominately surrounded by industrial uses. The proposed project is not located within a “Very High Fire Hazard Safety Zone” or an area subject to risks related to wildfires. Thus, no impact related to wildfires would occur.

4.21 Mandatory Findings of Significance

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Does the project:				
a) 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?			X	
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)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Discussion

a) Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or

animal or eliminate important examples of the major periods of California history or prehistory?

Less than Significant Impact. As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified Standard Permit Conditions and mitigation measures. As discussed in Section 4.4, Biological Resources, the proposed project would not have a significant impact on sensitive habitat or species.

As identified in Section 4.5, Cultural Resources, the proposed project would not have potentially significant impact on historic, cultural, or tribal cultural resources located on the project site. The proposed project would result in a less than significant impact on cultural resources.

As described in the environmental topic sections of this Initial Study, impacts were found to be less than significant, and the proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

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

Less than Significant Impact. Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The proposed project could result in temporary air quality, water quality, and noise impacts during construction. However, with the implementation of the identified mitigation measures, Conditions of Project Approval, and Standard Permit Conditions, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. As the identified impacts are would be mitigated, the project would not have cumulatively considerable impacts in the project area.

Implementation of the proposed project would result in the demolition of the existing industrial buildings on site. The project would also contribute to the continued urbanization of the project area.

The proposed project would have a less than significant impact with mitigation on hazards and hazardous materials. The proposed project would have less than significant impacts on aesthetics, air quality, biology, cultural, energy, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, noise, public services, transportation, tribal cultural resources, and utilities and service systems, and would not contribute to cumulative impacts to these resources. The proposed project would not impact population and housing, recreation, agricultural and forest resources, mineral resources, transportation, or wildfire. Therefore, the proposed project would not contribute to a significant cumulative impact on these resources.

The General Plan EIR determined that there is a significant cumulative transportation impact under full build out of the General Plan. The project would not, however, would not contribute to the cumulative transportation impact because it would have no significant effects under CEQA.

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

Less than Significant Impact. Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the proposed project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction impacts related to air quality, hazardous materials and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

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