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DRAFT
1436 State Street Project
File No. SP-18-058
Initial Study
City of San José, Santa Clara County, California

Prepared for:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

City of San José
Planning Division
200 East Santa Clara Street
Tower, 3rd Floor
San José, CA 95113

Prepared by:

FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597
925.357.2562

Contact: Mary Bean, Project Director
Tsui Li, Project Manager

Report Date: September 3, 2021

MITIGATED NEGATIVE DECLARATION

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

PROJECT NAME: 1436 State Street Project

PROJECT FILE NUMBER: SP18-058/ER21-110

PROJECT DESCRIPTION: Special Use Permit for improvements to the interior of the existing 3,000-square-foot metal building, construction of a new 635-square-foot utility building, installation of new storage tanks, and re-paving of the site. The proposed project would also include the installation of new landscaping along project boundaries and the creation of new parking areas on the 0.98-acre project site.

PROJECT LOCATION: 1436 State Street, San Jose.

ASSESSORS PARCEL NO.: 015-11-056, 015-11-085, 015-11- 094
COUNCIL DISTRICT: 4

APPLICANT CONTACT INFORMATION: Pacific Surfacing, Inc. (ATTN: Clay Laucella); 2066 Warm Springs Court, Fremont, CA 94539; 510-440-9494; claucella@pacificsurfacing.com

FINDING

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

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

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

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

C. **AIR QUALITY.**

Impact AIR-1: DPM emissions related to project construction would result in an exceedance of BAAQMD cancer risk thresholds.

MM AIR-1: All off-road equipment equal to or greater than 50 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities. The Project Applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval, prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

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

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

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

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

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

I. HAZARDS AND HAZARDOUS MATERIALS.

Impact HAZ-1: Potential contamination could be discovered during the course of grading activities.

MM HAZ-1: Prior to issuance of a Grading Permit, a Site Management Plan (SMP) shall be prepared by a qualified environmental professional to reduce or eliminate exposure risk to human health and the environment and construction worker health. The SMP will specifically address potential risks associated with the potential presence of contaminated soils associated with the site's history.

- At a minimum, the SMP shall include the following:
- Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of Best Management Practices (BMPs)
- Proper disposal procedures of contaminated materials
- Monitoring, reporting, and regulatory oversight notifications

- A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.

The SMP shall be submitted to the City of San Jose Director of Planning, Building and Code Enforcement or Director's Designee and the Environmental Compliance Officer of Department of Environmental Services Department for review prior to issuance of any grading permits.

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

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

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

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

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

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

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

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

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

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

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

U. MANDATORY FINDINGS OF SIGNIFICANCE.

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-

significant impacts on riparian habitat or other sensitive natural communities, migration of species, or applicable biological resources protection ordinances. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Monday, October 4, 2021** any person may:

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

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

CHRISTOPHER BURTON, Director
Planning, Building and Code Enforcement

8/31/2021
Date

Deputy

Thai-Chau Le
Environmental Project Manager

Circulation period: September 3, 2021 to October 4, 2021

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Acronyms and Abbreviations

µg/m^3	micrograms per cubic meter
AB	Assembly Bill
ABAG	Association of Bay Area Governments
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
AERMOD	American Meteorological Society/Environmental Protection Agency Regulatory Model
Air Basin	San Francisco Bay Air Basin
APN	Assessor's Parcel Number
AQP	Air Quality Plan
ARB	California Air Resources Board
ATCM	Air Toxic Control Measures
BAAQMD	Bay Area Air Quality Management District
BMP	Best Management Practice
CAAQS	California Ambient Air Quality Standards
Cal/EPA	California Environmental Protection Agency
CalEEMod	California Emissions Estimator Model
Caltrans	California Department of Transportation
CBC	California Building Standards Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CGS	California Geologic Survey
CMP	Congestion Management Plan
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CPUC	California Public Utilities Commission
CWA	Clean Water Act
dB	decibel
dBA	A-weight decibel
DNL	Day-Night Level
DPM	diesel particulate matter
DTSC	California Department of Toxic Substances Control

ECHO	Enforcement and Compliance History Online Database
EIR	Environmental Impact Report
EMFAC	Emissions Factors mobile source emissions model
EMS	Emergency Medical Services
EPA	United States Environmental Protection Agency
ESA	Environmental Site Assessment
FAH	Fraction of time At Home
FCS	FirstCarbon Solutions
FEMA	Federal Emergency Management Agency
FINDS	Facility Index System
FIRM	Flood Insurance Rate Map
FTA	Federal Transit Administration
GHG	greenhouse gas
GHGRS	Greenhouse Gas Reduction Strategy
GIS	Geographic Information System
HARP2	Hotspots Analysis and Reporting Program
HRA	Health Risk Assessment
HVAC	heating, ventilation, and air conditioning
in/sec	inches per second
IS	Initial Study
IS/MND	Initial Study/Mitigated Negative Declaration
ISO	Independent System Operator
ITE	Institute of Transportation Engineers
IWMP	Integrated Waste Management Plan
kBTU	kilo-British Thermal Unit
kW	kilowatts
kWh	kilowatt-hour
lbs	pounds
LEED™	Leadership in Energy and Environmental Design
L_{eq}	equivalent continuous noise level
$L_{eq(h)}$	hourly average noise level
LEV	Low Emission Vehicle
LI	Light Industrial
L_{max}	maximum sound level
LOS	Level of Service
LRT	Light Rail Transit
LTA	Local Transportation Analysis
mgd	million gallons per day
MIR	Maximally Impacted Sensitive Receptor

MLD	Most Likely Descendant
MM	Mitigation Measure
MRZ	Mineral Resource Zone
MT CO_2e	metric tons of carbon dioxide equivalent
MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
NHTSA	National Highway Traffic Safety Administration
NO_2	nitrogen dioxide
NO_X	nitrogen oxides
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
OEHHA	California Office of Environmental Health Hazard Assessment
OPR	Governor's Office of Planning and Research
PBCE	Planning, Building and Code Enforcement
PG&E	Pacific Gas and Electric Company
PM	particulate matter
PM_{10}	particulate matter 10 micrometers or less in diameter
$PM_{2.5}$	particulate matter 2.5 micrometers or less in diameter
ppm	parts per million
PPV	peak particle velocity
PQP	Public/Quasi-Public District
RCRA	Resource Conservation and Recovery Act
REL	Reference Exposure Level
RFID	Radio Frequency Identification
rms	root mean square
ROG	reactive organic gases
RPS	Renewables Portfolio Standard
RWF	Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SLCP	Short-Lived Climate Pollutant
SMP	Site Management Plan
SO_2	sulfur trioxide
SO_X	sulfur oxides
SR	State Route
State Water Board	California State Water Resources Control Board
SU	single unit
SWPPP	Storm Water Pollution Prevention Plan

TAC	toxic air contaminant
TDM	Transportation Demand Management
USDA	United States Department of Agriculture
USFWS	United State Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
VdB	vibration in decibels
VMT	Vehicle Miles Traveled
VOC	volatile organic compound
VTA	Santa Clara Valley Transportation Authority
ZEV	Zero Emission Vehicle

SECTION 1: INTRODUCTION

1.1 - PURPOSE

The purpose of this Initial Study is to identify any potential environmental impacts from implementation of the 1436 State Street Project (proposed project) in the City of San José, California. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15367, the City of San José is the Lead Agency in the preparation of this Initial Study, including any additional environmental documentation. The City of San José has discretionary authority over the proposed project.

Pacific Surfacing, Inc. (Project Applicant) is proposing to reoccupy an existing 3,000-square-foot metal building on an existing metal scrap and recycling site, construct a new 635-square-foot utility building on-site, install new storage tanks, repave the site, install new landscaping along project boundaries, and provide new parking areas.

The intended use of this document is to provide decision-makers with relevant environmental information to use in considering whether to approve the proposed project. The Project Applicant would require the following discretionary approval to implement the proposed project:

- Special Use Permit

Subsequent ministerial actions after approval would be required for the implementation of the proposed project including building permits, grading, landscape improvements, and Lot Line Adjustment.

1.1.1 - Public Review Period

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

Environmental Review Planner
Thai-Chau Le, Planner
Environmental Planning, City of San José
Planning, Building and Code Enforcement
Phone: 408.535.5658
Email: Thai-Chau.Le@sanjoseca.gov

1.1.2 - Consideration of the Initial Study and Proposed Project

Following the conclusion of the public review period, the City will consider the adoption of the Initial Study for the proposed project at a regularly scheduled meeting. The City shall consider the Initial Study together with any comments received during the public review process. Upon adoption of the Initial Study, the City may proceed with project approval actions.

1.2 - DOCUMENT ORGANIZATION

Section 2, Project Information, of this document provides the project location, environmental setting of the subject property, and the characteristics of the proposed project. Section 3, Setting, Environmental Checklist and Impacts, includes an environmental checklist giving an overview of the potential impacts that may result from project implementation. Section 3 also provides a discussion that elaborates on the information contained in the environmental checklist, along with justification for the responses provided in the environmental checklist.

SECTION 2: PROJECT INFORMATION

2.1 - PROJECT TITLE AND FILE NUMBER

1436 State Street Initial Study
File Number SP-18-058

2.2 - PROJECT LOCATION

1436 State Street, San José, California 95002

2.3 - LEAD AGENCY CONTACT

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

Environmental Review Planner
Thai-Chau Le, Planner
Environmental Planning, City of San José
Planning, Building and Code Enforcement
Phone: 408.535.5658
Email: Thai-Chau.Le@sanjoseca.gov

2.4 - PROPERTY OWNER/PROJECT APPLICANT

Property Owner: Laucella Holdings, LLC.
Project Applicant: Pacific Surfacing, Inc., 2066 Warm Springs Court, Fremont, California 94539

2.5 - ASSESSOR'S PARCEL NUMBERS

APNs 015-11-056, 015-11-085, 015-11-094

2.6 - ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

2.6.1 - Existing

Zoning: Light Industrial "LI"
General Plan Designation: Light Industrial
General Plan Planned Growth Area: Alviso Master Plan

2.6.2 - Proposed

No changes are proposed to either the zoning or General Plan land use designation.
Zoning: Light Industrial "LI"
General Plan Designation: Light Industrial
General Plan Planned Growth Area: Alviso Master Plan

2.7 - PROJECT-RELATED APPROVALS, AGREEMENTS AND PERMITS

The proposed project would require the following discretionary approvals and ministerial actions:

- Special Use Permit
- Grading Permit
- Building Permit
- Other Public Works clearances, as applicable
- Lot Line Adjustment

2.8 - HABITAT PLAN DESIGNATION

The project site is not located within the Santa Clara Valley Habitat Plan or a designated habitat plan study area.[1]

2.9 - PROJECT LOCATION

The project site is located at 1436 State Street, in the Alviso neighborhood in the City of San José, in Santa Clara County, California (Figure 1). Site access is via State Street. The 0.97-acre, rectangular-shaped project site (Assessor's Parcel Numbers [APNs] 015-11-056, 015-11-085, 015-11-094) is bound to the east, north, and west by light industrial uses and to the south by residential uses (Figure 2). The project site is located in the *Milpitas, California* United States Geological Survey (USGS) 7.5-minute Topographic Quadrangle Map.

2.10 - ENVIRONMENTAL SETTING

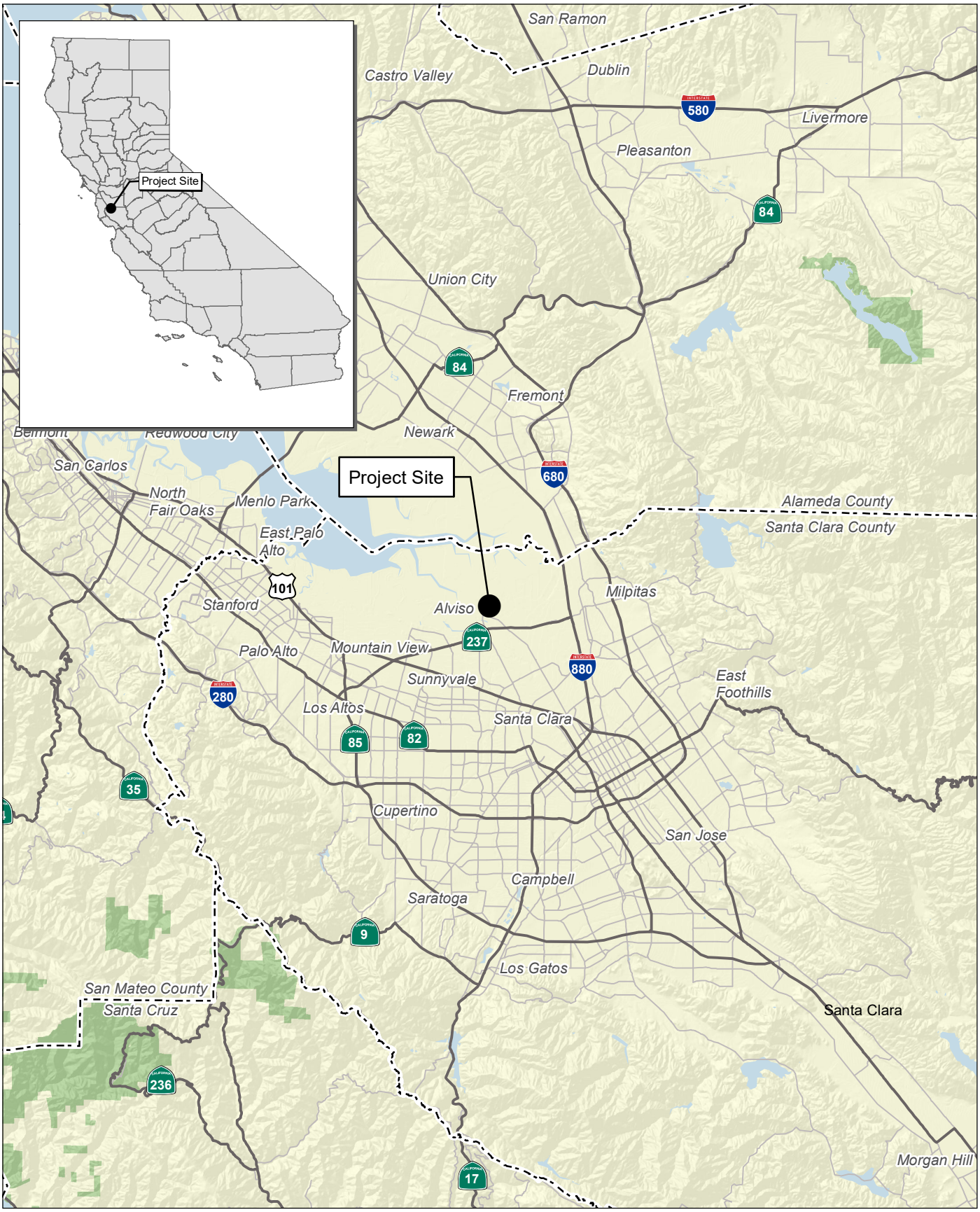
2.10.1 - Site History

The project site was undeveloped until 1955 when the northern portion of the site was developed as part of the Alviso Speedway. The Alviso Speedway was a racetrack used for automobile racing that operated through the 1960s. The project site consisted of vacant land until 1974 when the current light industrial building was developed. Since 1974, the project site configuration has remained relatively unchanged. Various businesses have previously occupied the project site including a woodworking business in the 1970s and 1980s, and a machine shop in the late 1980s and early 1990s. The project site was occupied by Metals West since the 1990s.[2] Metals West has since sold the project site and the site has been cleared except for the single-story metal building. The project site and the metal building on the project site are currently vacant and unoccupied.

2.10.2 - Land Use and Zoning Designations

The project site is designated Light Industrial in the Envision San José 2040 General Plan Land Use/Transportation Diagram and is zoned Light Industrial by the San José Zoning Ordinance. Additionally, the project site is designated Growth Area in the Alviso Master Plan.

[1] Santa Clara Valley Habitat Agency. Key Maps. Website: https://scv-habitatagency.org/228/Key-Maps. Accessed April 21, 2020.
[2] Odic Environmental. 2018. Phase I Environmental Site Assessment, page 40.



Source: Census 2000 Data, The CaSIL

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5 2.5 0 5 Miles

Figure 1
Regional Location Map

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Source: Google Earth Aerial Imagery, 2018.

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400 200 0 400

Feet

Figure 2
Local Vicinity Map

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2.10.3 - Surrounding Land Uses

West

Light industrial uses are located adjacent to the west of the project site. These light industrial uses continue along State Street until Liberty Street.

North

Light industrial uses, including Bayscape Landscape Management, are located directly adjacent to the north of the project site. Further to the north is mostly open space areas that are within the Don Edwards San Francisco Bay National Wildlife Refuge.

East

Directly to the east of the project site are light industrial uses. Further to the east across Pacific Avenue is undeveloped land and open space.

South

Residential uses are located to the south of the project site.

2.10.4 - Existing Development and Land Use Activities

The existing project site contains a single-story metal industrial building that is vacant and empty. The existing building is an 18-foot-tall, 3,000-square-foot metal building located on the southwestern portion of the project site. No other structures are present on the project site. The remainder of the site consists of virgin base rock and native soils with a small patch of asphalt adjacent to the sidewalk along State Street.

2.11 - PROJECT DESCRIPTION

2.11.1 - Site Design

The proposed project includes improvements to the interior of the existing 3,000-square-foot metal building, construction of a new 635-square-foot utility building, installation of new storage tanks, and re-paving of the site. The proposed project would also include the installation of new landscaping along project boundaries and the creation of new parking areas on the 0.98-acre project site (Figure 3).

The proposed 635-square-foot utility building composed of a new employee locker and changing room with attached restroom. Adjacent to the utility building the proposed project would include an attached tool storage enclosure, a new trash bin enclosure, 500-gallon propane tank, and an asphalt sealant tank. The asphalt sealant tank would include containment walls provided with spill collection, overfill alarm, and other safety features as required by the California Fire Code and California Building Standards Code (CBC).

Interior improvements would include an open office and entry area, four office rooms, two restrooms, a storage room, and warehouse (Figure 4). No new exterior work, doors, or windows would be included on the existing building and all existing doors would continue to be used for

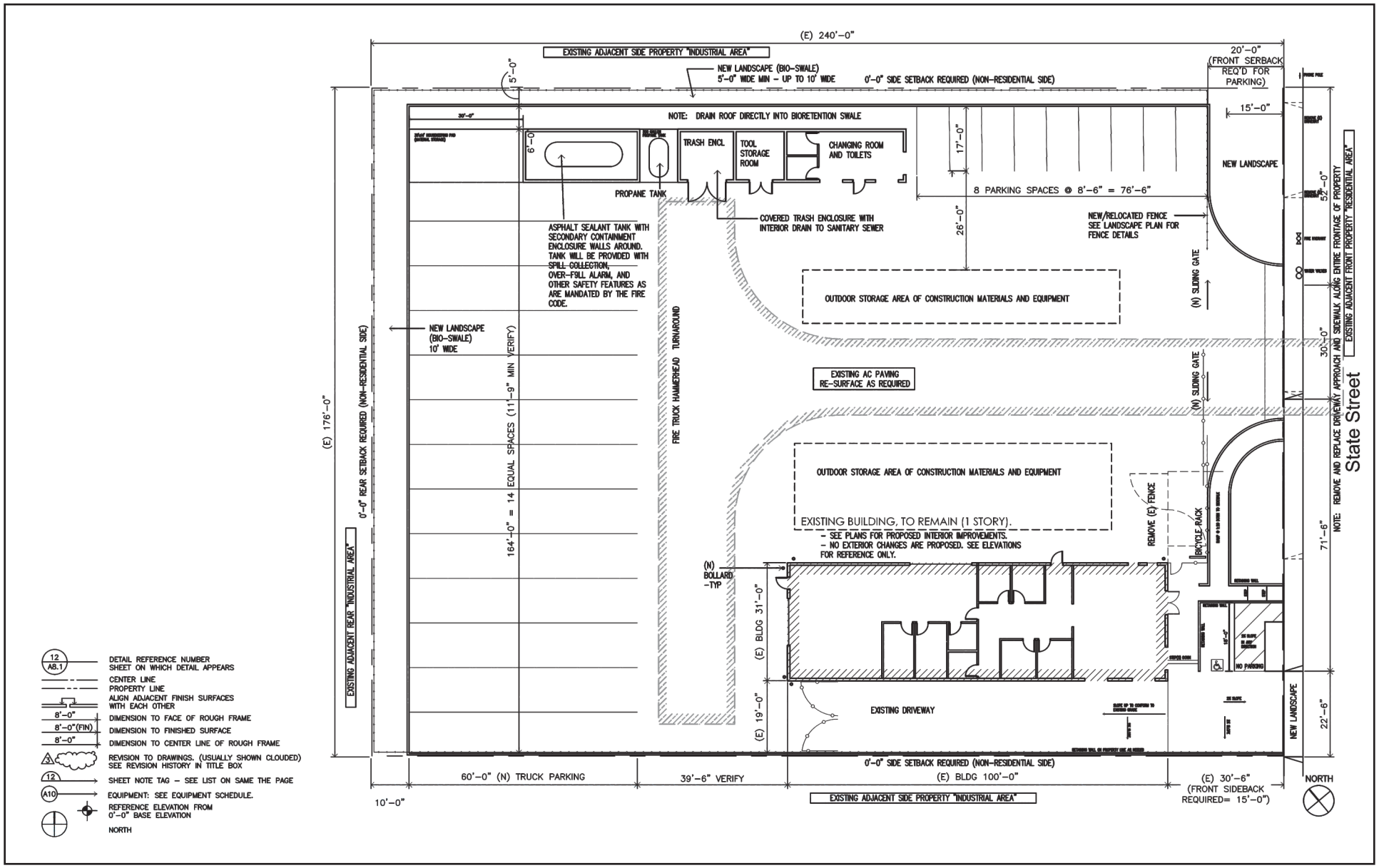
building access (Figure 5). The corporation yard would be used for vehicle parking and equipment storage.

The project site would be accessed by the existing driveway on State Street, which would be improved as part of the proposed project. The proposed project would include setbacks on all boundaries consistent with the San José Zoning Ordinance in order to ensure compatible use with adjacent land uses.

The proposed project would repave the entire site, include new parking space striping, new exterior storage equipment areas, re-configure the existing fencing, include new sliding gates at the site entrance, and remove and replace the driveway and sidewalks on the project frontage with State Street. The proposed project would improve the project site frontages with State Street, Pacific Avenue (Figure 6). In addition, as shown in Figure 6, the proposed project would include stormwater bioretention swales along the southern, eastern, and northern project boundaries.

The proposed project would include eight standard automobile parking spaces and one Americans with Disabilities Act (ADA) handicap accessible parking space in the front of the project site adjacent to State Street. In addition, the proposed project would include 14 company truck parking stalls in the northern portion of the project site.

The proposed project would include new landscaping along the northern, eastern, and southern boundaries. New landscaping would include drought tolerant plant species, such as marina strawberry tree, blue California rush, and variegated mock orange, with initial sizes ranging from 1-gallon to 15-gallon. The project site is currently unvegetated; no vegetation would be removed from the project site. The proposed project would include new, 6-foot-tall wrought iron fence along the State Street frontage and chain link fencing around the rest of the site perimeter.



Source: Wayne Renshaw Architect, 8/7/2019.

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Figure 3
Project Site Plan

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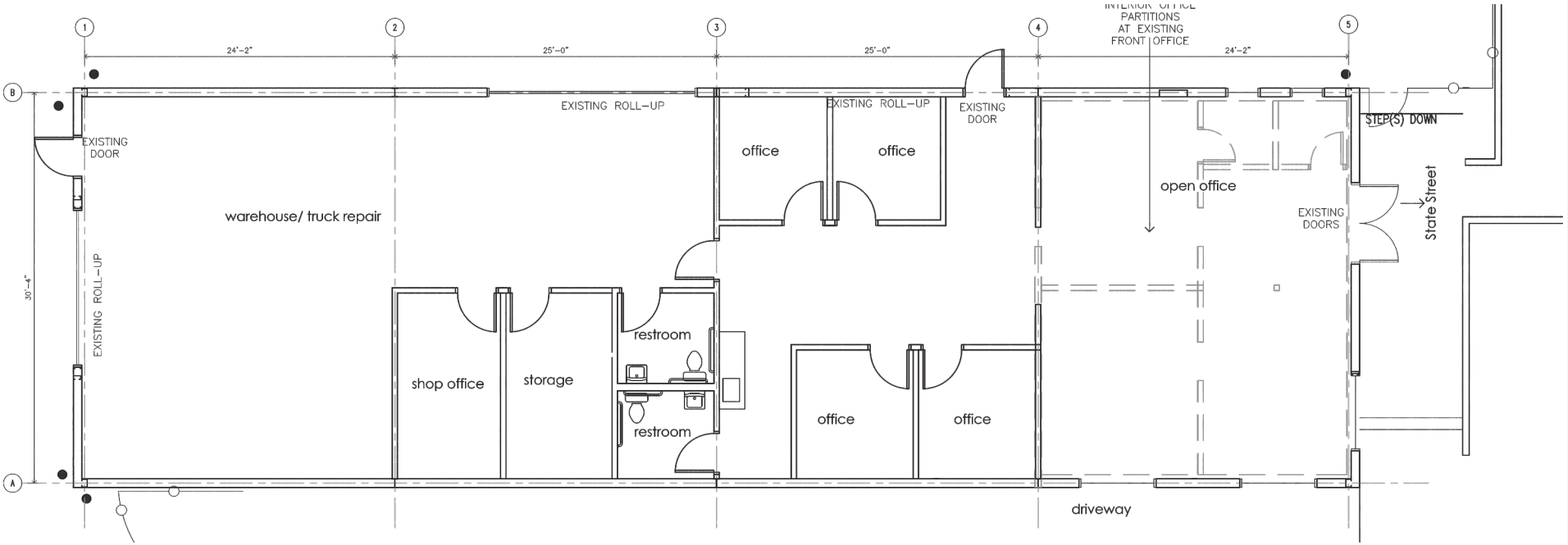

Source: Wayne Renshaw Architect, 8/7/2019.

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Figure 4
Improvements To Interior of Existing Building

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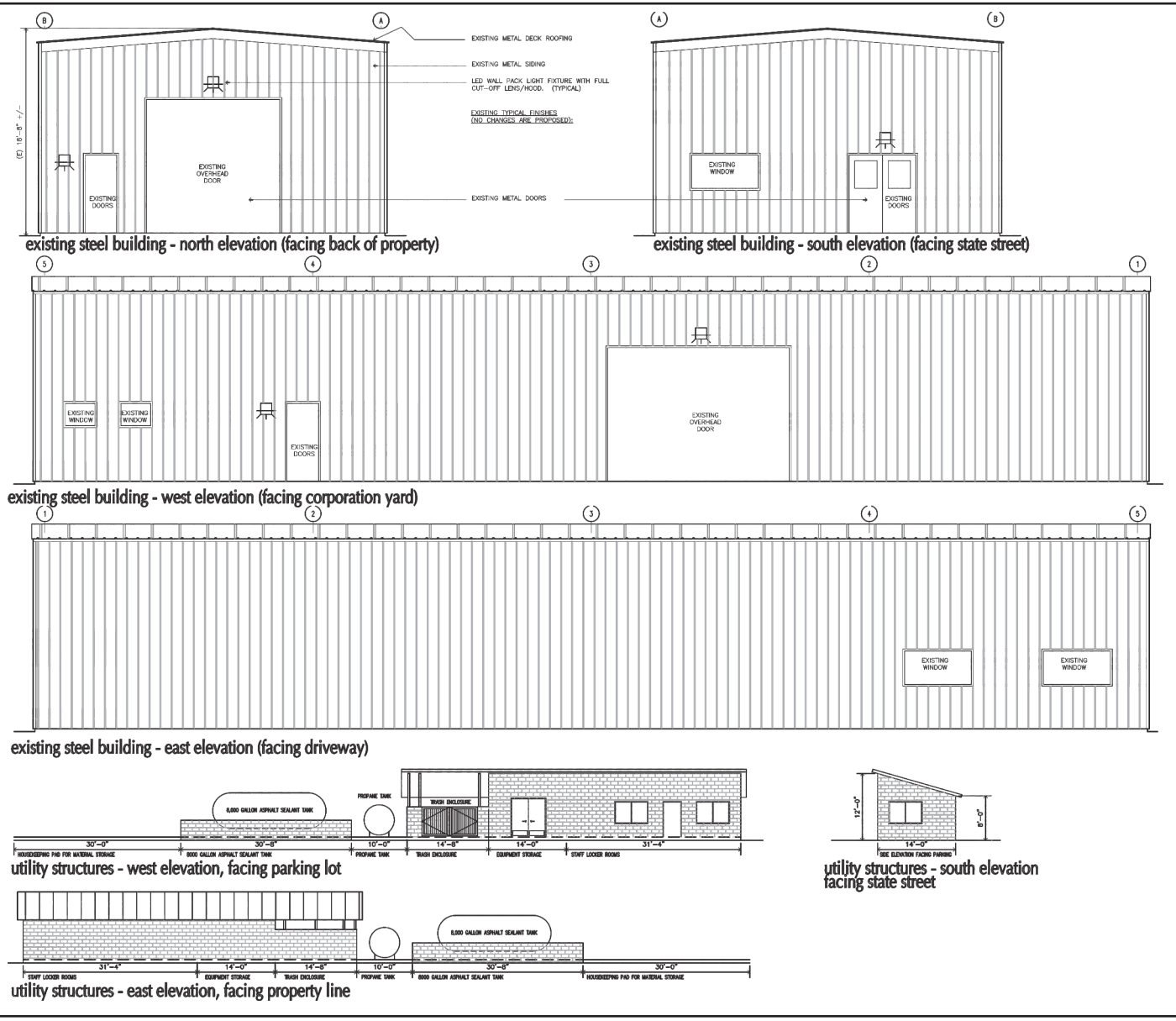

Source: Wayne Renshaw Architect, 8/7/2019.

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Figure 5
Building Elevations

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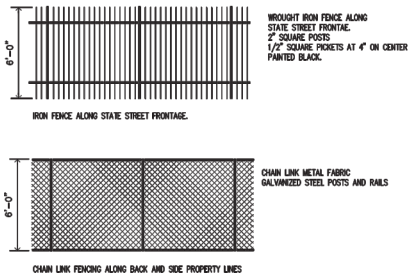
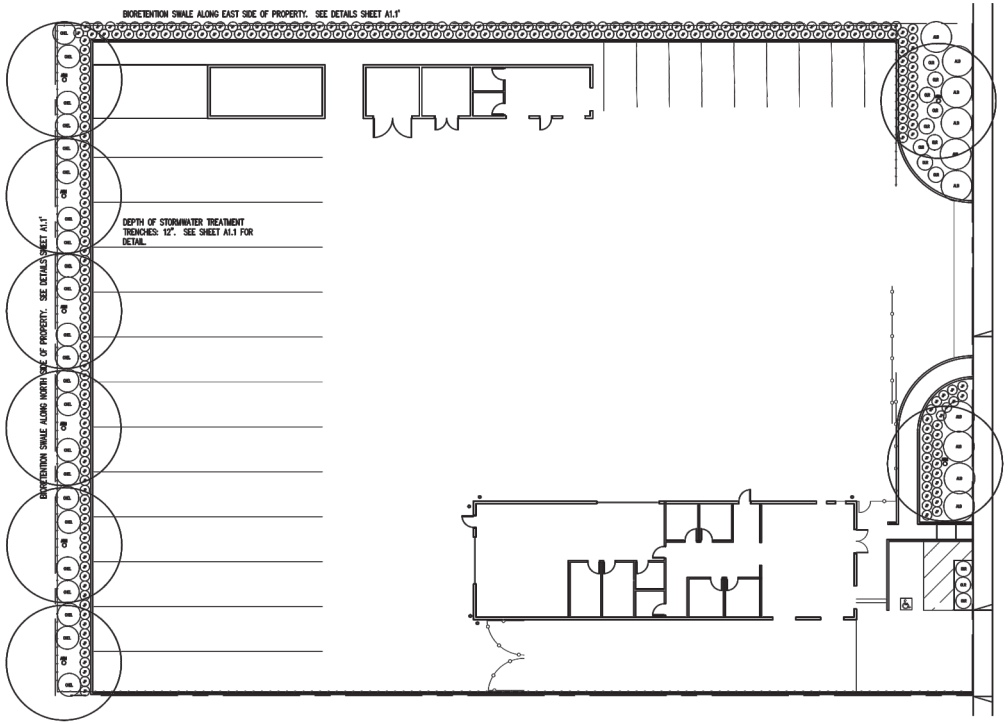


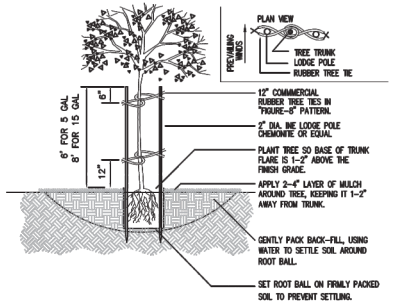
landscape notes

G1. TILL SOIL TO A DEPTH OF 12" WHERE NEW PLANTINGS ARE SPECIFIED.
G2. AMEND SOIL WITH THE FOLLOWING:
A. REDWOOD COMPOST, AT A RATIO OF 2 PARTS SOIL TO 1 PART COMPOST.
B. CORN GLUTEN PRE-EMERGENT HERBICIDE (BIO-WEED OR EQUIVALENT), AT A RATIO OF 40 LBS. PER 1000 SQUARE FEET.
G3. SLOPE SOIL LEVEL IN PLANTING BEDS AWAY FROM ADJACENT BUILDINGS AT 2% MINIMUM. SOIL LEVEL AFTER TILLING AND PLANTING SHALL BE 3" ABOVE GRADE TO OFFSET FUTURE SETTLING. REMOVE REMAINDER FROM SITE.
G4. COVER ALL PLANTING BEDS WITH 2" LAYER OF ARBOR MULCH. KEEP MULCH AT LEAST 1 FOOT AWAY FROM ALL TREE TRUNKS TO PREVENT DISEASE.
G5. CONTRACTOR SHALL BUILD NEW IRRIGATION SYSTEM ON A DESIGN-BUILD BASIS. TIE IN NEW WORK TO EXISTING IRRIGATION LINES. WORK SHALL INCLUDE NEW IRRIGATION HEADS, CONTROLLERS, VALVES, ETC., AS NEEDED. WHERE APPROPRIATE, USE DRIPLINE IRRIGATION IN SHRUB BORDERS TO AVOID PROBLEMS WITH BLOCKED SPRAY AND OVERSPRAY. CONTRACTOR SHALL VERIFY THE SCOPE OF WORK PRIOR TO BIDDING.
G6. FIELD VERIFY EXISTING CONDITIONS PRIOR TO BIDDING.

general notes



landscape plan 1



tree planting detail 8

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
ARM	ARBUTUS 'MARINA'	MARINA STRAWBERRY TREE	15 GAL	STANDARD, NOT MULTI TRUNK
CHE2	CHONDROPETALUM ELEPHANTITUM	LARGE CAPE RUSH	5 GAL.	
OLR	NERIUM OLEANDER 'LITTLE RED'	LITTLE RED OLEANDER	5 GAL.	
ALB	ACACIA REDOLENS 'LOW BOY'	PROSTRATE ACACIA	1 GAL.	SPREADS 10-15 FT.
PITT	PITTOSPORUM TOBIRA 'VARIEGATA'	VARIEGATED MOCK ORANGE	5 GAL.	
JP	JUNCUS PATENS 'ELK BLUE'	BLUE CALIFORNIA GRAY RUSH	1 GAL.	

plant schedule 4

Source: Wayne Renshaw Architect, 8/7/2019.

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Figure 6
Landscape Plan

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SECTION 3: EVALUATION OF ENVIRONMENTAL IMPACTS

This section describes environmental impacts related to the following environmental subjects in their respective subsections:

3.1 Air Quality
3.2 Greenhouse Gas Emissions
3.3 Energy
3.4 Hazards and Hazardous Materials
3.5 Noise
3.6 Transportation

The discussion for each environmental subject includes the following subsections.

- **Environmental Checklist**–The environmental checklist, as recommended by CEQA, identifies environmental impacts that could occur if the proposed project is implemented. The right-hand column of the checklist lists the source(s) for the answer to each question. The sources are identified at the end of this section. The environmental checklist is included in the discussion of Sections 3.1 to 3.6 listed above.
- **Impact Discussion**–This subsection discusses the proposed project's impact as it relates to the environmental checklist questions. Mitigation measures are identified for all significant project impacts. Mitigation Measures are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines § 15370).

Other Environmental Topics–This subsection discusses the proposed project's impacts on the environment for the following topics: aesthetic resources, agricultural and forestry resources, biological resources, cultural/tribal resources, geology and soils, hydrology and water quality, land uses and planning, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire.

Note to the Reader: In a December 2015 opinion (*California Building Industry Association [CBIA] v. BAAQMD*, 62 Cal. 4th 369 (No. S 213478)), the California Supreme Court confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment and not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

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

3.1 - AIR QUALITY

Environmental Setting

Air Pollutants

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the Air Basin. The major determinants of transport and dilution are wind, atmospheric stability, terrain and, for photochemical pollutants, sunlight. Based on federal and State regulations, six major criteria pollutants have been identified: carbon monoxide (CO), nitrogen oxides (NO_X), ozone, particulate matter (PM_{10} and $PM_{2.5}$), sulfur oxides (SO_X), and lead.

Air pollutants relevant to the CEQA checklist questions for Air Quality are briefly described below.

- Ozone is a gas that is formed when reactive organic gases (ROG) and NO_X—both byproducts of internal combustion engine exhaust—undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, light wind, and warm temperature conditions are conducive to its formation. Health effects can include, but not be limited to, irritated respiratory system, reduced lung function, and aggravated chronic lung diseases.
- ROG, or volatile organic compounds (VOCs), are defined as any compound of carbon—excluding CO, carbon dioxide (CO_2), carbonic acid, metallic carbides or carbonates, and ammonium carbonate—that participates in atmospheric photochemical reactions. Although there are slight differences in the definition of ROG and VOCs, the two terms are often used interchangeably.
- Nitrogen dioxide (NO_2) forms quickly from NO_X emissions. Health effects from NO_2 can include the following: potential to aggravate chronic respiratory disease and respiratory symptoms in sensitive groups; risk to public health implied by pulmonary and extra-pulmonary biochemical and cellular changes and pulmonary structural changes; contribution to atmospheric discoloration; increased visits to hospital for respiratory illnesses.
- CO is a colorless, odorless gas produced by the incomplete combustion of fuels. CO concentrations tend to be the highest during the winter morning, with little to no wind, when surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines—unlike ozone—and motor vehicles operating at slow speeds are a primary source of CO in the Santa Clara County region, the highest ambient CO concentrations are generally found near congested transportation corridors and intersections. Potential health effects from CO depends on exposure and can include slight headaches; nausea; aggravation of angina pectoris (chest pain) and other aspects of coronary heart disease; decreased exercise tolerance in persons with peripheral vascular disease and lung disease; impairment of central nervous system functions; possible increased risk to fetuses; death.
- SO_X include sulfur dioxide (SO_2) and sulfur trioxide. SO_2 is a colorless, pungent gas. At levels greater than 0.5 parts per million (ppm), the gas has a strong odor, similar to rotten eggs. Sulfuric acid is formed from SO_2, which can lead to acid deposition and can harm natural

resources and materials. Although SO_2 concentrations have been reduced to levels well below State and federal standards, further reductions are desirable because SO_2 is a precursor to sulfate and PM_{10}.

- Respirable Particulate Matter (PM_{10}) and Fine Particulate Matter ($PM_{2.5}$) consist of extremely small, suspended particles or droplets 10 microns and 2.5 microns or smaller in aerodynamic diameter. Some sources of particulate matter (PM), like pollen and windstorms, are naturally occurring. However, in populated areas, most PM is caused by road dust, diesel soot, combustion products, abrasion of tires and brakes, and construction activities. Health effects from short-term exposure (hours/days) can include the following: irrigation of the eyes, nose, throat; coughing; phlegm; chest tightness; shortness of breath; aggravate existing lung disease, causing asthma attacks and acute bronchitis; those with heart disease can suffer heart attacks and arrhythmias. Health effects from long-term exposure can include the following: reduced lung function; chronic bronchitis; changes in lung morphology; or death.
- Toxic air contaminants (TACs) refer to a diverse group of air pollutants that can affect human health but have not had ambient air quality standards established for them. Diesel particulate matter (DPM) is a TAC that is emitted from construction equipment and diesel fueled vehicles and trucks. Some short-term (acute) effects of DPM exposure include eye, nose, throat, and lung irritation, coughs, headaches, light-headedness, and nausea. Studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Human studies on the carcinogenicity of DPM demonstrate an increased risk of lung cancer, although the increased risk cannot be clearly attributed to diesel exhaust exposure.

Sensitive Receptors

The Bay Area Air Quality Management District (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. These facilities include residences, school playgrounds, child-care centers, retirement homes and convalescent homes. The proposed project is surrounded by urban uses, including residential and commercial land uses (refer to Figure 2 of this Initial Study). Existing sensitive receptors are located within 1,000 feet of the project site in all directions. The closest existing sensitive receptors include the following:

- The residential neighborhood approximately 40 feet to the southeast, immediately across State Street

Applicable Plans, Policies and Regulations

Federal Clean Air Act

The Federal Clean Air Act establishes pollutant thresholds for air quality in the United States and the United States Environmental Protection Agency (EPA) administers it at the federal level. The EPA is responsible for establishing the National Ambient Air Quality Standards (NAAQS), which are required under the Federal Clean Air Act and have been established for six major air pollutants: CO, NO_X, ozone, PM_{10}, $PM_{2.5}$, SO_X, and lead.

California Clean Air Act

In addition to being subject to federal requirements, California has its own more stringent regulations under the California Clean Air Act, which is administered by the California Air Resources Board (ARB) at the State level under the California Environmental Protection Agency (Cal/EPA). The ARB is responsible for meeting the State requirements of the Federal Clean Air Act, administering the California Clean Air Act, and establishing the California Ambient Air Quality Standards (CAAQS). The California Clean Air Act requires all air districts in the State to achieve and maintain CAAQS.

Clean Air Plan

The BAAQMD is primarily responsible for assuring that the NAAQS and CAAQS are attained and maintained in the San Francisco Bay Air Basin (Air Basin). Santa Clara County, and the Bay Area as a whole, is classified as a non-attainment area for the 8-hour ozone and $PM_{2.5}$ NAAQS and non-attainment for the ozone, PM_{10}, and $PM_{2.5}$ CAAQS. The County is either in attainment or unclassified for other pollutants.

Regional air quality management districts, such as the BAAQMD, must prepare Air Quality Plans (AQPs) specifying how State air quality standards would be met. The BAAQMD's most recently adopted AQP is the *2017 Clean Air Plan: Spare the Air, Cool the Climate*. The 2017 Clean Air Plan focuses on two closely related BAAQMD goals, protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how the BAAQMD will continue its progress toward attaining State and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To that end, the 2017 CAP includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as PM, ozone, and TACs. To protect the climate, the 2017 CAP includes control measures intended to reduce greenhouse gas (GHG) emissions by reducing fossil fuel combustion.

The BAAQMD also has permit authority over stationary sources, acts as the primary reviewing agency for environmental documents, and develops regulations that must be consistent with or more stringent than, federal and State air quality laws and regulations.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD is the primary agency responsible for ensuring that air quality standards (NAAQS and CAAQS) are attained and maintained in the Air Basin through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The BAAQMD prepares plans to attain ambient air quality standards in the Air Basin. BAAQMD prepares ozone attainment plans for the national ozone standard, CAPs for the California standard, and PM plans to fulfill federal air quality planning requirements. The BAAQMD also inspects stationary sources of air pollution; responds to citizen complaints; monitors ambient air quality and meteorological conditions; and implements programs and regulations required by the Clean Air Act, the Clean Air Act Amendments of 1990, and the California Clean Air Act.

The BAAQMD developed quantitative thresholds of significance for its CEQA Guidelines in 2010, which were also included in its updated subsequent guidelines.[3,4] BAAQMD's adoption of the 2010

[3] Bay Area Air Quality Management District (BAAQMD). 2010. California Environmental Quality Act Air Quality Guidelines. June 2.
[4] Bay Area Air Quality Management District (BAAQMD). 2012. California Environmental Quality Act Air Quality Guidelines. May.

thresholds of significance was later challenged in court. In an opinion issued on December 17, 2015, related to the BAAQMD CEQA Guidelines, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires an analysis of human exposure to environmental hazards in specific circumstances, such as development proposed near airports and the siting of schools on or near hazardous waste sites. The Supreme Court further held that public agencies may voluntarily conduct this analysis for their own public projects when not required by CEQA (*CBIA v. BAAQMD* [2016] 2 Cal. App.5th 1067, 1083).

In view of the Supreme Court's opinion, the BAAQMD published a new version of its CEQA Guidelines in May 2017.[5] The BAAQMD CEQA Guidelines state that local agencies may rely on thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such analysis is required by CEQA, or where the agency determines such analysis would assist in making a decision about the project. However, the thresholds are not mandatory, and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. The BAAQMD's Guidelines for implementation of the thresholds are for informational purposes only, to assist local agencies.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan (General Plan) includes policies applicable to all development projects in San José. Various policies in the General Plan that have been adopted for reducing or avoiding impacts related to air quality are listed below.

Envision San José 2040 General Plan Relevant Air Quality Policies

Policies	Description
Policy MS-10.1	Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to State and federal standards. Identify and implement 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-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
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.

[5] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May.

Envision San José 2040 General Plan Relevant Air Quality Policies

Policies	Description
Policy MS-11.3	Review projects generating significant heavy-duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.
Policy MS-11.4	Encourage the installation of air filtration, to be installed at existing schools, residences, and other sensitive receptor uses adversely affected by pollution sources.
Policy MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
Policy MS-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 separate 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 a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's Air Toxic Control Measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

3.1.1 - Environmental Checklist and Impact Discussion

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

Threshold of Significance

Where available, the significance criteria established or recommended by the BAAQMD were used to make the following CEQA significance determinations. The BAAQMD has adopted standards of significance for construction and operation. The thresholds of significance are shown in Table 1. In

developing thresholds of significance for air pollutants, the BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

Table 1: BAAQMD Thresholds of Significance

Pollutant	Construction Thresholds Average Daily Emissions (pounds/day)	Operational Thresholds	
		Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG	54	54	10
NO_X	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance, other Best Management Practices (BAAQMD Basic Construction Mitigation Measures)	Not Applicable	
Health Risks and Hazards for New Sources			
Excess Cancer Risk	10 per one million	10 per one million	
Chronic or 1-hour Acute Hazard Index	1.0	1.0	
Incremental annual average $PM_{2.5}$	0.3 µg/m^3	0.3 µg/m^3	
Health Risks and Hazards for Sensitive Receptors (Cumulative from All Sources within 1,000-Foot Zone of Influence) and Cumulative Thresholds for New Sources			
Excess Cancer Risk	100 per 1 million		
Chronic Hazard Index	10.0		
Annual Average $PM_{2.5}$	0.8 µg/m^3		

Notes:
ROG = reactive organic gases, NO_X = nitrogen oxides, CO= carbon monoxide
PM_{10} = course particulate matter or particulates with an aerodynamic diameter of 10 µm or less
$PM_{2.5}$ = fine particulate matter or particulates with an aerodynamic diameter of 2.5 µm or less
µg/m^3 = micrograms per cubic meter
Source: Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act (CEQA) Air Quality Guidelines. May.

Impact Discussion

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

(Less than significant impact) The project site is located in the San Francisco Bay Area Air Basin (Air Basin), where air quality is regulated by the BAAQMD. The EPA is responsible for identifying non-

attainment and attainment areas for each criteria pollutant within the Air Basin. The Air Basin is designated non-attainment for State standards for 1-hour and 8-hour ozone, 24-hour respirable particulate matter (PM_{10}), annual PM_{10}, and annual fine particulate matter ($PM_{2.5}$).[6]

To address regional air quality standards, the BAAQMD has adopted several air quality policies and plans, the most recent of which is the 2017 Clean Air Plan. The 2017 Clean Air Plan was adopted in April of 2017 and serves as the regional AQP for the Air Basin for attaining federal ambient air quality standards. The primary goals of the 2017 Clean Air Plan are to protect public health and protect the climate. The 2017 Clean Air Plan acknowledges that the BAAQMD's two stated goals of protection are closely related. As such, the 2017 Clean Air Plan identifies a wide range of control measures intended to decrease both criteria pollutants[7] and GHG.[8] The 2017 Clean Air Plan also accounts for projections of population growth provided by the Association of Bay Area Governments and Vehicle Miles Traveled (VMT) provided by the Metropolitan Transportation Commission and identifies strategies to bring regional emissions into compliance with federal and State air quality standards. A project would be judged to conflict with or obstruct implementation of the 2017 Clean Air Plan if it would result in substantial new regional emissions not foreseen in the air quality planning process.

The BAAQMD does not provide a numerical threshold of significance for project-level consistency analysis with AQPs. Therefore, the following criteria will be used for determining a project's consistency with the AQP.

- **Criterion 1:** Does the project support the primary goals of the AQP?
- **Criterion 2:** Does the project include applicable control measures from the AQP?
- **Criterion 3:** Does the project disrupt or hinder implementation of any AQP control measures?

Criterion 1

The primary goals of the 2017 Clean Air Plan, the current AQP to date, are to:

- Attain air quality standards;
- Reduce population exposure to unhealthy air and protecting public health in the Bay Area; and
- Reduce GHG emissions and protect the climate.

A measure for determining whether the proposed project supports the primary goals of the AQP is if the project would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs. The development of the AQP is based in part on the land use general plan determinations of the various cities and counties that constitute the Air Basin. The General Plan Land Use Map designates the project site as Light Industrial.[9] The

[6] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act. Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed April 11, 2021.

[7] The EPA has established National Ambient Air Quality Standards (NAAQS) for six of the most common air pollutants—carbon monoxide, lead, ground-level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide—known as "criteria" air pollutants (or simply "criteria pollutants").

[8] A greenhouse gas (GHG) is any gaseous compound in the atmosphere that is capable of absorbing infrared radiation, thereby trapping and holding heat in the atmosphere. By increasing the heat in the atmosphere, greenhouse gases are responsible for the greenhouse effect, which ultimately leads to global warming.

[9] City of San José. 2011. "General Plan Land Use Map." Website: https://www.sanjoseca.gov/your-

City's Zoning Ordinance states that land uses in the Light Industrial designation include construction/corporation yards, industrial services, laboratories, light and medium manufacturing and assembly facilities, and warehouse or distribution facilities. [10] The proposed project would involve site improvements to accommodate a construction/corporation yard and would consist of land uses consistent with the City's General Plan land use designation and Zoning Ordinance.

Because the proposed project is consistent with its zoning and General Plan land use designation, the vehicle traffic generated by the proposed project was already included in volumes projected for analysis of the General Plan. Because the proposed project would not increase the anticipated VMT generated during project operation compared to the assumptions used in the AQP, it is reasonable to conclude that the proposed project would not adversely affect the AQP.

Moreover, as further discussed under Air Quality Impacts 2, 3, and 4, the proposed project would not create a localized violation of State or federal air quality standards, significantly contribute to cumulative non-attainment pollutant violations, or expose sensitive receptors to substantial pollutant concentrations with incorporation of identified mitigation. Therefore, the proposed project would be consistent with Criterion 1 with implementation of standard permit conditions and Mitigation Measure (MM) AIR-1, as identified under Impact 3 for temporary construction impacts. The proposed project is therefore consistent with Criterion 1 after incorporation of identified mitigation.

Criterion 2

The 2017 Clean Air Plan contains 85 control measures aimed at reducing air pollutants and GHGs at the local, regional, and global levels. Along with the traditional stationary, area, mobile source, and transportation control measures, the 2017 Clean Air Plan contains a number of control measures designed to protect the climate, promote mixed-use, and compact development to reduce vehicle emissions and exposure to pollutants from stationary and mobile sources. The 2017 Clean Air Plan also includes an account of the implementation status of control measures identified in the 2010 Clean Air Plan.

Table 2 lists the relevant Clean Air Plan policies to the proposed project and evaluates the proposed project's consistency with the policies. As shown below, the proposed project would be consistent with applicable measures.

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

Control Measure	Project Consistency
Buildings Control Measures	
BL1: Green Buildings	**Consistent**. The proposed project would not conflict with implementation of this measure. The proposed project will comply with the latest energy efficiency standards and incorporate applicable energy efficiency features designed to reduce project energy consumption.

government/departments/planning-building-code-enforcement/planning-division/citywide-planning/envision-san-jos-2040-general-plan/land-use-map. Accessed April 11, 2021.

[10] City of San José. 2020. Municipal Code Chapter 20.50–Industrial Zoning Districts. June 8. Website: https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.50INZODI_PT2USAL. Accessed April 15, 2021.

Control Measure	Project Consistency
BL4: Urban Heat Island Mitigation	**Consistent.** The proposed project would incorporate landscaping throughout the site. The proposed project would provide landscaping in accordance with City standards that would serve to reduce the urban heat island effect.
Energy Control Measures	
EN1: Decarbonize Electricity Generation	**Consistent.** The proposed project would not conflict with implementation of this measure. The proposed project would comply with the latest energy efficiency standards and incorporate applicable energy efficiency features designed to reduce project energy consumption.
EN2: Decrease Electricity Demand	**Consistent.** The Project Applicant would be required to conform to the energy efficiency requirements of the California Building Standards Code, also known as Title 24, which was adopted in order to meet an Executive Order in the Green Building Initiative to improve the energy efficiency of buildings through aggressive standards. The 2019 Title 24 Standards are the current State building regulations, which went into effect on January 1, 2020. Proposed buildings that would receive building permits after January 1, 2020, would be subject to the 2019 Title 24 Standards, including the proposed project.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	**Consistent.** The proposed project would incorporate landscaping (including trees) throughout the site. The proposed project would provide landscaping in accordance with City standards that would serve to reduce the urban heat island effect.
WA3: Green Waste Diversion	**Consistent.** The waste service provider for the proposed project will be required to meet the Assembly Bill (AB) 341 and Senate Bill (SB) 939 and SB 1374 requirements that require waste service providers to divert green waste. All plant refuse generated during operations of the proposed project would be recycled off-site.
WA4: Recycling and Waste Reduction	**Consistent.** The waste service provider for the proposed project will be required to meet the AB 341 and SB 939 and SB 1374 requirements that require waste to be recycled.
Stationary Control Measures	
SS36: Particulate Matter from Trackout	**Consistent with Mitigation.** Mud and dirt that may be tracked out onto the nearby public roads during construction activities shall be removed promptly by the contractor based on the BAAQMD's requirements. Standard Permit Condition AQ No. 1, identified under Impact 2, would implement Best Management Practices (BMPs) recommended by the BAAQMD for fugitive dust emissions during construction.

Control Measure	Project Consistency
SS37: Particulate Matter from Asphalt Operations	**Consistent.** Asphalt used during project construction would be subject to BAAQMD Regulation 8, Rule 15-Emulsified and Liquid Asphalts. Although this rule does not directly apply to the proposed project, it does limit the ROG content of asphalt available for use during construction through regulating the sale and use of asphalt. By using asphalt from facilities that meet BAAQMD regulations, the proposed project would be consistent with this Clean Air Plan measure.
Transportation Control Measures	
TR9: Bicycle and Pedestrian Access and Facilities	**Consistent.** While the proposed project does not dedicate space specifically for bicycle facilities, it does include sidewalks along State Street for any pedestrian passersby. Nearby residents would have access to the sidewalk along State Street adjacent to the project site, and bicyclists and motorists would share the road to access Alviso Marina County Park to the west or Alviso Park to the south. While the proposed project would not dedicate space outside of the public right-of-way specifically for bicycle or pedestrian facilities, it would not limit or obstruct pedestrian or bicycle access alongside the project site; therefore, the proposed project would not conflict with and be consistent with the BAAQMD's effort to encourage planning for bicycle and pedestrian facilities.
Source: Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. April 19. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed April 11, 2021.	

In summary, the proposed project would not conflict with any applicable measures under the 2017 Clean Air Plan after the implementation of Standard Permit Condition AQ No. 1; therefore, the proposed project would be consistent with Criterion 2 after incorporation of mitigation.

Criterion 3

The proposed project would not preclude extension of a transit line or bike path, propose excessive parking beyond parking requirements, or otherwise create an impediment or disruption to implementation of any AQP control measures. As shown in Table 2 above, the proposed project would incorporate several AQP control measures as project design features. Considering this information, the proposed project would not disrupt or hinder implementation of any AQP control measures. The proposed project is therefore consistent with Criterion 3.

Summary

As discussed above, the proposed project would be consistent with all three criteria after the incorporation of identified mitigation. Thus, the proposed project would not conflict with the 2017 Clean Air Plan. Therefore, impacts associated with conflicting with or obstructing implementation of the 2017 Clean Air Plan would be less than significant with mitigation incorporated.

2) Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?

(Less than significant impact) This impact is related to the cumulative effect of a project's regional criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The non-attainment status of regional pollutants is a result of past and present development within the Air Basin, and this regional impact is a cumulative impact. Therefore, new development projects (such as the proposed project) within the Air Basin would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in non-attainment of regional air quality standards. Instead, a project's emissions may be individually limited, but cumulatively considerable when evaluated in combination with past, present, and future development projects.

Potential localized and regional impacts would result in exceedances of State or federal standards for NO_X, particulate matter (PM_{10} and $PM_{2.5}$), or CO. NO_X emissions are of concern because of potential health impacts from exposure to NO_X emissions during both construction and operation and as a precursor in the formation of airborne ozone. PM_{10} and $PM_{2.5}$ are of concern during construction because of the potential to emit exhaust emissions from the operation of off-road construction equipment and fugitive dust during earth-disturbing activities (construction fugitive dust). CO emissions are of concern during project operation because operational CO hotspots are related to increases in on-road vehicle congestion.

ROG emissions are also important because of their participation in the formation of ground-level ozone. Ozone is a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and that can cause substantial damage to vegetation and other materials. Elevated ozone concentrations result in reduced lung function, particularly during vigorous physical activity. This health problem is particularly acute in sensitive receptors such as the sick, elderly, and young children.

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the project's incremental effects would be cumulatively considerable. Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the proposed project would result in regional emissions that exceed the BAAQMD regional thresholds of significance for construction and operations on a project level. The thresholds of significance represent the allowable amount of emissions each project can generate without generating a cumulatively considerable contribution to regional air quality impacts. Therefore, a project that would not exceed the BAAQMD thresholds of significance on the project level also would not be considered to result in a cumulatively considerable contribution to these regional air quality impacts. Construction and operational emissions are discussed separately below.

Construction Emissions

During construction, fugitive dust would be generated from site grading and other earthmoving activities. The majority of this fugitive dust would remain localized and would be deposited near the project site; however, the potential for impacts from fugitive dust exists unless control measures are implemented to reduce the emissions from this source. Exhaust emissions would also be generated from the operation of the off-road construction equipment.

Construction Fugitive Dust

The BAAQMD does not recommend a numerical threshold for fugitive dust PM emissions. Instead, the BAAQMD bases the determination of significance for fugitive dust on a consideration of the control measures to be implemented. If all appropriate emissions control measures are implemented for a project as recommended by the BAAQMD, then fugitive dust emissions during construction are not considered significant. During construction activities, air pollution control measures shall be implemented as outlined in Standard Permit Condition AQ No. 1. With the incorporation of this condition, short-term construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation would be less than significant.

Construction Air Pollutant Emissions: ROG, NO_X, PM_{10}, and $PM_{2.5}$

California Emissions Estimator Model (CalEEMod) Version 2016.3.2, was used to estimate the proposed project's construction emissions. CalEEMod provides a consistent platform for estimating construction and operational emissions from a wide variety of land use projects and is the model recommended by the BAAQMD for estimating project emissions. Estimated construction emissions are compared with the applicable thresholds of significance established by the BAAQMD to assess ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$ construction emissions to determine significance for this criterion.

Construction of the proposed project is expected to start construction in May 2021 and conclude after roughly 2 months. If the construction schedule moves to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements. The duration of construction activity and associated equipment represent a reasonable approximation of the expected construction fleet as required by CEQA Guidelines.

As shown in Table 3, the proposed project would be constructed in a total of 33 workdays. For a more detailed description of the construction parameters used in estimating air pollutant emissions modeling, please refer to Appendix A.

Table 3: Preliminary Construction Schedule

Phase	Phase Start Date	Phase End Date	Total Number of Working Days per Week	Total Number of Working Days
Site Preparation	5/17/2021	5/28/2021	5	10
Grading	5/31/2021	6/11/2021	5	10
Building Construction (Interior)	6/10/2021	6/30/2021	5	15

Phase	Phase Start Date	Phase End Date	Total Number of Working Days per Week	Total Number of Working Days
Bioretention Installation	6/14/2021	6/25/2021	5	10
Paving	6/28/2021	6/29/2021	5	2
Architectural Coating	6/30/2021	6/30/2021	5	1
Source: Pacific Surfacing, Inc. 2021. Request for Information. April 2.				

The calculations of pollutant emissions from the construction equipment account for the type of equipment, horsepower, and load factors of the equipment, along with the duration of use. Average daily construction emissions are compared with the significance thresholds in Table 4.

Table 4: Construction Emissions (Unmitigated Average Daily Rate)

Parameter	Air Pollutants[1] (tons/year)			
	ROG	NO_X	PM_{10} (Exhaust)	$PM_{2.5}$ (Exhaust)
Project Construction				
Site Preparation	<0.01	0.02	<0.01	<0.01
Grading	<0.01	0.01	<0.01	<0.01
Building Construction (Interior)	<0.01	0.03	<0.01	<0.01
Bioretention Installation	<0.01	0.01	<0.01	<0.01
Paving	<0.01	0.01	<0.01	<0.01
Architectural Coating	0.03	<0.01	<0.01	<0.01
Total Emissions (tons/year)	**0.03**	**0.08**	**<0.01**	**<0.01**
Daily Average				
Total Emissions (lbs/year)	69.62	152.92	8.26	7.66
Average Daily Emissions (lbs/day)[2]	2.11	4.63	0.41	0.27
Significance Threshold (lbs/day)	**54**	**54**	**82**	**54**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**

Notes:
lbs = pounds ROG = reactive organic gases NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 microns in diameter
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
[1] Totals may not add up due to rounding. Calculations use unrounded totals.
[2] Calculated by dividing the total lbs of emissions by the total number of nonoverlapping working days of construction (33 workdays).
Source: CalEEMod Output (see Appendix A).

As shown in Table 4, the construction emissions from all construction activities are below the recommended thresholds of significance; therefore, the construction of the proposed project would

have less than significant impact related to emissions of ROG, NO_X, exhaust PM_{10}, and exhaust $PM_{2.5}$. As previously discussed, the proposed project would implement Standard Permit Condition AQ No. 1 for dust control Best Management Practices (BMPs) recommended by the BAAQMD to reduce potential impacts related to fugitive dust emissions during project construction. Therefore, project construction would have a less than significant impact.

Operational Emissions

Operational Air Pollutant Emissions: ROG, NO_X, PM_{10}, and $PM_{2.5}$

Operational emissions would include area, energy, and mobile sources. Area sources would include emissions from architectural coatings, consumer products, and landscape equipment. Energy sources include emissions from the combustion of natural gas for water and space heating. Mobile sources include exhaust and road dust emissions from the vehicles that would travel to and from the project site. Pollutants of concern include ROG, NO_X, PM_{10}, and $PM_{2.5}$.

Project operations were analyzed starting in 2022, the first calendar year following construction operations. The major sources for proposed operational emissions of ROG, NO_X, PM_{10}, and $PM_{2.5}$ include motor vehicle traffic, use of natural gas, and the occasional repainting of buildings. As discussed in Section 2.11, Project Description, an existing 3,000-square-foot warehouse building for recycling storage would be remodeled to serve as an administrative and equipment storage building, and a new 635-square-foot utility building would be constructed. The existing warehouse building was determined as vacant and nonoperational at the time of this analysis; therefore, emissions from operation of the existing site were not included in the emissions baseline for this analysis. Assumptions used to estimate proposed emissions were consistent with those presented in the Local Transportation Analysis (LTA) prepared by Hexagon Transportation Consultants, Inc. for the proposed project.[11] Operational emissions of the respective pollutants were calculated using CalEEMod, Version 2016.3.2. For detailed assumptions used to estimate emissions, see Appendix A. The estimated daily emissions are presented in Table 5, while net annual emissions from project operations are presented in Table 6.

Table 5: Maximum Daily Operational Emissions (Unmitigated)

Emissions Source	Pounds per Day[1]			
	ROG	NO_X	PM_{10}	$PM_{2.5}$
Area	0.10	0.00	0.00	0.00
Energy	0.00	0.01	0.00	0.00
Mobile (Motor Vehicles)	0.21	3.44	0.64	0.19
Total Daily Project Emissions[2]	**0.31**	**3.45**	**0.64**	**0.19**
Thresholds of Significance	**54**	**54**	**82**	**54**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**

[11] Hexagon Transportation Consultants, Inc. 2021. 1436 State Street Industrial Draft Local Transportation Analysis. April 6.

Emissions Source	Pounds per Day[1]			
	ROG	NO_X	PM_{10}	$PM_{2.5}$

Notes:
ROG = reactive organic gases NO_X = nitrous oxides.
PM_{10} = particulate matter 10 microns or less in diameter
$PM_{2.5}$ = particulate matter 2.5 microns or less in diameter
[1] The highest daily project emissions occurred in the winter run for NO_x, PM_{10}, and $PM_{2.5}$. The highest maximum daily emissions are drawn from the summer and winter CalEEMod runs.
[2] Totals may not add up due to rounding. Calculations use unrounded results.
Source: CalEEMod Output (see Appendix A).

Table 6: Annual Operational Emissions (Unmitigated)

Emissions Source	Tons per Year			
	ROG	NO_X	PM_{10}	$PM_{2.5}$
Area	0.02	0.00	0.00	0.00
Energy	0.00	0.00	0.00	0.00
Mobile (Motor Vehicles)	0.04	0.62	0.11	0.03
Estimated Net Annual Project Emissions[1]	**0.06**	**0.62**	**0.11**	**0.03**
Thresholds of Significance	**10**	**10**	**15**	**10**
Exceeds Significance Threshold?	**No**	**No**	**No**	**No**

Notes:
ROG = reactive organic gases NO_X = oxides of nitrogen
PM_{10} = particulate matter 10 microns or less in diameter
$PM_{2.5}$ = particulate matter 2.5 microns or less in diameter
[1] Totals may not add up due to rounding. Calculations use unrounded results.
Source: CalEEMod Output (see Appendix A).

As shown in Table 5 and Table 6, the proposed project would not result in operational-related air pollutants or precursors that would exceed the BAAQMD's thresholds of significance, indicating that ongoing project operations would not be considered to have the potential to generate a significant quantity of air pollutants. Therefore, long-term operational impacts associated with criteria pollutant emissions generated by the proposed project would be less than significant.

Operational Carbon Monoxide Hotspot

The CO emissions from traffic generated by the proposed project are a concern at the local level. Congested intersections can result in high, localized concentrations of CO.

The BAAQMD recommends a screening analysis to determine whether a project has the potential to contribute to a CO hotspot. The screening criteria identify when site-specific CO dispersion modeling is necessary. The proposed project would result in a less than significant impact to air quality for local CO if the following screening criteria are met:

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

As indicated in the LTA prepared for the proposed project,[12] the proposed project would not cause any significant transportation impacts on the local roadway network, and no intersections impacted by the proposed project would experience traffic volumes of 44,000 vehicles per hour. According to the LTA, the intersection of Spreckles Avenue and Los Esteros Road/Grand Boulevard would experience the highest cumulative peak-hour traffic volumes among the project study intersections. As discussed therein, this intersection is expected to carry an estimated 375 vehicles per hour during the PM peak-hour in the Existing Plus Project scenario; therefore, none of the intersections near the project site would have peak-hour traffic volumes exceeding 44,000 vehicles per hour. Furthermore, the adjacent roadways are not located in an area where vertical or horizontal atmospheric mixing is substantially limited. Therefore, based on the above criteria, the proposed project would not exceed the CO screening criteria and would have a less than significant impact related to CO.

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

(Less than significant impact with mitigation incorporated) A sensitive receptor is defined by the BAAQMD as the following: "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 include schools, hospitals, and residential areas." As specified by the BAAQMD, health risk and hazard impacts should be analyzed for sensitive receptors within a 1,000-foot radius of the project site.[13] The closest sensitive receptor to the project site is a single-family residence located approximately 40 feet southeast of the project site across State Street, which is part of a residential neighborhood. No other sensitive receptor types, as defined by the BAAQMD (i.e., schools, daycare, hospitals), are found within 1,000 feet of the project site. It should be noted that the maximum impacted sensitive receptor during project construction could be a nearby sensitive receptor that is not the previously identified residence due to the combination of the prevailing meteorological conditions, the direction of the maximum impacted sensitive receptor to the project site, and the amount of emissions generated at the project site during project construction.

The following four criteria were applied to determine the significance of project emissions to sensitive receptors:

[12] Hexagon Transportation Consultants, Inc. 2021. 1436 State Street Industrial Draft Local Transportation Analysis. April 6.

[13] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed April 11, 2021.

- **Criterion 1:** Construction of the project would not result in an exceedance of the health risk significance thresholds.
- **Criterion 2:** The cumulative health impact would not result in an exceedance of the cumulative health risk significance thresholds.
- **Criterion 3:** Operation of the project would not result in an exceedance of the health risk significance thresholds.
- **Criterion 4:** A CO hotspot assessment must demonstrate that the project would not result in the development of a CO hotspot that would cause an exceedance of the CO ambient air quality standards.

Criterion 1: Project Construction Toxic Air Pollutants

An assessment was made of the potential health impacts to surrounding sensitive receptors resulting from the emissions of TAC during construction. A summary of the assessment is provided below, while the detailed assessment is provided Appendix A.

DPM has been identified by the ARB as a carcinogenic substance. Major sources of DPM include off-road construction equipment and heavy-duty delivery truck and worker activities. For purposes of this analysis, DPM is represented as exhaust emissions of $PM_{2.5}$.

Estimation of Construction DPM Emissions

Construction DPM emissions (represented as $PM_{2.5}$ exhaust) were estimated using CalEEMod, Version 2016.3.2, as described under Impact 2. Construction was assumed to begin in May 2021 and conclude roughly 2 months later. The construction emissions were assumed to be distributed over the project area with a working schedule of 8 hours per day, 5 days per week. Table 7 summarizes the emission rates of unmitigated and mitigated DPM during construction of the proposed project, as analyzed for construction of the entire project. As identified in the Health Risk Assessment conducted below, unmitigated DPM emissions generated by project construction would result in an exceedance of cancer risk thresholds and would require the implementation of MM AIR-1 to ensure impacts are less than significant.

Table 7: Project DPM Construction Emissions

Scenario	On-site DPM—Area (tons/year)	Off-site DPM—Road Segments (tons/year)[1]	Total Local DPM Emissions (tons/year)
Unmitigated	0.00381	0.00002	0.00383
Mitigated[3]	0.00023	0.00002	0.00025

[1] The off-site emissions are adjusted to represent construction vehicle travel routes from within approximately 1,000 feet of the project site.
[3] The mitigated emissions displayed here reflect the use of Tier 4 Final engines for all construction equipment rated for 50 horsepower or greater, as required by MM AIR-1.
Source: CalEEMod Output and Construction Health Risk Assessment Calculations; see Appendix A.

To assess impacts to off-site sensitive receptors, the American Meteorological Society/EPA Regulatory Model (AERMOD) air dispersion model was used to estimate the DPM emission concentrations at nearby sensitive receptors within 1,000 feet of the project site.

Estimation of Cancer Risks

The BAAQMD has developed a set of guidelines for estimating cancer risks resulting from exposure to TACs.[14] These guidelines require the use of Hotspots Analysis and Reporting Program (HARP2) software to identify the cancer risk associated with DPM generated during construction activities.

Estimation of Non-Cancer Chronic Hazards

An evaluation of the potential non-cancer effects of chronic chemical exposures was also conducted. Adverse health effects are evaluated by comparing the annual receptor concentration of each chemical compound with the appropriate reference exposure limit. Available reference exposure limits promulgated by the California Office of Environmental Health Hazard Assessment (OEHHA) were considered in the assessment.

Risk characterization for non-cancer health hazards from TACs is expressed as a Hazard Index. The Hazard Index is a ratio of the predicted concentration of the proposed project's emissions to a concentration considered acceptable to public health professionals, termed the reference exposure limit. The Hazard Index assumes that chronic sub-threshold exposures adversely affect a specific organ or organ system (toxicological endpoint). For each discrete chemical exposure, target organs presented in regulatory guidance were used. To calculate the Hazard Index, each chemical concentration or dose is divided by the appropriate toxicity reference exposure level. For compounds affecting the same toxicological endpoint, this ratio is summed. Where the total equals or exceeds 1, a health hazard is presumed to exist. For purposes of this assessment, the TAC of concern is DPM for which the OEHHA has defined a reference exposure limit for DPM of 5 micrograms per cubic meter ($\mu g/m^3$). The principal toxicological endpoint assumed in this assessment was through inhalation.

Table 8 summarizes the cancer risk and Hazard Index results for unmitigated project construction at the Maximally Impacted Sensitive Receptor (MIR), a single-family residence approximately 70 feet southeast of the project site.

Table 8: Estimated Cancer Risks and Chronic Non-Cancer Hazards (Unmitigated)

Cancer Risk Scenario	Risk Sum (from HARP2)	Cancer Risk (risk per million)[1]	Chronic Non-Cancer Hazard Index[2]	TAC Concentration (from AERMOD)[3]
Proposed Project	7.6587e-05	76.59	0.049	0.246
Thresholds of Significance		**10**	**1**	**0.3**
Exceeds Individual Source Threshold?		**Yes**	**No**	**No**

[14] Bay Area Air Quality Management District (BAAQMD). 2020. BAAQMD Health Risk Assessment Modeling Protocol. Website: https://www.baaqmd.gov/~/media/files/ab617-community-health/facility-risk-reduction/documents/baaqmd_hra_modeling_protocol_august_2020-pdf.pdf?la=en. Accessed April 11, 2021.

Cancer Risk Scenario	Risk Sum (from HARP2)	Cancer Risk (risk per million)[1]	Chronic Non-Cancer Hazard Index[2]	TAC Concentration (from AERMOD)[3]

Notes:
HARP2 = Hotspots Analysis and Reporting Program TAC = toxic air contaminant
AERMOD = American Meteorological Society/EPA Regulatory Model
FAH = Fraction of time At Home REL = Reference Exposure Level MIR = Maximally Impacted Sensitive Receptor
[1] Cancer risk is identified by multiplying the risk sum from HARP2 by 1,000,000.
[2] Chronic non-cancer Hazard Index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the reference exposure level of 5 $\mu g/m^3$.
[3] TAC concentration taken from AERMOD is always at the MIR identified during the original construction air dispersion model (a single-family residence approximately 70 feet southeast of the project site).
Emissions Source: Appendix A.
Thresholds Source: Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act (CEQA) Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed April 15, 2021.

As shown in Table 8, unmitigated DPM emissions related to project construction would result in an exceedance of BAAQMD cancer risk thresholds. As such, the proposed project would be required to implement MM AIR-1, which would require the use of Tier 4 Final engines for all construction equipment equal to or greater than 50 horsepower. As shown in Table 9 below, implementation of MM AIR-1 would ensure that construction DPM emissions generated by the proposed project would not result in an exceedance of BAAQMD cancer risk thresholds. With the implementation of MM AIR-1, project construction would result in an approximately 94 percent reduction in on-site $PM_{2.5}$ exhaust emissions. As such, this impact would be less than significant with implementation of MM AIR-1.

Table 9: Estimated Cancer Risks and Chronic Non-Cancer Hazards (MM AIR-1)

HARP2 Scenario	Risk Sum (from HARP2)	Cancer Risk (risk per million)[1]	Chronic Non-Cancer Hazard Index[2]	TAC Concentration (from AERMOD)[3]
Mitigated Project[4]	4.6293e-06	4.63	0.003	<0.1
Thresholds of Significance		**10**	**1**	**0.3**
Exceeds Individual Source Threshold?		**No**	**No**	**No**

Notes:
HARP2 = Hotspots Analysis and Reporting Program TAC = toxic air contaminant
AERMOD = American Meteorological Society/EPA Regulatory Model
FAH = Fraction of time At Home REL = Reference Exposure Level MIR = Maximally Impacted Sensitive Receptor
[1] Cancer risk is identified by multiplying the risk sum from HARP2 by 1,000,000.
[2] Chronic non-cancer Hazard Index was estimated by dividing the annual DPM concentration (as $PM_{2.5}$ exhaust) by the reference exposure level of 5 $\mu g/m^3$.
[3] TAC concentration taken from AERMOD is always at the MIR identified during the original construction air dispersion model (a single-family residence approximately 70 feet southeast of the project site).
[4] The mitigated emissions displayed here reflect the use of Tier 4 Final engines for all construction equipment rated for 50 horsepower or greater, as required by MM AIR-1.
Emissions Source: Appendix A.
Thresholds Source: Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act (CEQA) Air Quality Guidelines. May. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed April 15, 2021.

Criterion 2: Cumulative Health Risk Assessment

The BAAQMD recommends assessing the potential cumulative impacts from sources of TACs within 1,000 feet of a project. For a project-level analysis, BAAQMD provides several tools for use in screening potential sources of TACs. The BAAQMD-provided tools used to assess the potential cumulative impacts from TACs are described below:

- **Health Risks for Local Roadways.** The BAAQMD pre-calculated concentrations and the associated potential cancer risks and $PM_{2.5}$ concentration increases for each county within their jurisdiction for roadways that carry at least 30,000 average daily trips. For certain areas, the BAAQMD also included local roadways that meet BAAQMD's "major roadway" criteria of 10,000 vehicles or 1,000 trucks per day. The latest available screening tool is in the form of a Geographic Information System (GIS) raster file.
- **Freeway Screening Analysis Tool**. The BAAQMD prepared a GIS tool that contains pre-estimated cancer risk and $PM_{2.5}$ concentration increases for highways within the Bay Area.
- **Stationary Source Risk and Hazard Screening Tools**. The BAAQMD prepared a GIS tool[15] with the location of permitted stationary sources. For each emissions source, the BAAQMD provides conservative estimates of cancer risk and $PM_{2.5}$ concentrations. Based on information from the GIS tool, one BAAQMD-permitted stationary source exists within 1,000 feet of the project site.
- **Rail Screening Tools.** The BAAQMD prepared GIS tools that contains estimated cancer risks and $PM_{2.5}$ concentrations from railroad operations at any point within the Air Basin.

Cumulative Health Risk Assessment at the Maximum Impacted Sensitive Receptor

A cumulative Health Risk Assessment (HRA) was performed that examined the cumulative impacts of the proposed project's construction emissions and sources of TAC emissions within 1,000 feet of the project site.

The cumulative health risk results, including health risks from the existing stationary source, are summarized during project construction in Table 10. Cumulative health risk results shown therein are representative of the health risks to the MIR which would experience the highest concentration of pollutants.

Table 10: Summary of the Cumulative Health Impacts at the MIR during Construction

Source	Source Type	Distance from MIR[1] (feet)	Cancer Risk (per million)	Chronic HI	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Project					
Mitigated Project Construction	Diesel Construction Equipment	70	4.63	0.003	<0.1

[15] Bay Area Air Quality Management District (BAAQMD). 2018. Permitted Stationary Sources Risk and Hazards. Permitted Stationary Sources Risk and Hazards. Website: https://baaqmd.maps.arcgis.com/apps/webappviewer/index.html?id=2387ae674013413f987b1071715daa65. Accessed April 16, 2021.

Source	Source Type	Distance from MIR[1] (feet)	Cancer Risk (per million)	Chronic HI	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Existing Stationary Sources (BAAQMD Facility Number)[2]					
Facility ID 9207: Rebar Spacer Block Company	Unknown	180	6.78	0.002	0.0
Roadways					
Existing Local Roadway Network		-	1.09	ND	0.02
Rail					
Existing Rail Lines (Amtrak/Unknown Ownership)		1,670	3.84	ND	<0.01
Freeways					
Existing Freeways (Highway 237)		4,165	5.24	ND	0.11
Cumulative Health Risks					
Cumulative Total with Unmitigated Project Construction			**21.58**	**0.005**	**0.13**
BAAQMD's Cumulative Thresholds of Significance			**100**	**10**	**0.8**
Threshold Exceedance?			**No**	**No**	**No**

Notes:
ND = no data available
BAAQMD = Bay Area Air Quality Management District
MIR = Maximally Impacted Sensitive Receptor
$PM_{2.5}$ = particulate matter 2.5 microns in diameter
$\mu g/m^3$ = micrograms per cubic meter
[1] The MIR represents single-family residences approximately 70 feet southeast of the project site.
[2] Assumes emissions remain constant with time.
Source: Appendix A.

As noted in Table 10, the cumulative impacts from the project construction and existing sources of TACs would be less than the BAAQMD's cumulative thresholds of significance. Thus, the cumulative health risk impacts from project construction would be less than significant.

Criterion 3: Project-Specific Operation Toxic Air Pollutants

The proposed project would develop the site as a corporation yard where a construction contractor would base their operations. On-site TACs during project operation would consist of DPM emissions from the operation and movement of construction equipment and vehicles; however, the operation of construction equipment and vehicles would be limited to the time required to transport those equipment and vehicles to and from construction sites elsewhere and would not be operating on-site for any extended period of time.

As described in the LTA, the proposed project is expected to generate approximately 94 average daily vehicle trips. The proposed project would primarily generate trips for employees traveling to and from the project site. The daily travel trips to and from the project site would primarily be generated by passenger vehicles. Because nearly all passenger vehicles are gasoline-combusted, the proposed project would not generate significant amount of DPM emissions during operation.

Therefore, the proposed project would not result in significant health impacts to nearby sensitive receptors during operation.

Criterion 4: CO Hotspot

As discussed under Impact 2, the operational CO hotspot impact from project operations would be less than significant.

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

(Less than significant impact) As stated in the BAAQMD 2017 Air Quality Guidelines, odors are generally regarded as an annoyance rather than a health hazard and the ability to detect odors varies considerably among the populations and overall is subjective. The BAAQMD does not have a recommended odor threshold for construction activities. However, the BAAQMD recommends operational screening criteria that are based on the distance between receptors and types of sources known to generate odors. For projects within the screening distances, the BAAQMD has the following threshold for project operations:

> An odor source with five or more confirmed complaints per year averaged more than 3 years is considered to have a significant impact on receptors within the screening distance shown in Table 3-3 [of the BAAQMD's guidance].

Two circumstances have the potential to cause odor impacts:

1. A source of odors is proposed to be located near existing or planned sensitive receptors, or
2. A sensitive receptor land use is proposed near an existing or planned source of odor.

Projects that would site an odor source or a receptor farther than the applicable screening distance, shown in Table 11 below, would not likely result in a significant odor impact.

Table 11: Odor Screening Distances

Land Use/Type of Operation	Project Screening Distance
Wastewater Treatment Plant	2 miles
Wastewater Pumping Facilities	1 mile
Sanitary Landfill	2 miles
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	2 miles
Chemical Manufacturing	2 miles
Fiberglass Manufacturing	1 mile
Painting/Coating Operations	1 mile

Land Use/Type of Operation	Project Screening Distance
Rendering Plant	2 miles
Coffee Roaster	1 mile
Food Processing Facility	1 mile
Confined Animal Facility/Feed Lot/Dairy	1 mile
Green Waste and Recycling Operations	1 mile
Source: Bay Area Air Quality Management District (BAAQMD). 2017. Final 2017 Clean Air Plan. April 19. Website: https://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en. Accessed April 11, 2021.	

Project Construction

Diesel exhaust and ROGs would be emitted during construction of the proposed project, which are objectionable to some; however, emissions would disperse rapidly from the project site and therefore would not create objectionable odors affecting a substantial number of people. As such, construction odor impacts would be less than significant.

Project Operation

Land uses typically considered associated with odors include wastewater treatment facilities, waste-disposal facilities, agricultural operations, or other operations listed in Table 11. The proposed project would introduce a new corporation yard and is not expected to produce any offensive odors that would result in odor complaints. The corporation yard would be used for vehicle parking and equipment storage. During operation of the proposed project, odors would primarily consist of exhaust from construction equipment and passenger vehicles traveling to and from the site. These occurrences would not produce objectionable odors affecting a substantial number of people. The proposed project would also involve the operation of an asphalt sealant tank, which may also produce odors during operation; however, asphalt sealant tanks are enclosed storage containers for asphalt sealants and would not constitute the introduction of a new asphalt batch plant as included in Table 11. Furthermore, as a corporation yard, the proposed project would not be placing sensitive receptors near existing odor sources. Therefore, operational impacts associated with the proposed project's potential to create odors would be less than significant.

Standard Permit Conditions

AQ No. 1 The following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
- Remove visible mud or dirt trackout onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Minimize idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure, Title 13, Section 2485 of the California Code of Regulations [CCR]). Provide clear signage for construction workers at all access points.
- Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of "running in proper condition" prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Mitigation Measures

MM AIR-1 All off-road equipment equal to or greater than 50 horsepower shall meet either United States Environmental Protection Agency (EPA) or California Air Resources Board (ARB) Tier 4 Final off-road emission standards during all construction activities. The Project Applicant shall submit a construction management plan to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval, prior to issuance of any grading and building permits. The construction management plan shall demonstrate that the off-road equipment used on-site to construct the project would comply with Tier 4 Final off-road emission standards. Off-road equipment descriptions and information included in the construction management plan may include but are not limited to equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

3.1.2 - Conclusion

The proposed project would result in less than significant impacts to air quality after incorporation of Standard Permit Conditions AQ No. 1 and MM AIR-1.

3.2 - ENERGY

Applicable Plans, Policies, and Regulations

Federal Energy Policy and Conservation Act of 1975

Vehicle fuel efficiency is regulated at the federal level. Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic Safety Administration (NHTSA) is responsible for establishing additional vehicle standards and for revising existing standards.

EPA Off-Road Diesel Engine Emissions Standards

The EPA regulates nonroad diesel engines that power both mobile equipment (bulldozers, scrapers, front end loaders, etc.) and stationary equipment (generators, pumps, compressors, etc.). The EPA has no formal fuel economy standards for nonroad (e.g., construction) diesel engines but does regulate diesel emissions, which indirectly affects fuel economy. In 1994, EPA adopted the first set of emission standards ("Tier 1") for all new nonroad diesel engines greater than 37 kilowatts (kW [50 horsepower]). The Tier 1 standards were phased in for different engine sizes between 1996 and 2000, reducing NO_X emissions from these engines by 30 percent. Subsequently, the EPA adopted more stringent emission standards for NO_X, hydrocarbons, and PM from new nonroad diesel engines. This program included the first set of standards for nonroad diesel engines less than 37 kW. It also phased in more stringent "Tier 2" emission standards from 2001 to 2006 for all engine sizes and added yet more stringent "Tier 3" standards for engines between 37 and 560 kW (50 and 750 horsepower) from 2006 to 2008. These standards further reduced nonroad diesel engine emissions by 60 percent for NO_X and 40 percent for PM from Tier 1 emission levels. In 2004, the EPA issued the Clean Air Nonroad Diesel Rule. This rule cut emissions from nonroad diesel engines by more than 90 percent and was phased in between 2008 and 2014. These emission standards are intended to promote advanced clean technologies for nonroad diesel engines that improve fuel combustion, but they also result in slight decreases in fuel economy.

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Pacific Gas and Electric Company's (PG&E's) electricity mix in 2015 was 30 percent renewable.

In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities requires them to procure 50 percent of the State's electricity from renewable sources by 2030. In 2018, SB 100 accelerated the RPS Program and established several new RPS targets, including 44 percent of retail electricity sales in 2024, 52 percent in 2027, and 60 percent in 2030. Most notable, SB 100 also establishes an RPS target of 100 percent of retail electricity sales being generated by carbon-free sources, including large hydroelectric and nuclear facilities, in 2045.

California Building Standards Code

The Building Energy Efficiency Standards were first adopted in 1976 and have been updated periodically since then as directed by statute. The CBC contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. The CBC are conceptually divided into three basic sets. First, there is a basic set of mandatory requirements that apply to all buildings. Second, there is a set of performance standards—the energy budgets—that vary by climate zone (of which there are 16 in California) and building type; thus, the CBC are tailored to local conditions, and

provide flexibility in how energy efficiency in buildings can be achieved. Finally, the third set constitutes an alternative to the performance standards, which is a set of prescriptive packages that provide a recipe or a checklist compliance approach.

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

At the local level, the City of San José sets green building standards for municipal development. All projects are required to submit a Leadership in Energy and Environmental Design (LEED™), GreenPoint, or Build-It-Green checklist as part of their development permit applications. Council Policy 6-32 "Private Sector Green Building Policy," adopted in October 2008, establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. It fosters practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources in the City of San José. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in Table 12 below. The proposed project is exempt from this requirement because it involves renovation and would add less than 10,000 square feet of new building space.

Table 12: Private Sector Green Building Policy Applicable Projects

Applicable Project Minimum Green Building Rating	Minimum Green Building Rating
Commercial/Industrial—Tier 1 (Less than 25,000 square feet)	LEED™ Applicable New Construction Checklist
Commercial/Industrial—Tier 2 (25,000 square feet or greater)	LEED™ Silver
Residential—Tier 1 (Less than 10 units)	GreenPoint or LEED™ Checklist
Residential—Tier 2 (10 units or greater)	GreenPoint Rated 50 points or LEED™ Certified
High-Rise Residential (75 feet or higher)	LEED™ Certified
Source: City of San José. Private Sector Green Building Policy: Policy Number 6-32. October 7, 2008. Website: https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/energy/green-building/private-sector-green-building. Accessed April 20, 2021.	

Envision San José 2040 General Plan

The General Plan includes policies applicable to all development projects in San José. The following policies adopted for the purpose of avoiding or mitigating impacts related to energy are relevant to the proposed project.

Envision San José 2040 General Plan Relevant Energy Policies

Policies	Description
Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.

Envision San José 2040 General Plan Relevant Energy Policies

Policies	Description
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	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).
Policy MS-3.1	Require water efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-14.1	Promote job and housing growth in areas served by public transit and that have community amenities within a 20-minute walking distance.
Policy MS-14.3	Consistent with the California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan, as revised and when technological advances make it feasible, require all new residential and commercial construction to be designed for zero net energy use.
Policy TR-1.468	Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.
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 toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.

3.2.1 - Environmental Checklist and Impact Discussion

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

Impact Discussion

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

(Less than significant impact) Energy use consumed by the proposed project was estimated and includes natural gas, electricity, and fuel consumption for the proposed project construction and operation. Energy calculations are included as part of Appendix A.

Construction Impacts

The anticipated construction schedule was assumed to begin in May 2021 and conclude in June 2021. If the construction schedule moves to later years, construction emissions would likely decrease because of improvements in technology and more stringent regulatory requirements as older, less efficient equipment is replaced by newer and cleaner equipment. The proposed project would require site preparation, grading, building construction, architectural coating, and paving. The construction phase would require energy for the manufacture and transportation of building materials, preparation of the site (e.g., site clearing and grading), and the actual construction of the building. Petroleum-based fuels such as diesel fuel and gasoline would be the primary sources of energy for these tasks.

The types of on-site equipment used during construction of the proposed project could include gasoline- and diesel-powered construction and transportation equipment, including trucks, bulldozers, front end loaders, forklifts, and cranes. If unmitigated, construction equipment is estimated to consume a total of 1,080 gallons of diesel fuel over the entire construction duration (Appendix A).

Fuel use associated with construction vehicle trips generated by the proposed project was also estimated; trips include construction worker trips, haul truck trips for material transport, and vendor trips for construction material deliveries. Fuel use from these vehicles traveling to the project site was based on (1) the projected number of trips the proposed project would generate during construction, (2) average trip distances by trip type, and (3) fuel efficiencies estimated in the ARB Emissions Factors (EMFAC) mobile source emission model. The specific parameters used to estimate

fuel usage are included in Appendix A. Under an unmitigated construction scenario, the proposed project would generate an estimated 6,750 VMT and a combined 307 gallons of gasoline and diesel for vehicle travel during construction.

Other equipment could include construction lighting, field services (office trailers), and electrically driven equipment such as pumps and other tools. Singlewide mobile office trailers, which are commonly used in construction staging areas, generally range in size from 160 square feet to 720 square feet. A typical 720-square-foot office trailer would consume approximately 1,161 kilowatt-hour (kWh) during the construction phase (Appendix A).

The overall construction schedule and process is already designed to be efficient in order to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for future efficiency gains during construction are limited. Nonetheless, it is anticipated that construction of the proposed project would not result in wasteful, inefficient, and unnecessary consumption of energy. Construction-related energy impacts would be less than significant.

Operational Impacts

The proposed project would consume energy as part of building operations and transportation activities. Project energy consumption is summarized in Table 13.

Table 13: Estimated Annual Project Energy Consumption

Energy Type	Annual Consumption
Electricity	**26,160 kWh/year**
Natural Gas	**27,161 kBTU/year**
Vehicle Fuel Consumption	**11,098 gallons**

Notes:
kWh = kilowatt-hour
kBTU = kilo-British Thermal Unit
VMT = Vehicle Miles Traveled
[1] Operational Fuel Consumption based on EMFAC2021 Emissions Inventory, Vehicle Classification (Fleet Mix) EMFAC2007 Categories. The calculations are for the year 2022, the proposed project's first full year of operation, and for Santa Clara County where the proposed project is located (Appendix A).

Operation of the proposed project would consume an estimated 26,160 kWh of electricity and an estimated 27,161 kBTU of natural gas on an annual basis. The project's buildings would be designed and constructed in accordance with the State's Building Energy Efficiency Standards. Additionally, the City requires LEED™, GreenPoint, or Build-It-Green checklist as part of their development permit applications. These are widely regarded as the most advanced Building Energy Efficiency Standards and compliance would ensure that building energy consumption would not be wasteful, inefficient, or unnecessary.

Project-related vehicle trips would consume an estimated 11,098 gallons of gasoline and diesel annually. Moreover, the project is located in an urbanized portion of San José and would provide commercial development close to jobs, amenities, and services. Transportation fuel consumption would not be wasteful, inefficient, or unnecessary. Impacts would be less than significant.

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

(Less than significant impact) The proposed project would be served with electricity provided by PG&E or San José Clean Energy. PG&E currently provides customers with three power service options, including normal power service, 50 percent Solar Choice, and 100 percent Solar Choice.[16] San José Clean Energy currently provides two power service options. One service option consists of 40 percent renewable sources (Greensource program) and the other consists of 100 percent renewable sources (Total Green program). As a conservative estimate, it was assumed that the proposed project would be served by PG&E. In 2019, PG&E obtained nearly 30 percent of its electricity from eligible renewable energy sources (12.7 percent solar, 9.5 percent wind, 1.5 percent geothermal, 3.7 percent biomass and biowaste, and 2.3 percent eligible hydroelectric), while the remaining electricity was sourced from nuclear, natural gas, and large hydroelectric. As reported by PG&E in their 2020 Corporate Responsibility and Sustainability Report, PG&E's 2019 eligible renewable energy percentage decreased in 2019; however, PG&E's anticipates meeting the State's RPS requirements for the current compliance period.[17] Furthermore, PG&E would be required to meet future legislative targets codified by SB 100, including 60 percent of electricity sold to end-users in California being generated from renewable energy sources by 2030.

The proposed project would be designed in accordance with Title 24, California's Energy Efficiency Standards for Residential and Nonresidential Buildings as applicable. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), and indoor and outdoor lighting. The incorporation of the Title 24 standards into the design of the proposed project would ensure that the proposed project would not result in the use of energy in a wasteful manner. The proposed project would comply with existing State energy standards and with energy conservation policies contained in in the San José General Plan listed above as well as Climate Smart San José as listed in Section 3.3. As such, the proposed project would not conflict with State or local renewable or energy efficiency objectives. Impacts would be less than significant.

Mitigation Measures

None.

Standard Permit Conditions

None.

3.2.2 - Conclusion

The proposed project would result in a less than significant impact to energy use.

[16] Pacific Gas & Electric Company (PG&E). 2021. Community Renewable Programs. Website: https://www.pge.com/en_US/residential/solar-and-vehicles/options/solar/solar-choice/solar-choice.page. Accessed April 20, 2021.

[17] Pacific Gas & Electric Company (PG&E). 2020. 2020 Corporate Responsibility and Sustainability Report. Website: https://www.pgecorp.com/corp_responsibility/reports/2020/assets/PGE_CRSR_2020.pdf. Accessed April 20, 2021.

3.3 - GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on project-specific GHG emissions modeling results generated using CalEEMod, Version 2016.3.2. The modeling data is provided in its entirety as part of the Air Quality and GHG Report, included in Appendix A.

Applicable Plans, Policies and Regulations

Legislative Actions to Reduce Greenhouse Gas Emissions

California State legislature has enacted a series of bills to reduce GHGs. Some legislation, such as the landmark Assembly Bill 32 (AB 32) California Global Warming Solutions Act of 2006, was specifically enacted to address GHG emissions. Other legislation such as Title 24 and Title 20 energy standards were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major provisions of the legislation.

California AB 1493, enacted on July 22, 2002, required the ARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the U.S. District Court for the District of Columbia in 2011. The standards were phased in during the 2009 through 2016 model years.

The second phase of the implementation for the Pavley Bill was incorporated into Amendments to the Low Emission Vehicle (LEV) Program referred to as LEV III or the Advanced Clean Cars program. The Advanced Clean Car program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation will reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The new rules will reduce pollutants from gasoline and diesel-powered cars, and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid electric vehicles and hydrogen fuel cell cars. The regulations will also ensure adequate fueling infrastructure is available for the increasing numbers of hydrogen fuel cell vehicles planned for deployment in California. The California State Legislature enacted AB 32, the California Global Warming Solutions Act of 2006. AB 32 requires that GHGs emitted in California be reduced to 1990 levels by the year 2020. "Greenhouse gases" as defined under AB 32 include CO_2, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. Since AB 32 was enacted, a seventh chemical, nitrogen trifluoride, has also been added to the list of GHGs.

The ARB's Climate Change Scoping Plan contains measures designed to reduce the State's emissions to 1990 levels by the year 2020 to comply with AB 32. The Scoping Plan identifies recommended measures for multiple GHG emission sectors and the associated emission reductions needed to achieve the year 2020 emissions target—each sector has a different emission reduction target. Most of the measures target the transportation and electricity sectors.

The ARB approved the First Update to the Scoping Plan on May 22, 2014. The Update identifies the next steps for California's climate change strategy. The Update shows how California continues on its path to meet the near-term 2020 GHG limit, but also sets a path toward long-term, deep GHG

emission reductions. The report establishes a broad framework for continued emission reductions beyond 2020, on the path to 80 percent below 1990 levels by 2050. The Update identifies progress made to meet the near-term objectives of AB 32 and defines California's climate change priorities and activities for the next several years.

The Sustainable Communities and Climate Protection Act of 2008 was signed into law on September 30, 2008. According to SB 375, the transportation sector is the largest contributor of GHG emissions, which emits over 40 percent of the total GHG emissions in California. The law requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, aligns planning for transportation and housing, and creates specified incentives for the implementation of the strategies.

The Governor signed SB 32 in September of 2016, giving the ARB the statutory responsibility to include the 2030 target previously contained in Executive Order B-30-15 in the 2017 Scoping Plan Update. SB 32 states, "in adopting rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions authorized by this division, the state [air resources] board shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below the statewide greenhouse gas emissions limit no later than December 31, 2030." The 2017 Climate Change Scoping Plan Update addressing the SB 32 targets was adopted on December 14, 2017.

On September 12, 2002, Governor Gray Davis signed SB 1078, requiring California to generate 20 percent of its electricity from renewable energy by 2017. SB 107 changed the due date to 2010 instead of 2017. On November 17, 2008, Governor Arnold Schwarzenegger signed Executive Order S-14-08, which established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Governor Schwarzenegger also directed the ARB (Executive Order S-21-09) to adopt a regulation by July 31, 2010, requiring the State's load serving entities to meet a 33 percent renewable energy target by 2020. The ARB approved the Renewable Electricity Standard on September 23, 2010, by Resolution 10-23.

The legislature recently approved, and the Governor signed SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the RPS Program, higher energy efficiency requirements for buildings, initial strategies toward a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce Statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utilities Commission (CPUC), the California Energy Commission (CEC), and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop additional regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

In 2018, SB 100 accelerated the RPS Program and established several new RPS targets, including 44 percent of retail electricity sales in 2024, 52 percent in 2027, and 60 percent in 2030. Most notable, SB 100 also establishes an RPS target of 100 percent of retail electricity sales being generated by carbon-free sources, including large hydroelectric and nuclear facilities, in 2045.

The Water Conservation Act of 2009 directs urban retail water suppliers to set individual 2020 per capita water use targets and begin implementing conservation measures to achieve those goals. Meeting this statewide goal of 20 percent decrease in demand will result in a reduction of almost 2 million acre-feet in urban water use in 2020.

BAAQMD CEQA Air Quality Guidelines

The BAAQMD is the primary agency responsible for ensuring that air quality standards (NAAQS and CAAQS) are attained and maintained in the Air Basin through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The BAAQMD prepares plans to attain ambient air quality standards in the Air Basin. BAAQMD prepares ozone attainment plans for the national ozone standard, CAPs for the California standard, and PM plans to fulfill federal air quality planning requirements. The BAAQMD also inspects stationary sources of air pollution; responds to citizen complaints; monitors ambient air quality and meteorological conditions; and implements programs and regulations required by the Clean Air Act, the Clean Air Act Amendments of 1990, and the California Clean Air Act.

The BAAQMD developed quantitative thresholds of significance for its CEQA Guidelines in 2010, which were also included in its updated subsequent guidelines.[18,19] BAAQMD's adoption of the 2010 thresholds of significance was later challenged in court. In an opinion issued on December 17, 2015, related to the BAAQMD CEQA Guidelines, the California Supreme Court held that CEQA does not generally require an analysis of the impacts of locating development in areas subject to environmental hazards unless the project would exacerbate existing environmental hazards. The Supreme Court also found that CEQA requires an analysis of human exposure to environmental hazards in specific circumstances, such as development near airports and the siting of schools on or near hazardous waste sites. The Supreme Court further held that public agencies may voluntarily conduct this analysis for their own public projects when not required by CEQA (*CBIA v. BAAQMD* [2016] 2 Cal. App.5th 1067, 1083).

In view of the Supreme Court's opinion, the BAAQMD published a new version of its CEQA Guidelines in May 2017.[20] The BAAQMD CEQA Guidelines state that local agencies may rely on thresholds designed to reflect the impact of locating development near areas of toxic air contamination where such analysis is required by CEQA, or where the agency determines such analysis would assist in making a decision about the project. However, the thresholds are not mandatory, and agencies should apply them only after determining that they reflect an appropriate measure of a project's impacts. The BAAQMD's Guidelines for implementation of the thresholds are for informational purposes only, to assist local agencies.

[18] Bay Area Air Quality Management District (BAAQMD). 2010. California Environmental Quality Act Air Quality Guidelines. June 2.
[19] Bay Area Air Quality Management District (BAAQMD). 2012. California Environmental Quality Act Air Quality Guidelines. May.
[20] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May.

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

In October 2008, the City adopted the Council Policy 6-32 "Private Sector Green Building Policy" that established baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council-adopted standards.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within City limits. The following policies are specific to reducing GHG emissions and are relevant to the proposed project.

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

Policies	Description
Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
Policy MS-1.4	Foster awareness of San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.
Policy MS-2.3	Utilize solar orientation (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-2.11	Require new development to incorporate green building policies, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize effectiveness of passive solar design.).
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.
Policy MS-5.6	Enhance the construction and demolition debris recycling program to increase diversion from the building sector.
Policy MS-10.5	In order to reduce vehicle miles traveled and traffic congestion, require new development within 2,000 feet of an existing or planned transit station to encourage the use of public transit and minimize the dependence on the automobile through the application of site design guidelines and transit incentives.
Policy MS-16.5	Establish minimum requirements for energy efficiency measures and on-site renewable energy generation capacity on all new housing developments.

Envision San José 2040 General Plan Relevant Greenhouse Gas Policies

Policies	Description
Policy CD-2.10	Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land regulations to require compact, low-impact development that efficiently uses land planned for growth, particularly for residential development which tends to have a long lifespan. Strongly discourage small-lot and single-family detached residential product types in growth areas.
Policy CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
Policy TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-1.16	Develop a strategy to construct a network of public and private alternative fuel vehicle charging/fueling stations city wide. Revise parking standards to require the installation of electric charging infrastructure at new large employment sites and large, multiple family residential developments.
Policy H-4	Implement green building principles in the design and construction of housing and related infrastructure, in conformance with the Green Building Goals and Policies in the Envision General Plan and in conformance with the City's Green Building Ordinance.
Policy H-4.2	Minimize housing's contribution to greenhouse gas emissions, and locate housing, consistent with our City's land use and transportation goals and policies, to reduce vehicle miles traveled and auto dependency.
Policy H-4.3	Encourage the development of higher residential densities in complete, mixed-use, walkable and bike able communities to reduce energy use and greenhouse gas emissions.

City's GHG Reduction Strategy

The General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's GHG Reduction Strategy is intended to meet the mandates as outlined in the BAAQMD CEQA Guidelines and standards for "qualified plans," as established by the BAAQMD. In addition, the City's Green Vision, as reflected in the City's GHG Reduction Strategy, includes a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions.

The City's GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in four categories: built environment and energy, land use and transportation, recycling, and waste reduction, and other GHG reduction measures. Some measures are mandatory for all proposed development projects and others are voluntary.

The primary test for consistency with the City's GHG Reduction Strategy is conformance with the General Plan Land Use/Transportation Diagram and supporting policies. Pursuant to CEQA Guidelines, all land use development proposals are required to evaluate consistency with the goals and policies outlined in the City's General Plan designed to reduce GHG emissions, generally through the use of a checklist included as Attachment A to the GHG Reduction Strategy. Projects that are consistent with the GHG Reduction Strategy would have a less than significant impact related to GHG emissions through 2030 and would not conflict with targets in the currently adopted State of California Climate Change Scoping Plan through 2030.

City of San José Municipal Code

The San José Municipal Code includes the following regulations that would reduce GHG emissions from future development:

- Green Building Ordinance (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).

City of San José's Transportation Analysis Policy (Council Policy 5-1)

In March 2018, Council Policy 5-1, "Transportation Analysis Policy" replaced Council Policy 5-3, "Transportation Impact Policy" as the policy for transportation development review in the City of San José. Council Policy 5-1 aligns the City's transportation analysis with California SB 743 and the City's goals as set forth in the General Plan. Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA by removing Level of Service (LOS) and replacing it with VMT.

The policy requires new development projects that do not meet the screening criteria to prepare Transportation Analysis reports as part of the environmental review process. A Transportation Analysis must comply with the City of San José's transportation policy, any area development policy, and the Congestion Management Plan (CMP). The Transportation Analysis will identify the impact of the proposed development on the surrounding transportation network, as well as the specific development impacts and any required mitigation measures.[21]

Private Sector Green Building Policy

In October 2008, the City adopted the Council Policy 6-32 "Private Sector Green Building Policy" that established baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council-adopted standards.

[21] Bay Area Air Quality Management District (BAAQMD). 2017. California Environmental Quality Act Air Quality Guidelines. May.

Climate Smart San José

The City Council of San José adopted Climate Smart San José on February 27, 2018, as the City's climate action plan to reduce GHG emissions and ensure a long-term water supply. Climate Smart San José aligns with the General Plan as well as departmental-level initiatives within the City. Climate Smart San José has developed a Greenhouse Gas Reduction Strategy to reach the GHG reduction targets of California AB32 and SB32 GHG targets by the year 2030.[22] The final GHG Reduction Strategy serves as a Qualified Climate Action Plan for purposes of tiering under CEQA.

San José Clean Energy

San José Clean Energy is a non-profit, locally controlled electricity generation service provider for residents and businesses in the City of San José.[23] The San José City Council unanimously voted to create San José Clean Energy in May 2017, and service to residents and businesses began in February 2019. San José Clean Energy provides residential and commercial electricity customers with clean, carbon-free power options at competitive prices, from sources like solar, wind and hydropower. San José Clean Energy sources electricity for its customers and PG&E delivers it over existing utility lines.

San José Complete Streets Design Standards and Guidelines

San José Complete Streets Design Standards and Guidelines provide guidance and best practices for developers and the City to build streets that safely accommodate walkers, bikers, and transit takers in addition to vehicle drivers. Complete Streets Design Standards and Guidelines are developed as a comprehensive set of street design standards and guidelines to guide how the City of San José builds and retrofits streets. It serves as a manual of design options to achieve the General Plan vision of being a "walking and bicycling first" city.

Green Infrastructure Plan

Green Infrastructure, also known as Green Storm Water Infrastructure, is infrastructure that uses various mediums such as vegetation, soils, and natural processes to manage water and create healthier ecosystems and urban environments. The City of San José developed a Draft Plan to guide the implementation of Green Storm Water projects in San José. The plan will be complete and adopted by September 30, 2019.[24] There are no mandatory measures for GHG emissions in the Green Infrastructure Plan that are applicable to the project.

[22] City of San José. 2020. San José Greenhouse Gas Reduction Strategy. Website: https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy Accessed April 13, 2021.

[23] City of San José. 2019. San José Clean Energy. Website: https://www.sanjosecleanenergy.org/. Accessed August 27, 2019.

[24] Ibid.

3.3.1 - Environmental Checklist and Impact Discussion

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

Impact Discussion

Greenhouse Gas Emissions

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

(Less than significant impact) Both construction and operational activities have the potential to generate GHG emissions. The proposed project would generate GHG emissions during temporary (short-term) construction activities such as site preparation, and grading; running of construction equipment engines; movement of on-site heavy-duty construction vehicles; hauling of materials to and from the project site; asphalt paving; and construction worker motor vehicle trips.

Long-term, operational GHG emissions would result from project-generated vehicular traffic, on-site combustion of natural gas, operation of any landscaping equipment, 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 the hauling and disposal of solid waste from the project site.

The 2017 BAAQMD Thresholds contain the following for GHGs:

> For land use development projects (including residential, commercial, industrial, and public land uses and facilities), the threshold is compliance with a qualified GHG Reduction Strategy; or annual emissions less than 1,100 metric tons per year of carbon dioxide equivalent (CO_2e); or 4.6 metric tons CO_2e/service population/year (residents + employees).

It should be noted that the BAAQMD's thresholds of significance were established based on meeting the 2020 GHG targets set forth in the AB 32 Scoping Plan. For developments that would occur beyond 2020, the bright-line threshold of significance (1,100 MT CO_2e/year) was adjusted to a "substantial progress" threshold that was calculated based on the GHG reduction goals of SB 32/Executive Order B-

30-15 and the projected 2030 Statewide population and employment levels.[25] Although BAAQMD does not have an adopted threshold for 2030, BAAQMD is currently recommending evaluation of GHG significance based on 2030 GHG targets established in SB 32. Therefore, a bright-line threshold of 660 MT CO_2e/year for projects in the Air Basin is needed for the region to meet 2030 GHG targets established in SB 32.[26] To determine significance for Impact GHG-1, the project's GHG emissions are assessed against the following thresholds: 1,100 MT CO_2e/year for the 2022 operational year and 660 MT CO_2e/service population/year for the 2030 operational year.

Project Construction

The proposed project would emit GHG emissions during construction from the off-road equipment, worker vehicles, and any hauling that may occur. Detailed construction assumptions are included in Appendix A. The BAAQMD does not presently provide a construction-related GHG generation threshold but recommends that construction-generated GHGs be quantified and disclosed. Total GHG emissions generated during all construction activities are presented in Table 14.

Table 14: Construction Greenhouse Gas Emissions

Construction Phase	MT CO_2e per year
Site Preparation	2.9
Grading	2.3
Building Construction (Interior)	5.3
Bioretention Installation	2.0
Paving	0.9
Architectural Coating	0.1
Total Construction Emissions	**13.5**
Emissions Amortized Over 30 Years[1]	**0.45**

Notes:
MT CO_2e = metric tons of carbon dioxide equivalent
[1] Construction GHG emissions are amortized over the 30-year lifetime of the project.
Source: CalEEMod Output (Appendix A).

As shown in Table 14, construction of the project is estimated to generate approximately 13.5 MT CO_2e over the entire duration of project construction. As discussed above, neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions. Because construction would be temporary and would not result in a permanent increase in emissions, the proposed project would not interfere with the implementation of AB 32 or SB 32. In the absence of a construction emission threshold, the total emissions generated during construction were amortized based on the assumed life of the development (30 years) and added to the operational emissions to determine the total emissions from the project. Finally, the net change in

[25] Association of Environmental Professionals (AEP). 2016. Final White Paper Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California. Website: https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf. Accessed July 21, 2020.
[26] Ibid.

GHG emissions was determined by subtracting the GHG emissions from the existing site operations from the project's GHG emissions.

Project Operation

Operational or long-term emissions occur over the life of a project. The major sources for operational GHG emissions include:

- **Motor Vehicles:** These emissions refer to GHG emissions contained in the exhaust from the cars and trucks that would travel to and from the project site. Vehicle trips associated with project operations would primarily include employee and vendor trips to and from the proposed commercial buildings. Trip generation rates used in estimating mobile source emissions were consistent with those presented in the LTA prepared for the proposed project by Hexagon Transportation.[27]
- **Natural Gas:** These emissions refer to the GHG emissions that occur when natural gas is burned on the project site. Natural gas uses could include heating water, space heating, dryers, stoves, or other uses.
- **Indirect Electricity:** These emissions refer to those generated by off-site power plants to supply electricity required for the project. Both PG&E and San José Clean Energy are potential electricity suppliers to the proposed project. PG&E was chosen as the utility providing electricity and natural gas service to the proposed project as a conservative estimate. GHG emissions from energy consumption were calculated using PG&E's energy intensity factors for CO_2, N_2O, and CH_4.
- **Water Transport:** These emissions refer to those generated by the electricity required to transport and treat the water to be used on the project site.
- **Waste:** These emissions refer to the GHG emissions produced by decomposing waste generated by the project.

A more detailed description of the assumptions used to estimate project-generated GHG emissions as well as detailed modeling results are included in Appendix A. Operational GHG emissions by source are shown in Table 15. For buildings in general, it is reasonable to look at a 30-year time frame, since this is a typical interval before a new building requires the first major renovation.[28] Therefore, this analysis includes construction emissions amortized over the anticipated life of the project (30 years). As presented in Table 14, project construction emissions were calculated as 13.5 MT CO_2e for the entire construction duration. When amortized over 30 years, construction emissions equal 0.45 MT CO_2e per year.

The estimated total net annual project emissions, including operational emissions and amortized construction emissions, were compared with the bright-line threshold of 1,100 MT CO_2e/year to determine significance at project buildout in the year 2022. The estimated total net annual GHG emissions generated by the project in the year 2030 were compared with the applicable threshold of 660 MT CO_2e/year.

[27] Hexagon Transportation. 2021. 1436 State Street Industrial Local Transportation Analysis. April 6.

[28] International Energy Agency (IEA). 2008, July. Energy Efficiency Requirements in Building Codes, Energy Efficiency Policies for New Buildings.

Table 15: Operational Greenhouse Gas Emissions

Emission Source	Year 2022 Total Emissions (MT CO_2e per year)	Year 2030 Total Emissions (MT CO_2e per year)
Area	<0.1	<0.1
Energy	3.9	3.9
Mobile (Vehicles)	228.7	206.4
Waste	1.9	1.9
Water	1.2	1.2
Amortized Construction Emissions	0.45	0.45
Annual Project Emissions	**236.2**	**213.0**
Applicable BAAQMD Threshold (MT CO_2e/year)	**1,100**	**660**
Does project exceed threshold?	**No**	**No**

Notes:
BAAQMD = Bay Area Air Quality Management District
MT CO_2e = metric tons of carbon dioxide equivalent
[1] Construction GHG emissions are amortized over the 30-year lifetime of the project.
Source: CalEEMod Output (Appendix A).

As shown in Table 15, the proposed project's combined long-term net operational emissions and amortized construction emissions would not exceed the BAAQMD recommended thresholds for GHG emissions. Therefore, the project's generation of GHG emissions would not result in a significant impact on the environment.

SB 32 2017 Scoping Plan Update

The proposed project is assessed for its consistency with the ARB adopted 2017 Climate Change Scoping Plan Update.

The 2017 Climate Change Scoping Plan Update addressing the SB 32 targets was adopted on December 14, 2017.[29] Table 16 provides an analysis of the project's consistency with the 2017 Scoping Plan Update measures. As shown in Table 16, none of the measures are applicable to the project.

Table 16: Consistency with SB 32 2017 Scoping Plan Update

2017 Scoping Plan Update Reduction Measure	Project Consistency
SB 350: 50 Percent Renewable Mandate. Utilities subject to the legislation will be required to increase their renewable energy mix from 33 percent in 2020 to 50 percent in 2030.	**Not applicable.** This measure would apply to utilities and not to individual development projects. The proposed project would purchase electricity from a utility provider subject to the SB 350 and SB 100 RPS requirements.

[29] California Air Resource Board (ARB). 2017. California's 2017 Climate Change Scoping Plan. November. Website: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed April 2021.

2017 Scoping Plan Update Reduction Measure	Project Consistency
SB 350: Double Building Energy Efficiency by 2030. This is equivalent to a 20 percent reduction from 2014 building energy usage compared to current projected 2030 levels.	**Not applicable.** This measure applies to existing buildings. The proposed project would involve new development and remodeling that would meet the latest applicable building code standards.
Low Carbon Fuel Standard. This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030.	**Not applicable.** This is a Statewide measure that cannot be implemented by a Project Applicant or lead agency. However, vehicles accessing the proposed building at the project site would benefit from the standards.
Mobile Source Strategy (Cleaner Technology and Fuels Scenario). Vehicle manufacturers will be required to meet existing regulations mandated by the LEV III and Heavy-Duty Vehicle programs. The strategy includes a goal of having 4.2 million ZEVs on the road by 2030 and increasing numbers of ZEV trucks and buses.	**Not applicable.** This measure is not applicable to the proposed project; however, vehicles accessing the building at the project site would benefit from the increased availability of cleaner technology and fuels.
Sustainable Freight Action Plan. The plan's target is to improve freight system efficiency 25 percent by increasing the value of goods and services produced from the freight sector, relative to the amount of carbon that it produces by 2030. This would be achieved by deploying over 100,000 freight vehicles and equipment capable of zero emission operation and maximize near-zero emission freight vehicles and equipment powered by renewable energy by 2030.	**Not applicable.** The proposed project is a corporation yard development that would not support freight operations.
Short-Lived Climate Pollutant (SLCP) Reduction Strategy. The strategy requires the reduction of SLCPs by 40 percent from 2013 levels by 2030 and the reduction of black carbon by 50 percent from 2013 levels by 2030.	**Not applicable.** The proposed project would not include major sources of black carbon. In compliance with BAAQMD Regulation 6, Rule 3,[1] the proposed project would not include the installation of any woodstoves or fireplaces.
SB 375 Sustainable Communities Strategies. Requires Regional Transportation Plans to include a Sustainable Communities Strategy for reduction of per capita vehicle miles traveled.	**Not applicable.** The proposed project does not include the development of a regional transportation plan.
Post-2020 Cap-and-Trade Program. The Post-2020 Cap-and-Trade Program continues the existing program for another 10 years. The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers.	**Not applicable.** The proposed project is not one targeted by the cap-and-trade system regulations, and, therefore, this measure does not apply to the project.
Natural and Working Lands Action Plan. The ARB is working in coordination with several other agencies at the federal, State, and local levels, stakeholders, and with the public, to develop measures as outlined in the Scoping Plan Update and the Governor's Executive Order B-30-15 to reduce GHG emissions and to cultivate net carbon sequestration potential for California's natural and working land.	**Not applicable**. The proposed project is in a built-up urban area and would not be considered natural or working lands.

2017 Scoping Plan Update Reduction Measure	Project Consistency
Source: [1] Bay Area Air Quality Management District (BAAQMD). 2015. Regulation 6 Particulate Matter and Visible Emissions, Rule 3 Wood burning Devices. October 21. Website: http://www.baaqmd.gov/~/media/dotgov/files/rules/reg-6-rule-3-woodburning-devices/documents/rg0603.pdf?la=en. Accessed April 20, 2021. Source of Measures: California Air Resource Board (ARB). 2017. California's 2017 Climate Change Scoping Plan. November. Website: https://ww3.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed April 20, 2021.	

Summary

As presented in Table 16, the proposed project is consistent with the applicable mandatory measures of the City of San José GHG Reduction Strategy after incorporation of identified mitigation. Furthermore, as shown in Table 16, implementation of the proposed project would not conflict with the reduction measures proposed in SB 32. Considering this information, the proposed project would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce the emissions of GHGs with mitigation.

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

(Less than significant impact) Significance for this impact is determined by project compliance with the City's GHG Reduction Strategy and project consistency with the ARB 2017 Climate Change Scoping Plan Update.

City of San José Greenhouse Gas Reduction Strategy

The City of San José Greenhouse Gas Reduction Strategy (GHGRS) was adopted in December 2020. The City's GHGRS includes GHG reduction measures applicable to all development projects in San José. These GHG reduction measures are aimed at improving energy efficiency and conservation, increasing the amount of renewable energy produced in the City, reducing water-related GHG emissions, decreasing the amount of waste sent to landfill, reducing vehicle trips, and promoting bicycling, walking, and transit. Compliance with the GHG Reduction Strategy is determined by use of the Development Compliance Checklist provided in the GHGRS.[30] For nonresidential projects, the applicable part of the Development Compliance Checklist is part 2 of Table B, reproduced below in Table 17. In addition, Table 18 details the proposed project's consistency with the seven GHG reduction strategies.

[30] City of San José GHG Reduction Strategy Attachment A: Development Compliance Checklist. 2020. Website: https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy. Accessed April 2021.

Table 17: Consistency with GHGRS: Development Compliance Checklist

Development Compliance Checklist Item	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 percent carbon-free electricity) for electricity accounts associated with the project.	**Compliant.** The proposed project design does not include modification of the main building exterior, and it is unknown if the main building is capable of supporting solar or wind generation. The new building is very small and would not be a feasible location for substantial amounts of electricity generation. Consequently, solar or other clean energy generation on-site is not currently a part of the proposed project. While the default power provider would be San José Clean Energy, nothing precludes the proposed project from opting out of San José Clean Energy 100 percent renewable electricity options. However, the proposed project would implement community solar programs in accordance with Standard Permit Condition GHG No. 1. With implementation of Standard Permit Condition GHG No. 1, the proposed project would comply with this checklist item.
Building Retrofits–Natural Gas. This strategy only applies to projects that include a retrofit of an existing building. If the proposed project does not include a retrofit, select "Not Applicable" in the Project Conformance column. 1. Replace an existing natural gas appliance with an electric alternative (e.g., space heater, water heater, clothes dryer), or 2. Replace an existing natural gas appliance with a high-efficiency model.	**Compliant.** The proposed project includes a retrofit of the interior of an existing building. Any existing natural gas appliances such as space heaters, water heaters, clothes dryers would be replaced with modern high-efficiency appliances as part of the proposed project.
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 and demolition waste diversion requirement.	**Compliant.** The proposed project includes development of a new waste area on-site that would provide space for organic waste.
Caltrain Modernization. 1. For projects located within 0.5-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 and/or residents with options to reduce their vehicle miles traveled (e.g., a Transportation Demand Management [TDM] program), which could include transit passes, bike lockers and showers, or other strategies to reduce project-related VMT.	**Not applicable.** This measure is not applicable to the proposed project.

Development Compliance Checklist Item	Project Consistency
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.	**Compliant.** The proposed project includes installation of bioretention areas for stormwater. The bioretention areas reduce the level of treatment required for stormwater runoff from the site as well as provide for improved on-site irrigation of the landscaping thereby reducing water consumption.
Source: City of San José GHG Reduction Strategy Attachment A: Development Compliance Checklist. 2020. Website: https://www.sanjoseca.gov/your-government/department-directory/planning-building-code-enforcement/planning-division/environmental-planning/greenhouse-gas-reduction-strategy. Accessed April 2021.	

Table 18: Consistency with GHGRS Strategies

Strategy	Project Consistency
GHGRS No. 1: The City will implement the San José Clean Energy program to provide residents and businesses access to cleaner energy at competitive rates.	**Compliant.** The proposed project would implement Standard Permit Condition GHG No. 1. With implementation of Standard Permit Condition GHG No. 1, the proposed project would comply with this checklist item.
GHGRS No. 2: The City will implement its building reach code ordinance (adopted September 2019) and its prohibition of natural gas infrastructure ordinance (adopted October 2019) to guide the City's new construction toward zero net carbon buildings.	**Compliant.** The proposed project would comply with all applicable codes.
GHGRS No. 3: The City will expand development of rooftop solar energy through the provision of technical assistance and supportive financial incentives to make progress toward the Climate Smart San José goal of becoming a one-gigawatt solar city.	**Not applicable.** The proposed project design does not include modification of the main building exterior, and it is unknown if the main building is capable of supporting solar or wind generation. The new building is very small and would not be a feasible location for substantial amounts of electricity generation. Consequently, solar or other clean energy generation on-site is not currently a part of the proposed project. However, the proposed project would be required to implement Standard Permit Condition GHG No. 1. With implementation of Standard Permit Condition GHG No. 1, the proposed project would comply with this checklist item.
GHGRS No. 4: The City will support a transition to building decarbonization through increased efficiency improvements in the existing building stock and reduced use of natural gas appliances and equipment.	**Compliant.** The proposed project design does not include modification of the main building exterior, and it is unknown if the main building is capable of supporting solar or wind generation. The new building is very small and would not be a feasible location for substantial amounts of electricity generation. Consequently, solar or other clean energy generation on-site is not currently a part of the proposed project.

Strategy	Project Consistency
	However, the proposed project would be required to implement Standard Permit Condition GHG No. 1. With implementation of Standard Permit Condition GHG No. 1, the proposed project would comply with this checklist item.
GHGRS No. 5: As an expansion to Climate Smart San José, the City will update its Zero Waste Strategic Plan and reassess zero waste strategies. Throughout the development of the update, the City will continue to divert 90 percent of waste away from landfills through source reduction, recycling, food recovery and composting, and other strategies.	**Compliant.** The proposed project includes development of a new waste area on-site that would provide space for organic waste.
GHGRS No. 6: The City will continue to be a partner in the Caltrain Modernization Project to enhance local transit opportunities while simultaneously improving the City's air quality.	**Not applicable.** This measure is not applicable to the proposed project.
GHGRS No. 7: The City will expand its water conservation efforts to achieve and sustain long-term per capita reductions that ensure a reliable water supply with a changing climate, through regional partnerships, sustainable landscape designs, green infrastructure, and water efficient technology and systems.	**Compliant.** The proposed project includes installation of bioretention areas for stormwater. The bioretention areas reduce the level of treatment required for stormwater runoff from the site as well as provide for improved on-site irrigation of the landscaping thereby reducing water consumption.

Mitigation Measures

None.

Standard Permit Conditions

GHG No. 1 Renewable Energy Development

Prior to the issuance of grading and building permits for the project, the Project Applicant shall provide documentation demonstrating that the project will participate in community solar programs to support development of renewable energy in the community to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval.

3.3.2 - Conclusion

The proposed project would result in a less than significant impact to GHG emissions.

3.4 - HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based on the Phase I Environmental Site Assessment (Phase I ESA) Report prepared for the project site by Odic Environmental Services, Inc., November 2, 2018, and the Limited Soil Sampling prepared by FirstCarbon Solutions (FCS) on February 7, 2020. The Phase I ESA and Limited Soil Sampling for Asbestos report are included in Appendix B.

The project site is located within the South Bay Asbestos Area National Priorities List (NPL) Superfund site that includes the majority of Alviso. The 550-acre South Bay Asbestos Area consisted of three landfills that received asbestos wastes from an asbestos cement pipe manufacturing plant from 1953 to 1982. The site also included a levee around Alviso that contained asbestos-contaminated material. Removal of the asbestos-contaminated ring levee took place in 1993. Following cleanup, operation and maintenance activities and monitoring are ongoing. The EPA has conducted several 5-year reviews of the site's remedy. These reviews ensure that the remedies put in place protect public health and the environment, and function as intended by site decision documents. The most recent review concluded that response actions at the site are in accordance with the remedy selected by the EPA and that the remedy continues to be protective of human health and the environment in the short-term. Continued protectiveness of the remedy requires implementation of institutional controls and updating the remedy to replace deed restriction requirements with water board and State regulations.

According to the Phase I ESA and Limited Soil Sampling, although the project site is located within boundaries of the South Bay Asbestos Area NPL site, it is not within the areas of the former landfills, truck yards, or levee, and the project site does not appear to be impacted by asbestos. In addition, asbestos was not detected in any of the five soil samples collected in the limited soil sampling conducted for the project.

Applicable Plans, Policies and Regulations

Federal Aviation Regulation Part 77 Rule

Federal Aviation Regulation Part 77 "Objects Affecting Navigable Airspace" provides navigable airspace criteria for airports and imaginary surface criteria for heliports. Federal Aviation Regulation Part 77 regulates the safe and efficient use of navigable airspace and navigational facilities. Regulations cover construction noticing requirements, standards for determining obstructions to air navigation or navigational facilities, aeronautical studies and determinations, and petitions for discretionary review.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) regulates hazardous waste from the time that the waste is generated through its management, storage, transport, and treatment until its final disposal. The EPA authorizes the California Department of Toxic Substances Control (DTSC) to administer RCRA in California. DTSC acts as the general agency for soil and groundwater cleanup projects and establishes cleanup and action levels for subsurface contamination that are equal to, or more restrictive than, federal levels.

Comprehensive Environmental Response, Compensation and Liability Act

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund, was designed to clean up abandoned hazardous waste sites that may endanger public health or the environment. The law authorizes the EPA to identify parties responsible for contamination of sites and compel the parties to clean up the sites. Where responsible parties cannot be found, the EPA is authorized to perform the cleanup using a special trust fund. This law outlines the potential liability related to the cleanup of hazardous substances, available defenses to such liability, appropriate inquiry into site status under Superfund, and statutory definitions of hazardous substances and petroleum products.

The Cortese List

The Cortese List (Hazardous Waste and Substances Site List) is a document used by State, local agencies, and developers to comply with CEQA requirements to consider Government Code Section 5962.5 in evaluating proposed development projects. The Government Code requires the DTSC to compile and update a list of hazardous waste sites, handling facilities, disposal facilities, and abandoned sites.

San Francisco Bay Regional Water Quality Control Board

There are nine Regional Water Quality Control Boards (RWQCBs) throughout the State. The San Francisco Bay RWQCB has jurisdiction over projects in the City of San José. Individual RWQCBs function as the lead agencies responsible for identifying, monitoring, and cleaning up leaking underground storage tanks (USTs). Storage of hazardous materials in USTs is regulated by the State Water Resources Control Board, which oversees the nine RWQCBs.

Santa Clara County Department of Environmental Health

The Santa Clara County Department of Environmental Health acts as the local oversight agency for investigation and cleanup of petroleum releases from USTs through implementation of the local oversight program by contract with the State Water Resources Control Board and RWQCBs.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within City limits. The following policies are specific to hazards and hazardous materials and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Hazardous Material Policies

Policies	Description
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.

Envision San José 2040 General Plan Relevant Hazardous Material Policies

Policies	Description
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.
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 hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.

3.4.1 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school?	☐	☐	☒	☐
4. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
7. Expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

As previously discussed in Section 3.1 of this Initial Study, on December 17, 2015, the California Supreme Court issued an opinion in *CBIA v. BAAQMD*, holding that CEQA is primarily concerned with project impacts on the environment and generally does not require agencies to analyze the impacts of existing environmental hazards or risks on future users or residents, unless the project risks exacerbating them. Any such analysis is provided here for informational purposes only.

Impact Discussion

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

(Less than significant impact) Project construction and operations would involve the minor routine transport and handling of minimal quantities of hazardous substances such as diesel fuels, lubricants, solvents, asphalt, pesticides, and fertilizers. However, the proposed project would not create a significant hazard to the public or the environment, because project construction and operations would comply with applicable federal, State, and local laws pertaining to the safe handling and transport of hazardous materials. In addition, the project does not propose commercial or industrial uses, such as gas stations or dry cleaners that typically use or transport significant amounts of hazardous materials.

As described in the Project Description, the proposed project would include a 500-gallon propane tank and an asphalt sealant tank. The asphalt sealant tank would include containment walls provided with spill collection, overfill alarm, and other safety features as required by the California Fire Code and CBC. As applicable, current regulations and programs for regulated hazardous materials use would reduce potential impacts to a less than significant level.

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

(Less than significant impact with mitigation incorporated) The Limited Soil Sampling for Asbestos report summarizes the results of limited soil sampling on the project site. Five soils samples were collected on the project site from depths of two feet below ground surface level. None of the soil samples analyzed contained asbestos containing materials. In addition, the proposed project does not involve demolition of the existing building and therefore would not result in release of hazardous materials associated with lead-based paint or asbestos containing materials. Project construction and grading would not foreseeably release hazardous materials. During operation, the proposed project would be required to comply with federal, State, and local regulations regarding the use of the proposed 500-gallon propane tank and asphalt sealant tank.

In accordance with MM HAZ-1, a qualified environmental professional would develop a Site Management Plan that addresses the site history due to the historical presence of a machine shop and metal recycling facility on the project site. The Site Management Plan would address any potential contamination that could be discovered during the course of grading/development and would require procedures to prevent any impacts associated with the release of hazardous materials. Therefore, impacts would be less than significant with mitigation incorporated.

3) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

(Less than significant impact) The closest school located near the project site is Mayne Elementary School, approximately 0.41 miles southeast of the project site. As described above, construction activities and project operations would involve minor routine use of hazardous substances such as diesel fuels, cleaning agents, pesticides, and fertilizers. The use of these substances would be confined to the project site and would be properly stored and contained. As such, because Mayne Elementary School is located over 0.25-mile away, any hazardous substances emitted on-site would be confined to the project site and unlikely to reach the school. The proposed project shall also comply with local and State regulations regarding operations with hazardous materials. Additionally, with the implementation of standard permit conditions provided in Section 3.1, Air Quality, the proposed project would not result in significant construction emissions. Therefore, impacts would be less than significant.

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

(Less than significant impact) Although the project site is located within boundaries of the South Bay Asbestos Area NPL site, it is not within the areas of the former landfills, truck yards, or levee and the project site does not appear to be impacted by asbestos. Therefore, the NPL listing is not assessed to pose a significant environmental risk to the project site. The project site is listed on the EPA Facility Index System (FINDS) database because it is also identified in the National Pollutant Discharge Elimination System (NPDES) that is part of the Clean Water Act (CWA). Under NPDES, all facilities that discharge pollutants from any point source into waters of the United States are required to obtain a permit. The project site's former use was identified as a "Non-Major" discharger. The project site is also identified in the EPA Enforcement and Compliance History Online (ECHO) database due to the NPDES listing. The ECHO database states that the former owner of the project site was identified with a code indicating the site was used for Scrap and Waste Materials. The compliance status is identified as "No Violation" based on an inspection date of September 12, 2018. Moreover, the 3-year Compliance History by Quarter identified no violations. Additionally, the project site contains no existing USTs or Aboveground Storage Tanks that could be compiled pursuant to Government Code Section 65962.5. Therefore, the proposed project would not result in a significant hazard to the public or environment due to hazardous materials and impacts would be less than significant.

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

(No impact) Norman Y. Mineta San José International Airport is located approximately 4.1 miles south of the project site. The project site is not within the airport influence area or safety zones in the adopted Comprehensive Land Use Plan for the airport. Given the site's distance from the airport, the project is not subject to building height criteria for projects near the San José airport. Furthermore, Moffett Federal Airfield is located approximately 4.1 miles to southwest of the project

site. This is facility that is used by the United States Airforce, Coast Guard, and National Aeronautics and Space Administration for various missions, such as search and rescue and air-refueling. Given the project site's distance from this airport, the proposed project would not have any impact on this airfield. Therefore, no impacts would occur.

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

(Less than significant impact) The proposed project is located within a developed, urbanized area and would not change the local roadway circulation pattern or access. Consistent with the Fire Code, the City would review the project to ensure adequate emergency vehicle access. In addition, the proposed project would not result in a permanent lane closure or roadway removal, which could impact an adopted emergency response plan or evacuation plan. Any temporary roadway closures required during construction would be subject to City review and approval, which ensures consistency with local emergency requirements. Therefore, the proposed project would comply with emergency responses or emergency evacuation plans and have a less than significant impact. Therefore, impacts would be less than significant.

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

(No Impact) As discussed in detail in Section 3.7.13, Wildfires, the proposed project is located within an urbanized area of San José that is not subject to wildland fires. Implementation of the proposed project would not expose people or structures to any risk from wildland fires. Therefore, no impacts would occur.

Mitigation Measures

MM HAZ-1 Prior to issuance of a Grading Permit, a Site Management Plan (SMP) shall be prepared by a qualified environmental professional to reduce or eliminate exposure risk to human health and the environment and protect construction worker health. The SMP will specifically address potential risks associated with the potential presence of contaminated soils associated with the site's history.

At a minimum, the SMP shall include the following:

- Stockpile management including dust control, sampling, stormwater pollution prevention and the installation of Best Management Practices (BMPs)
- Proper disposal procedures of contaminated materials
- Monitoring, reporting, and regulatory oversight notifications
- A health and safety plan for each contractor working at the site that addresses the safety and health hazards of each phase of site operations with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil/ and or groundwater handling procedures and health and safety requirements to minimize worker and public exposure to contaminated soil/and or groundwater during construction.

- The SMP shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or Director's Designee and the Environmental Compliance Officer of Department of Environmental Services Department for review prior to issuance of any grading permits.

Standard Permit Conditions

None.

3.4.2 - Conclusion

The proposed project would result in a less than significant impact to hazards and hazardous materials with implementation of the identified mitigation measures.

3.5 - NOISE AND VIBRATION

The following discussion is based on noise analysis performed by FCS and on supporting information generated by the applicant provided Noise Assessment Study prepared by Edward L. Pack Associates, Inc. June 13, 2019, that addressed on-site operations noise impacts. A copy of this report is attached in Appendix C.

Environmental Setting

Noise Fundamentals

Noise is generally defined as unwanted sound. Sound becomes unwanted when it interferes with normal activities, causes physiological harm, or interferes with communication, work, rest, recreation, and sleep. The vibration of sound pressure waves in the air produces sound. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Only audible changes in existing ambient or background noise levels are considered potentially significant.

An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB is 100 times more intense, and 30 dB is 1,000 times more intense. Each 10-dB increase in sound level is perceived as approximately a doubling of loudness. Sound intensity is normally measured through the A-weighted sound level. A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear.

Noise Descriptors

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound, including during sensitive times of the day and night. The predominant rating scales in the State of California are equivalent continuous noise level (L_{eq}), CNEL, and Day-Night Level (DNL) that are based on dBA. The L_{eq} is the total sound energy of time varying noise over a sample period. The CNEL is the time varying noise over a 24-hour period, with a five dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). The DNL is similar to the CNEL scale, but without the adjustment for events occurring during the evening relaxation hours. CNEL and DNL measurements are typically within 1 dBA of each other and are normally exchangeable. These additions are made to the sound levels at these times because there is a decrease in the ambient noise levels during the evening and nighttime hours, which creates an increased sensitivity to sounds. For this reason, sound is perceived to be louder in the evening and nighttime hours as compared with daytime hours and is weighted accordingly. Many cities rely on the CNEL noise standard to assess transportation-related impacts on noise-sensitive land uses.

Characteristics of Groundborne Vibration

Groundborne vibration consists of rapidly fluctuating motion through a solid medium, specifically the ground, that has an average motion of zero and in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. Several different methods are used to quantify vibration amplitude such as the maximum instantaneous peak in the vibrations velocity, which is known as the peak particle velocity (PPV) or the root mean square (rms) amplitude of the vibration velocity. Construction activities, such as blasting, pile driving and operating heavy earthmoving equipment, are common sources of groundborne vibration. Construction vibration impacts on building structures are generally assessed in terms of PPV.

As vibration waves propagate from a source, the vibration energy decreases in a logarithmic nature and the vibration levels typically decrease by 6 vibration in decibels (VdB) per doubling of the distance from the vibration source. As stated above, this drop-off rate can vary greatly depending on the soil type, but it has been shown to be effective enough for screening purposes, in order to identify potential vibration impacts that may need to be studied through actual field tests. The vibration level (calculated below as PPV) at a distance from a point source can generally be calculated using the vibration reference equation:

$$PPV = PPV_{ref} * (25/D)^n \text{ (in/sec)}$$

Where:

PPV_{ref} = reference measurement at 25 feet from vibration source
D = distance from equipment to property line
n = vibration attenuation rate through ground

According to Section 7 of the Federal Transit Administration (FTA) Transit Noise and Vibration Impact Assessment Manual, an "n" value of 1.5 is recommended to calculate vibration propagation through typical soil conditions.[31]

Existing Conditions

To determine the existing ambient noise environment at the residential receptor location to establish the baseline for the Policy EC-1.2/CEQA evaluation, continuous recordings of the sound levels were made at a location on the south side of State Street at the residential property line directly across the street from the site. The measurements were made on February 11- 12, 2019, for a continuous period of 24 hours and included measurements during the daytime and nighttime periods of the DNL index during a typical weekday. The sound levels were recorded and processed using a Larson Davis Model 812 Precision Integrating Sound Level Meter. The meter yields, by direct readout, a series of descriptors of the sound levels versus time, which include the L1, L10, L50, and L90 (i.e., those levels that are exceeded 1 percent, 10 percent, 50 percent, and 90 percent of the time). The meter also yields the maximum and minimum levels, and the continuous equivalent-energy levels (L_{eq}), which are used to calculate the DNL.

The average noise levels at the measurement location across State Street from the site ranged from 55.6 to 64.3 dBA L_{eq} during the daytime and from 44.0 dBA to 60.1 dBA L_{eq} at night.

[31] Federal Transit Administration (FTA). 2018. Transit Noise and Vibration Impact Assessment Manual. September.

Project-Generated Noise Levels

To determine the project-generated short-term noise levels for evaluation against the City of San José Zoning Ordinance and the long-term noise exposures for evaluation against the City of San José General Plan Goals and Policies, on-site sound level measurements of the Pacific Surfacing equipment and operations were taken at the existing facility located at 2066 Warm Springs Court in Fremont. Thus, these operations are representative of the operations that would occur at the project site. The sound level measurements were made on March 4 and May 28, 2019, using a Larson Davis 831 Precision Integrating Sound Level Meter. The meter conforms to ANSI S1.4 and IEC 61672-1:2002 for Type 1 and Class 1 instruments, respectively. Due to scheduling, the noise levels of the asphalt paver being loaded onto a trailer, the truck and trailer being driven on and off the site and the paver being unloaded from the truck were made on May 28, 2019. All other measurements were made on March 4, 2019.

Applicable Plans, Policies and Regulations

Envision San José 2040 General Plan

The noise assessment results presented in the findings were evaluated against the City of San José Goals and Policies of the General Plan standards, Ref. (a), which utilize the DNL 24-hour noise descriptor.

The Goals and Policies quantify substantial noise increases for the determination of significant noise impacts related to CEQA. In General Plan Policy EC-1.2, the General Plan increases allowed are less than 5 dB where the noise exposure remains within the Normally Acceptable (60 dB DNL) limit and less than 3 dB where the noise exposure equals or exceeds the Normally Acceptable level.

According to General Plan Policy EC-1.7, the City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities continuing for more than 12 months.

General Plan Policy ES-2.3 requires that new development minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches per second (in/sec) PPV will be used to minimize the potential for cosmetic damage to a building. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

City of San José Municipal Code

The San José Municipal Code Ordinance 20.30.700 establishes a noise performance standard for combined noise generated on a project site as measured at any receiving property line, not to exceed a maximum of 55 dBA L_{eq}.[32]

According to the San José Municipal Code, construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise expressly allowed by a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

[32] City of San José. 2019. City of San José Municipal Code. July.

3.5.1 - Environmental Checklist and Impact Discussion

Would the project result in:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. 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?	☐	☐	☐	☒
2. 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?	☐	☐	☒	☐
3. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☐	☒

Impact Discussion

1) 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?

(No impact) The proposed project is an industrial land use development project that includes improvements to the interior of the existing 3,000 sf metal building on-site, construction of a new 635 sf utility building, installation of new storage tanks, and re-paving of the site. The proposed project also includes new landscaping along project boundaries and would provide new parking areas. The General Plan contains no standards for evaluating noise impacts to an industrial land use. Compatibility with airport land use environments is discussed under Impact 4 below. Therefore, implementation of the proposed project would not result in a significant environmental impact due to a conflict with any land use plan, policy, or regulation, and no impact would occur.

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

Construction Source Noise Impacts

(Less than significant impact) For purposes of this analysis, based on General Plan Policy EC-1.7, the City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would involve substantial noise-generating activities continuing for more than 12 months.

Based on the San José Municipal Code, construction activities within 500 feet of a residential land use are restricted to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday, as it would

result in annoyance or sleep disturbance of nearby sensitive receptors. Such activities shall not be permitted at any time on weekends. Construction activities occurring outside of these hours may be approved through a development permit. These requirements are outlined in Standard Permit Condition NOISE No. 1.

Construction Traffic Noise

One type of noise impact that could occur during project construction would result from the increase in traffic flow on local streets, associated with the transport of workers, equipment, and materials to and from the project site. Construction crew commutes and the transport of construction equipment and materials to the site for the proposed project would incrementally increase noise levels on access roads leading to the site. Although there would be a relatively high single event noise exposure potential causing intermittent noise nuisance (passing dump trucks at 50 feet would generate up to a maximum of 84 dBA maximum sound level (L_{max}), the effect on longer-term (hourly or daily) ambient noise levels would be small. Because project construction workers and construction equipment would use existing routes, noise from passing trucks would be similar to existing vehicle-generated noise on these local roadways. Project-related construction trips would not double traffic volumes along roadway segments leading to the project site and would not result in a perceptible change in existing traffic noise levels. For these reasons, short-term intermittent noise from trucks would be minor when averaged over a longer time-period and would not be expected to exceed existing peak noise levels in the project vicinity. Therefore, short-term, construction-related impacts associated with worker commute and equipment transport to the project site would be less than significant.

Construction Equipment Noise

Noise impacts from construction activities associated with the proposed project would be a function of the noise generated by construction equipment, equipment location, nearby land use sensitivity, and timing and duration of construction activities. Construction noise levels are rarely steady in nature and, often, fluctuate depending on the type and number of equipment being used at any given time. In addition, there could be times where large equipment is not operating and noise would be at or near normal ambient levels.

Construction is completed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on the site and, therefore, the noise levels surrounding the site as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

The loudest individual pieces of construction equipment expected to operate on the project site include scrapers, bulldozers, roller compactors, and graders, which produce typical maximum noise levels ranging up to approximately 85 dBA L_{max} at 50 feet. A characteristic of sound is that each doubling of sound sources with equal strength increases a sound level by three dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, a reasonable worst-case combined noise level during this phase of construction would be 90 dBA L_{max} at a distance of 50 feet from the acoustic center of a construction area. This would result in a reasonable

worst-case hourly average of 86 dBA L_{eq}. The acoustical center reference is used because construction equipment must operate at some distance from one another on a project site, and the combined noise level as measured at a point equidistant from the sources (acoustic center) would be the worst-case maximum noise level.

The closest noise-sensitive receptor to the project site are the single-family residences located across State Street. These residential receptors are located approximately 80-feet from the closest point where a single piece of heavy construction equipment could operate on the project site. At this distance, intermittent noise levels from a single piece of equipment operating near the border of the project site could range up to approximately 85 dBA L_{max}. To also quantify potential noise levels of multiple pieces of equipment operating simultaneously, the acoustic center distance was calculated. This closest residential land use would be located approximately 105 feet from the acoustic center where multiple pieces of construction equipment would potentially operate at the project site. At this distance, worst-case construction noise levels could range up to approximately 85 dBA L_{max}, intermittently, and could have an hourly average of up to 80 dBA L_{eq}, at the façade of the closest single-family residence. These reasonable worst-case construction noise levels would only occur during the site preparation phase of development.

However, construction would be required to be carried out in accordance with Standard Permit Condition NOISE No. 1, San José Municipal Code Section 20.100.450.A, and General Plan Policy EC 1-7. Therefore, with adherence to Standard Permit Condition NOISE No. 1, project construction would not cause a substantial temporary increase in ambient noise levels in the project vicinity in excess of established standards, and the impact of project-related construction noise levels on noise-sensitive receptors in the project vicinity would be less than significant.

Operational Stationary Source Noise Impacts

(Less than significant impact) A significant impact would occur if operational noise levels generated by stationary noise sources from project-related noise levels would cause a substantial permanent increase in existing ambient noise levels at noise-sensitive receptors in the project vicinity in excess of established standards. The City establishes a noise performance standard of 55 dBA DNL for receiving residential land uses. For purposes of this analysis, an increase of 3 dBA or more would be considered a substantial permanent increase.

To calculate the project-generated noise exposures for evaluations against General Plan Policies EC-1.2 and EC-1.3, the noise levels of each item of equipment and operation at the residential property boundary, as shown in Table III, were averaged over each operational hour of the day. During the equipment measurements at the Fremont facility, each operation was timed for duration. The number of operations of each item in each hour was provided by Pacific Surfacing. The hourly average noise level ($L_{eq(h)}$) for each hour was calculated and are shown in the last column.

The operations during the 7:00 a.m. hour are consistent day-to-day. The seal coat tank fill occurs three times per week and could occur anytime during the day. The return of vehicles and equipment from jobsites during the 4:00 p.m. to 7:00 p.m. hours are also consistent on a day-to-day basis. When vehicles exit or enter the facility site, they are mobile so that the durations of noise occurrence while they are on the site are very short; a few to several seconds (fractions of a minute) before they enter the street or are far enough into the site where the sound levels drop to

insignificance. Although the operational sound level of a vehicle entering or existing the site can be high in the short term, the averaging of these sound levels over longer periods of time result in substantially lower levels.

The project-generated hourly average noise levels were then used to calculate the project-generated noise exposure, in terms of dB DNL, for the evaluations against the standards of the General Plan Goals and Policies. Table 19, below, provides the project-generated noise exposure calculation for the residential receptor property boundary location across State Street from the planned project site. Because of the calculation method of the DNL, all noise generated during the daytime hours of 7:00 a.m. to 10:00 p.m. are averaged. Thus, it is irrelevant exactly when during the daytime hours the noise source occurs.

Table 19: Project-Generated Noise Exposure Calculations

Project-Generated Noise Exposure Calculations as measured at Residential Property Line Across State Street			
Time	**L_{eq}**	**$10^{L_{eq}/10}$**	**Summations**
7:00 a.m.	59.0	791170.3	
8:00 a.m.		1.0	
9:00 a.m.	46.8	47470.7	
10:00 a.m.		1.0	
11:00 a.m.	46.2	41426.3	
12:00 p.m.	52.6	182292.9	
1:00 p.m.		1.0	
2:00 p.m.		1.0	
3:00 p.m.		1.0	
4:00 p.m.	40.6	11354.0	
5:00 p.m.	51.5	141197.3	
6:00 p.m.	46.8	47652.0	
7:00 p.m.		1.0	
8:00 p.m.		1.0	
9:00 p.m.		1.0	SUM = 1262571.6
10:00 p.m.		1.0	Ld = 61.0
11:00 p.m.		1.0	
12:00 a.m.		1.0	
1:00 a.m.		1.0	
2:00 a.m.		1.0	
3:00 a.m.		1.0	
4:00 a.m.		1.0	

Project-Generated Noise Exposure Calculations as measured at Residential Property Line Across State Street			
Time	**L_{eq}**	**$10^{L_{eq}/10}$**	**Summations**
5:00 a.m.		1.0	
6:00 a.m.		1.0	SUM = 9.0
			Ln = 9.5
	Daytime Level =	61.0	
	Nighttime Level =	19.5	
	DNL =	**47**	
	24-Hour L_{eq} =	47.2	

As shown in Table 19, the project-generated noise exposure at the most impacted residential receptor location would be 47 dB DNL on the busiest days and would be within the 55 dB DNL limit of General Plan Policy EC-1.3.

To evaluate the project-generated noise impacts against the standards of General Plan Policy EC-1.2, the project noise exposures were added to the background noise exposure and the sum was compared to the existing total noise exposure.

Ambient	Project	Ambient + Project	Δ dB
62 dB DNL	47 dB DNL	62 dB DNL	0 dB

or, 10log10(10(62/10)) +(10(47/10)) = 62.

The proposed project would not add to the existing noise environment is the vicinity of the site and would be within the Ambient + 2 dB limit of General Plan Policy EC-1.2. As the project-generated noise exposures will be in compliance and the applicable standards and policies, noise reduction measures will not be required for General Plan compliance. Therefore, on-site operational noise impacts to off-site receptors would be less than significant.

Operational Mobile Source Noise Impacts

(Less than significant impact) According to the General Plan, the City considers permanent increases in ambient noise levels to be significant if a new development would result in an increase by any of the following levels as measured at any noise-sensitive receptor:

- 5 dBA DNL or more where the noise levels would remain "Normally Acceptable;" or
- 3 dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable."

Typically, a doubling of the Average Daily Traffic (ADT) hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels; which, as discussed in the characteristics of nose discussion above, is the lowest change that can be perceptible to the human

ear in outdoor environments. Therefore, for purposes of this analysis, a doubling of the existing ADT volumes would result in a substantial permanent increase in traffic noise levels.

Based on the traffic analysis prepared for the project, the proposed project would generate an average of 104 trips per day, including 38 AM peak-hour trips and 38 PM peak-hour trips.[33] These average daily and peak-hour project trips would not result in a doubling of the average daily or hourly trips along State Street or any other access roadway in the project vicinity. Therefore, the increase in traffic noise resulting from project operations would not be perceptible along any roadway segment in the project vicinity. Therefore, implementation of the proposed project would not result in a substantial increase in traffic noise levels compared with traffic noise levels existing without the project and project traffic noise impacts would be less than significant.

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

(Less than significant impact) A significant impact would occur if groundborne vibration exceeded levels considered perceptible. The General Plan established a vibration threshold of 0.2 in/sec PPV for cosmetic damage at buildings of normal conventional construction. For historic buildings or buildings that are documented to be structurally weakened, a vibration threshold of 0.08 in/sec PPV is used to provide the highest level of protection.

Short-term Construction Vibration Impact

Construction activities are a known source of groundborne noise and vibration. Construction activities, including the removal of existing pavement, site preparation work, excavation, foundation work, and new building erection, could generate excessive vibration levels at nearby sensitive land uses or historic buildings. Construction of the proposed project would require the use of heavy construction equipment. Of the variety of equipment that would be used during construction, small vibratory rollers would produce the greatest groundborne vibration levels. Impact equipment such as pile drivers is not expected to be used during construction of this project. Small vibratory rollers produce groundborne vibration levels ranging up to 0.101 in/sec PPV at 25 feet from the operating equipment.

The heaviest construction equipment would potentially operate as close as 40 feet from the nearest off-site sensitive structure, a residential-type structure (appears to be used for commercial uses) located at 1432 State Street, west of the project site. At this distance, groundborne vibration levels would range up to 0.05 in/sec PPV from operation of the types of equipment that would produce the highest vibration levels. This is well below the City's vibration impact threshold of 0.2 in/sec PPV for buildings of normal conventional construction. Therefore, the impact of groundborne vibration levels on off-site receptors would be less than significant.

Operational Vibration Impacts

Implementation of the proposed project would not include any permanent sources that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible

[33] Kimley Horn, 2020. Project Fresno Trip Generation Validation Memorandum. October 23.

without instruments at any existing sensitive land use in the project vicinity. Therefore, project operational groundborne vibration level impacts would be considered less than significant.

The City has also established vibration impact criteria for new development located within 100 feet of existing rail lines (see General Plan Policy EC-2.1). This establishes the City's criteria for evaluating potential impacts from groundborne vibration from rail activity to proposed land use development, and therefore constitutes analysis of an impact on a project, not an analysis of whether a project would generate groundborne vibration impact on the surrounding environment. While this analysis is not required under CEQA, it is being included for informational purposes only, to demonstrate consistency with General Plan Policy EC-2.1. The nearest rail line is located approximately 1,940 feet west of the project site, well over 100-feet from the project site. Furthermore, there are no other stationary sources of groundborne vibration in the project vicinity that could produce groundborne vibration levels that would be perceptible without instruments at any point on the project site. Therefore, there is no impact to the proposed project from existing groundborne vibration sources.

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

(No impact) The closest airport to the project site is the Norman Y. Mineta San José International Airport, located approximately 4.1 miles south of the project site. The project site is located outside of the airport's 65 dBA CNEL noise contours. In addition, the project site is not located within the vicinity of a private airstrip. Therefore, the proposed project would not expose persons residing or working in the project area to noise levels in excess of established standards or any noise land use compatibility standard established by the Santa Clara County Airport Land Use Commission. Therefore, no impact would occur.

Mitigation Measures

None.

Standard Permit Conditions

NOISE No. 1 Construction-Related Noise.

Noise minimization measures include, but are not limited to, the following:

i. 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.

ii. Construct solid plywood fences around ground-level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.

iii. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

iv. Prohibit unnecessary idling of internal combustion engines.

v. 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.

vi. Utilize "quiet" air compressors and other stationary noise sources where technology exists.

vii. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

viii. 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.

ix. 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.

x. 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.

xi. 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.

3.5.2 - Conclusion

The proposed project would result in less than significant noise impact to off-site receptors with implementation of the identified standard permit conditions.

3.6 - TRANSPORTATION

The following discussion is based on the LTA prepared by Hexagon Transportation Consultants on August 12, 2021. A copy of this report is attached in Appendix D.

Applicable Plans, Policies and Regulations

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a VMT metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires analysis of VMT in determining the significance of transportation impacts. Local jurisdictions are required by Governor's Office of Planning and Research (OPR) to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine county San Francisco Bay Area, including Santa Clara County. The 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. The MTC and Association of Bay Area Governments (ABAG) adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by the ARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, State, regional and local sources over the next 24 years).

Santa Clara Valley Transportation Authority Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the CMP, a program aimed at reducing regional traffic congestion. The relevant State legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gas tax revenues. The CMP legislation requires that each CMP contain the following five mandatory elements: (1) a system definition and traffic LOS standard element; (2) a transit service and standards element; (3) a trip reduction and TDM element; (4) a land use impact analysis program element; and (5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements including: (1) a countywide transportation model and data base element; (2) an annual monitoring and conformance element; and (3) a deficiency plan element. The Santa Clara VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

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

In March 2018, Council Policy 5-1, "Transportation Analysis Policy" replaced Council Policy 5-3, "Transportation Impact Policy" as the policy for transportation development review in the City of San José. Council Policy 5-1 aligns the City's transportation analysis with California SB 743 and the City's goals as set forth in the General Plan. Council Policy 5-1 establishes the thresholds for transportation impacts under CEQA by removing LOS and replacing it with VMT.

The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions, and the creation of robust multimodal networks that support integrated land uses. The new transportation policy aligns with the currently adopted General Plan, which seeks to focus new development growth within Planned Growth Areas, bringing together office, residential, and supporting service land uses to internalize trips and reduce VMT.

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects within the City. The following policies are specific to transportation and are applicable to the proposed project.

Envision San José 2040 General Plan Relevant Transportation Policies

Policy	Description
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-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 toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
Policy TR-4.1	Support the development of amenities and land use and development types and intensities that increase daily ridership on the Santa Clara VTA, BART, Caltrain, ACE and Amtrak California systems and provide positive fiscal, economic, and environmental benefits to the community.
Policy TR-8.6	Allow reduced parking requirements for mixed-use developments and for developments provided shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Urban Villages and other Growth Areas.
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 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.

3.6.1 - Environmental Checklist and Impact Discussion

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
1. Conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
2. Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
4. Result in inadequate emergency access?	☐	☐	☒	☐

Impact Discussion

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

(Less than significant impact) The proposed project is consistent with the General Plan. The proposed project is considered part of the cumulative solution to meet the General Plan's long-range transportation goals.

Roadway Facilities

Trips generated by any new development are typically estimated based on counts of existing developments of the same land use types. A compilation of typical trip generation rates can be found in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition. The project trip generation estimates based on the ITE trip rates for "Specialty Trade Contractor" (Land Use 180) are shown below in Table 20: As shown in the table, applying the standard ITE rates for this land use category would result in very few new trips.

Table 20: Project Trip Generation Estimates Using ITE

Land Use	Size	Daily		AM Peak-hour				PM Peak-hour			
				Peak-hour	Trips			Peak-hour	Trips		
		Rate	Trips	Rate	In	Out	Total	Rate	In	Out	Total
Specialty Trade Contractor[1]	*3,735*	*10.22*	*38*	*1.66*	*5*	*1*	*6*	*1.97*	*2*	*5*	*7*

Notes:
[1] Trip generation based on average rates contained in the ITE Trip Generation Manual, 10th Edition, for Specialty Trade Contractor (Land Use 180). Rates are expressed in trips per 1,000 square feet.
Source: Hexagon 2021.

In order to provide a more conservative estimate of new trips, the project-generated trips were instead estimated based on the project's operations plan. It is assumed that all the project truck drivers would arrive at the site, and half the truck drivers would depart the site, during the AM peak-hour. It is presumed that the opposite would occur during the PM peak-hour. Furthermore, for trip generation purposes, it was assumed that all the project office employees would arrive at the site during the AM peak-hour and depart the site during the PM peak-hour. This represents a worst-case scenario in terms of the number of project-generated trips.

Table 21: Project Trip Generation Estimates Using Operations Plan

Land Use	Vehicle Type	Daily Trips (Cars and Trucks)	AM Peak-hour Trips			PM Peak-hour Trips		
			In	Out	Total	In	Out	Total
Project Truck Fleet[1]	*5 Light Duty Trucks*	*20*	*5*	*3*	*8*	*3*	*5*	*8*
	9 Medium Duty Trucks	*36*	*9*	*5*	*14*	*5*	*9*	*14*
	7 Heavy-Duty Trucks	*28*	*7*	*4*	*11*	*4*	*7*	*11*
Office Employees[2]	*5 Personal Vehicles*	*10*	*5*	*0*	*5*	*0*	*5*	*5*
Total Project Trips		*94*	*26*	*12*	*38*	*12*	*26*	*38*

Notes:
[1] Based on the truck operations plan provided, it is estimated that all the project truck drivers would arrive at the site and half the truck drivers would depart the site during the AM peak-hour. It is estimated that the opposite would occur during the PM peak-hour.
[2] Based on the truck operations plan provided, all the project office employees could potentially arrive at the site during the AM peak-hour and depart the site during the PM peak-hour.
Source: Hexagon 2021.

As shown in Table 21, using the operations plan methodology to represent the worst-case scenario, the proposed project is estimated to generate 94 new daily vehicle trips, with 38 new trips (26 inbound and 12 outbound) occurring during the AM peak-hour and 38 new trips (12 inbound and 26 outbound) occurring during the PM peak-hour. Due to the low number of net new project-generated trips, the proposed project would not result in a significant change to traffic volumes in the area and would not impact the transportation system. The proposed project would not conflict with any adopted plans or policies for roadway facilities. Therefore, impacts would be less than significant.

Bicycle and Pedestrian Facilities

Most of the streets that make up the Alviso neighborhood have sidewalks along both sides of the street. The neighborhood streets connect to Disk Drive and North First Street, which also contain sidewalks on both sides of the street, as well as crosswalks and pedestrian signal heads at the signalized intersections along these roadways. The existing pedestrian facilities provide connectivity between the project site and the surrounding land uses and transit stops in the Alviso area.

Bicyclists can access Disk Drive from the neighborhood and use Nortech Parkway to access North First Street. Disk Drive, Nortech Parkway, and North First Street all have striped bicycle lanes.

Currently, Los Esteros Road/Zanker Road has no bicycle lanes. However, the City indicated that bike lanes are planned between the future Nortech Parkway extension and Grand Boulevard.

Access to the Guadalupe River/Los Alamitos Creek Trail is provided just over 0.5 mile southwest of the project site. The trail system (Class I bikeway) runs through the City of San José along the Guadalupe River and separates bicyclists from motor vehicle traffic. The Guadalupe River Trail is a continuous Class I bikeway (paved path) from West Virginia Street in the south to Alviso Marina County Park. There is another section of the trail a few blocks south of West Virginia Street from Willow Street to Curtner Avenue, which provides access to trails that lead to Almaden Valley in southern San José. The multiuse trail also connects to the State Route (SR) 237 Bikeway. The trail system is available for use by pedestrians and bicyclists year-round.

According to the LTA, the proposed project would not have an impact on the existing pedestrian or bicycle facilities in the area. The proposed site plan shows adequate site access and on-site circulation, and no operational issues are expected to occur as a result of the project. Additionally, the proposed project would not conflict with any adopted plans or policies for new bicycle or pedestrian facilities. Therefore, impacts would be less than significant.

Transit Services

Existing bus service in the project area is provided by the VTA. The Alviso neighborhood, which includes the project site, is served by local bus route 59. Local route 59 operates along North First Street, Taylor Street, Gold Street, and Liberty Street. Bus stops are located on Gold Street and Liberty Street, approximately 0.4 miles southwest of the project site. Local route 59 provides service between Valley Fair and Alviso and operates with 30-minute headways during the peak weekday commute periods. Route 59 stops at the Baypointe and Old Ironsides Light Rail Transit (LRT) stations.

According to the LTA, the proposed project would not have an impact on the existing transit facilities in the area. The proposed site plan shows adequate site access and on-site circulation, and no operational issues are expected to occur as a result of the project. Additionally, the proposed project would not conflict with any adopted plans or policies for new transit facilities. Therefore, impacts would be less than significant.

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

(Less than significant impact) Based on the City of San José's Transportation Analysis Policy (Policy 5-1) and the screening criteria contained in the Transportation Analysis Handbook, the proposed project is expected to result in a less-than-significant CEQA transportation impact. The proposed amount of new industrial space meets the screening criterion for small infill industrial projects meeting the criteria of industrial space of 30,000 square feet total gross floor area or less. Therefore, a VMT analysis is not required, and impacts would be considered less than significant.

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

(Less than significant impact) Vehicular site access was evaluated in the LTA to determine the adequacy of the site's driveways. On-site vehicular circulation was reviewed in accordance with generally accepted traffic engineering standards.

The proposed project would reconstruct the entire frontage along State Street, including the sidewalk and driveways. Two driveways would provide access to the site–one centrally located 30-foot-wide driveway and one 22.5-foot-wide driveway adjacent to the western boundary. The minimum acceptable width for a commercial driveway is 16 feet, and the maximum acceptable width for a commercial driveway is 32 feet. Thus, the project driveways would fall within the acceptable range. The site would be paved and would include 8 standard parking spaces along the eastern boundary, one van-accessible space near the western driveway, and long parking spaces for project trucks and trailers at the back of the site.

Driveway Configuration and Operation

The western driveway would serve inbound trips only and would narrow to 19 feet wide approximately 30 feet onto the site. A security gate would be located on-site approximately 130 feet from the sidewalk at the back of the industrial building. This design would provide an abundance of on-site stacking space to accommodate large trucks entering the site and prevent trucks from queueing back onto State Street and blocking traffic. The gate would remain closed for safety and security at all times and a Radio Frequency Identification (RFID) system would be utilized at the gate for employees entering the site.

The 30-foot-wide central driveway would serve outbound employee vehicles. Emergency vehicle access would also be provided at this driveway. The site plan shows a sliding security gate would be located at the central driveway approximately 25 feet from the sidewalk. The RFID system would also be implemented at this outbound driveway.

In addition to providing a significant amount of on-site storage for inbound trucks, the clockwise on-site circulation pattern would provide easy access to the long parking stalls at the back of the site and would eliminate the need for trucks to turn around on-site (i.e., no three-point maneuver necessary).

Due to the low number of inbound and outbound vehicle trips at the project driveways, and the low traffic volumes along State Street, no operational issues are expected to occur at the driveways. Therefore, impacts would be less than significant.

Sight Distance at Project Driveway

The project driveways would be free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and vehicles and bicycles traveling on State Street. Any landscaping and signage would be located to ensure an unobstructed view for drivers exiting the site. Providing the appropriate sight distance would reduce the likelihood of a collision at a driveway and provides drivers with the ability to locate sufficient gaps in traffic and exit a driveway.

The site plan shows the proposed project would add a mix of landscaping (various plants and trees) along the project frontage on State Street. All the landscaping would be situated on-site (not within the public right-of-way) and would consist of low-lying vegetation and marina strawberry trees. These types of trees have a high canopy and would not obstruct the view of drivers exiting the project driveways. Thus, adequate sight distance would be provided at both driveways. Therefore, impacts would be less than significant.

Circulation

All vehicles would enter the site at the western driveway and exit via the central driveway (clockwise circulation pattern). Both driveways would provide adequate access for all vehicles, including large trucks. Adequate space would be provided for project trucks to maneuver into and out of the long parking stalls at the back of the site. Passenger vehicles could easily access the standard parking stalls along the eastern boundary of the site, as well as the accessible stall near the western project driveway.

The project site plan was reviewed for truck access using truck turning-movement templates for a single unit (SU)-30 truck type and WB-65 (CA Legal) truck types. SU-30 trucks are 30-foot SU trucks with a 20-foot wheelbase (e.g., small to medium emergency vehicles, garbage trucks, and heavy-duty work trucks). The WB-65 truck turning template was used to represent the 65-foot semi-trailer project trucks (CA Legal trucks) and are the largest trucks that would access the site. The majority of trucks that would access the site consist of single-unit trucks while just four WB-65 trucks would access the site. Based on the site plan configuration, adequate access (i.e., driveway width, drive aisle width, and vertical clearance) would be provided for SU-30 type trucks to enter the site from State Street, circulate through the site in a clockwise pattern, and ultimately exit back onto State Street. Adequate space would also be provided on-site for SU-30 type trucks to maneuver in and out of the long parking stalls at the back of the site. WB-65 trucks would enter the site via the west driveway and exit via the central driveway, similar to the SU-30 truck circulation pattern. WB-65 trucks would require the full width of State Street when entering the 20-foot-wide west driveway. Adjustments to the site plan would be needed such as adding approximately 12 feet of rolled curb to the east side of the driveway, reducing or reconfiguring on-site landscaped area and outdoor storage area, and shortening three of the long parking spaces at the northwest corner of the site. The Project Applicant would coordinate with the City's Department of Public Works staff to confirm that the site plan would be able to accommodate WB-65 (CA Legal) trucks. The final site plan would be reviewed and approved by the Department of Public Works to ensure that the proposed project would not have impacts related to internal circulation hazards. Therefore, impacts would be less than significant.

4) Would the project result in inadequate emergency access?

(Less than significant impact) Emergency vehicle access to the site would be provided via State Street. The City of San José Fire Code requires driveways to provide at least 20 feet for fire access. Accordingly, the proposed project would comply with the City's fire code.

The City of San José Fire Department requires that all portions of a building be within 150 feet of a fire department access road and requires a minimum of 6 feet clearance from the property line along all sides of the buildings. The proposed project would meet these requirements. Therefore, the proposed project would not result in inadequate emergency access. Impacts would be less than significant.

Mitigation Measures

None.

Standard Permit Conditions

None.

3.6.2 - Conclusion

The proposed project would not have an adverse effect on the existing pedestrian, bicycle, or transit facilities in the area. The proposed site plan shows adequate site access and on-site circulation, and no operational issues are expected to occur as a result of the project. Impacts would be less than significant.

3.7 - OTHER ENVIRONMENTAL TOPICS

3.7.1 - Aesthetics

Impact Discussion

Scenic resources in the City of San José include the broad sweep of the Santa Clara Valley, the hills and valleys that frame the valley floor, the baylands and the urban skyline itself, particularly the high-rise development, as well as gateways, rural scenic corridors, and urban corridors designated in the General Plan. Specific scenic resources mentioned in the General Plan include views of the valley and mountains, especially in, or adjacent to, Coyote Valley, the Diablo Range, the Silver Creek Hills, the Santa Teresa Ridge, and the Santa Cruz Mountains, as well as views from freeways and freeway interchanges including United States Highway 101 (US-101), Interstate 880 (I-880), I-680, I-280, SR17, SR85, SR237, and SR87. The project is in a developed area and is bound to the east, north, and west by light industrial uses and to the south by residential uses. The project site, which contains a single-story metal building, does not have any scenic or historic resources, rock outcroppings, or landscaping.

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

2) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?

3) In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from 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?

and

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

(Less than significant impact) The project includes improvements to the interior of the existing 3,000 sf metal building on-site, as well as the construction of a new 635 square-foot utility building, installation of storage tanks, new landscaping along project boundaries, and new parking areas. No new exterior work, doors, or windows would be added to the existing building. The project does not propose new structures that would be greater than one story in height, which is consistent with the current development on the site. Since the proposed utility building would be of similar height as the existing metal building, views of the surrounding areas would not change from the existing conditions.

The proposed project would not damage scenic resources or historic buildings within a State Scenic Highway. The nearest officially designated State Scenic Highway is I-680, 8 miles from the project site. The officially designated State Scenic Highway portion of I-680 begins at its southernmost end in Fremont where it intersects with Mission Boulevard. The nearest roadway that is eligible for listing as in the State Scenic Highway system is the portion of I-680 that extends south of the designated

portion of I-680. The nearest portion of the roadway is 4.3 miles from the project site.[34] As such, the proposed project would not affect resources within a State Scenic Highway.

The proposed project would not conflict with applicable zoning. The project site is designated Light Industrial in the General Plan and is zoned Light Industrial. The proposed project would be consistent with these designations. Additionally, the proposed project would be consistent with the existing visual characteristics of the surrounding area, which is an urban, industrial setting. The proposed project would improve the property with new landscaping along the northern, eastern, and southern boundaries. New landscaping would include drought tolerant plant species, such as marina strawberry tree, blue California gray rush, and variegated mock orange, thereby improving the existing visual character of the project site.

The proposed project would not increase light or glare on-site. No new exterior work would be included on the existing building. New light fixtures are not proposed as part of the site plan. The building materials used on the utility building would not be reflective or otherwise glare-inducing. The proposed project would be consistent with the current light and glare that is experienced on the project site. Therefore, the proposed project would not adversely affect day or nighttime views in the area.

3.7.2 - Agricultural and Forestry Resources

Impact Discussion

The project site is designated as Urban and Built-Up Land.[35] Urban and Built-Up Land is defined as land occupied by structures with a building density of at least 1 unit to 1.5 acres, or approximately six structures to a 10-acre parcel, such as land used for residential, industrial, commercial, institutional facilities, cemeteries, airports, golf courses, sanitary landfills, sewage treatment, and water control structures.

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

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

3) Would the project 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))?

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

and

[34] California Department of Transportation (Caltrans). 2020. Scenic Highways. List of eligible and officially designated State Scenic Highways. Website: https://dot.ca.gov/-/media/dot-media/programs/design/documents/desig-and-eligible-aug2019_a11y.xlsx. Accessed May 7, 2020.

[35] California Department of Conservation. 2016. Important Farmland Finder: Santa Clara. Website: https://maps.conservation.ca.gov/DLRP/CIFF/. Accessed April 28, 2020.

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

(No impact) The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. The project site is not the subject of a Williamson Act contract and would therefore not conflict with existing zoning for agricultural uses or a Williamson Act contract. The project site is zoned LI and is designated Urban and Built-Up Land and is therefore not suited for agricultural or forestry uses on the site of the proposed project or adjacent parcels. The project site also does not contain forest land and would not conflict with existing zoning of forest land, timberland, or timberland zoned Timberland Production, and would not convert forest land to non-forest uses. Finally, the project does not propose rezoning and would not cause changes to the existing environment that could convert farmland to non-agricultural use or forest land to non-forest use. Therefore, impacts would be less than significant.

3.7.3 - Biological Resources

The project site is completely vacant except for the existing metal building. The remainder of the site consists of virgin base rock, asphalt, and native soils. The project site is in an urban, industrial setting and does not contain wetlands, riparian habitat, wildlife movement corridors, or wildlife nurseries.

Impact Discussion

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

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

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

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

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

and

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

(No impact) The proposed project would not have an adverse effect on a riparian habitat or other sensitive natural community. The project does not propose substantial changes to the existing uses. The project site is in an urban, industrial setting and does not contain wetlands, riparian habitat, wildlife movement corridors, or wildlife nurseries; therefore, the proposed project would not have an adverse effect on special species habitat. There are no trees on the project site; therefore, the proposed project would not involve tree removal. The proposed project would not cause changes to the existing environment that would have a substantial impact on biological resources.

The Santa Clara Valley Habitat Plan (Habitat Plan) encompasses 62 percent of Santa Clara County and the majority of the City of San José.[36] However, the project site is not located within the Habitat Plan Study Area and Permit Area, nor is it located within the Expanded Study Area and Permit Area for Burrowing Owl Conservation of the Habitat Plan. As the site is outside of the jurisdictional area of the Habitat Plan, the proposed project would not be subject to the Habitat Plan conditions and fees for grading permits. The proposed project would not conflict with the Habitat Plan or with the provisions of any other adopted Habitat Conservation Plan or Natural Community Conservation Plan. Therefore, impacts would be less than significant.

3.7.4 - Cultural Resources

Impact Discussion

The project site is located in Santa Clara Valley, where Native American occupation extended over 5,000 to 8,000 years and possibly longer. Historic resources are generally more than 50 years or older in age and include, but are not limited to, buildings, districts, structures, sites, objects, and areas. Prehistoric resources are resources that have significance in prehistory, which is defined as events of the past occurring prior to advent of written records.

The structures on-site are of vernacular (i.e., common) construction and are not distinguished representations of any particular style or type of building construction from the mid-twentieth century period. The on-site structures would, therefore, not qualify for the California Register or as San José City Landmarks for their architecture. Additionally, based on the City's historic evaluation criteria, the project site does not qualify for listing on the City's Historic Resources Inventory. However, according to the General Plan Environmental Impact Report (General Plan EIR), the project site is within an archaeological sensitive area.

Cultural Resources

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

[36] Santa Clara Valley Habitat Agency. 2012. Final Santa Clara Valley Habitat Plan. Figure 1-2: Santa Clara Valley Habitat Plan Study Area and Permit Area. Website: https://scv-habitatagency.org/DocumentCenter/View/123/Chapter-1-Introduction. Accessed May 12, 2020.

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

and

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

(Less than significant impact) Based on the available aerial photographs, the existing metal building was placed on the site between 1968 and 1980. Although this structure could be 50 years of age, it is not representative of any important patterns of development within San José or its environment. Additionally, the proposed changes to the building include interior improvements and interior improvements and would not meet the criteria for a substantial adverse change in the significance of a historical resource pursuant to CEQA Section 15064.5. The City of San José maintains a Historic Resources Inventory that identifies historically and architecturally significant buildings. The project site is not included in this Historic Resources Inventory. The nearest site listed on this inventory is a building located at 1364 Michigan Avenue, which is 851.7 feet from the project site.[37] The Alviso Historic District is located 1,893 feet west of the project site. The proposed project would not have any impacts on this historic resource. Additionally, the site is not included in the City of San José's landmark registry.[38] There are no known historical resources on the site pursuant to the National Register of Historic Places, the California Register of Historical Resources, the State Historical Resources Commission, or any other historic resources pursuant to the CEQA Guidelines Section 15064.5. Furthermore, there are no known archaeological or historical resources in the project area. There are four historical resources within an 0.5-mile radius of the project site, but there are no known historical or archaeological resources on the project site. The proposed project would not cause a substantial adverse change in the significance of a historical or archaeological resource.

The proposed construction activities would involve grading on the site; however, the site is currently paved and developed, with soils that have been disturbed and covered with approximately 1 to 3 feet of fill material.[39] The proposed project would not disturb previously unknown archaeological resources since site grading is less than 3 feet. The proposed project would include standard permit conditions related to cultural resources. In the unlikely event that previously unknown historic or archaeological resources are encountered, the environmental conditions as outlined below would be implemented.

> **Subsurface Cultural Resources.** If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José that is traditionally and culturally affiliated with the geographic

[37] City of San José. 2020. Historic Resources Inventory. Website: https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory. Accessed May 13, 2020.

[38] City of San José. 2016. San José Designated Historic City Landmarks. Website: https://www.sanjoseca.gov/home/showdocument?id=24023. Accessed May 13, 2020.

[39] McKee, R. A. 2019. Geologic Report, May 16.

area as described in Public Resources Code Section 21080.3 shall examine the find. The Archaeologist shall (1) evaluate the find(s) to determine whether 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.

The proposed project would not disturb any known human remains. There are no cemeteries on the site according to the Northwest Information Center record search and a review of historic aerials. Since the project site had been developed until recently and the soils have been disturbed, the likelihood of encountering previously unknown archaeological resources or human remains during grading or other earthmoving activities is very low. The proposed project would include standard permit conditions related to human remains. In the unlikely event that human remains are discovered, the standard permit conditions as outlined below would be implemented.

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 PBCE or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

Given the project site has not contain historic or archaeological resources on-site, and the mandatory implementation of the listed standard permit conditions, the proposed project would have less than significant impacts to cultural resources.

Tribal Cultural Resources

On September 25, 2014, Governor Edmund G. Brown signed AB 52, creating a new category of environmental resources (tribal cultural resources), which must be considered under CEQA. A tribal cultural resource can be a site, feature, place, or 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. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

4) Would the project 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:

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

and

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

(Less than significant impact) 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 within 14 days of determining whether a project requires a (Mitigated) Negative Declaration or Environmental Impact Report. 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 the preparation of this Initial Study, no tribes have sent written requests for notification of projects to the City of San José except for projects in Coyote Valley (over 20 miles south of the site). Due to the distance of the project site from Coyote Valley, the proposed project would not have a significant impact on tribal cultural resources.

An early notice request for all projects in the City of San José was received in May 2021 from Tamien Nation. Note that City staff reviewed the plans, and determined in December 2019 that the appropriate level of environmental review for this project pursuant to CEQA would be an Initial Study to support a Negative Declaration or a Mitigated Negative Declaration. AB 52 requires a tribe that is traditionally and culturally affiliated to the geographic area where a project is located to request notification, in writing, that the tribe be notified of projects in the tribe's area of traditional and cultural affiliation (Public Resource Code § 21080.3.1 (b)). The City did not receive such request from Tamien Nation when the City determined that an Initial Study/Mitigated Negative Declaration (IS/MND) was the appropriate level of environmental review under CEQA. In December 2019, only

one Tribal Representative requested formal notification under AB 52, and as this project is outside the geographic area of interest to this Tribal Representative, no Tribal Representatives were notified pursuant to AB 52 for this project. Although no Tribal Representatives requested AB 52 notification upon determination that the project would prepare an Initial Study/Mitigated Negative Declaration, the City has subsequently notified Tamien Nation on July 12, 2021 during the preparation of this Initial Study in response to their AB 52 request.

3.7.5 - Geology and Soils

Based on the geologic description prepared for the project (Appendix E), surficial mapping indicates the project site and adjacent areas are underlain by Holocene "floodplain deposits–salt affected" (Qhbs). Floodplain deposits are described as clay to very-fine silty clay deposits containing carbonate nodules and iron-stained mottles.

According to the California Geologic Survey (CGS), the project site is not located within a designated Alquist-Priolo Earthquake Fault Zone.[40] The closest fault is the Hayward Fault located 4.35 miles to the east of the project site.[41]

The project site is located in a designated liquefaction zone according to the CGS.[42] Project site soils are composed mostly of Urbanland-Embarcadero complex, 0 to 2 percent slopes, and Aquic Xerorthents, bay mud subtratum, 0 to 2 percent slopes. These soils are typically composed of clay loam, clay, and silty clay and are poorly drained soils that limit water infiltration to groundwater.[43]

Paleontological resources are fossils, the remains or traces of prehistoric life preserved in the geologic record. They range from the well-known and well-publicized (such as mammoth and dinosaur bones) to scientifically important fossils.

Impact Discussion

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

[40] California Department of Conservation. EQ ZAPP Application. Website: https://maps.conservation.ca.gov/cgs/EQZApp/app/. Accessed June 15, 2020.

[41] Ibid.

[42] Ibid.

[43] United States Department of Agriculture (USDA). Natural Resources Conservation Service, Web Soil Survey. Website: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed April 22, 2020.

a) 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.

b) Strong seismic ground shaking?

c) Seismic-related ground failure, including liquefaction?

d) Landslides?

and

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

(Less than significant impact) The nearest fault is the Hayward Fault located 4.35 miles to the east of the project site. Although the project is not located in an Alquist-Priolo Earthquake Fault Zone, the project site is located within a seismically active region; as a result, strong ground shaking would be expected during the lifetime of the project. While no active faults are known to cross the project site, ground shaking on the site could damage future buildings and other structures and expose people to injury. As disclosed in the General Plan EIR, differential settlement during seismic shaking can be a hazard to buildings, roadways, and hardscape improvements, which is a potentially significant impact. However, the project standard permit conditions described below would require the applicant to obtain a geologic clearance from the City Geologist prior to project approval and would reduce potential impacts resulting from ground shaking:

Standard Permit Conditions

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

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.

- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- The proposed 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.

With the implementation of the aforementioned standard permit conditions, impacts related to earthquake fault rupture and seismic ground shaking would remain less than significant.

As described previously, the project site is located on soils that could experience liquefaction or seismic-related ground failure. As disclosed in the General Plan EIR, differential settlement during seismic shaking can be a hazard to buildings, roadways, and hardscape improvements, which is a potentially significant impact. However, the standard permit conditions would require the applicant to obtain a geologic clearance from the City Geologist prior to project approval. The geologic clearance would address potential impacts related to liquefaction.

The project site is relatively level and does not contain any steep slopes. Additionally, the CGS does not identify the project site as a landslide hazard zone. As a result, the proposed project would not place people or structures in a known landslide hazard zone. Impacts related to unstable soil would be less than significant.

3) Would the project result in substantial soil erosion or the loss of topsoil?

(Less than significant impact) Soil exposed by construction activities during project development could be subject to erosion if exposed to heavy rain, winds, or other storm events. Most of the erosion potential or loss of topsoil would occur during grading and excavation. The proposed project would be required to comply with General Plan Policy EC-4.5, which requires the preparation of an Erosion Control Plan for any grading occurring between October 1 and April 30. Therefore, the proposed project would comply with the applicable City regulatory programs related to erosion. Impacts related to soil erosion, or the loss of topsoil would be less than significant.

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

(Less than significant impact) Expansive soils may cause substantial structural damage to building foundations, underground utilities, and other improvements. Structural damage may include warping and cracking or rupture of underground utility lines if a project is not designed or constructed properly for local conditions.

As described previously, the proposed project would be constructed in accordance with standard engineering practices in the California Building Code, as adopted by the City of San José. The proposed project would include standard permit conditions, which would require the applicant to obtain a geologic clearance from the City Geologist prior to project approval. These standard

practices would ensure that future building on the site is designed to properly account for soils-related hazards, including expansive soils.

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

(No Impact) The project site is located within an urbanized area of San José where sewers are available to dispose of wastewater from the project site. In addition, the proposed project would connect to existing sewer lines adjacent to the project site. Therefore, the project site would not need to support septic tanks or alternative wastewater disposal systems.

6) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

(Less than significant impact) According to the General Plan EIR (Figure 3.11-1), the project site is located in an area of high sensitivity for the presence of paleontological resources at depth. As stated in the General Plan EIR, areas with the highest sensitivity are those where geologic formations known to contain fossils are found close to the ground surface. The site is flat and does not contain any unique geologic features. The project does not include underground structures (such as a parking garage) and trenching for new utilities would not excavate at depths greater than needed for utility line infrastructure. Due to the limited subsurface disturbance that would occur and because ground disturbance has already occurred on-site, the potential for discovery of significant paleontological resources on the project site is low. The proposed project would be required to adhere to the standard permit condition described below, which would ensure that impacts remain less than significant:

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

3.7.6 - Hydrology and Water Quality

The project site is located within the Baylands watershed, which is part of the larger San Francisco Bay Basin. There are no waterways on the project site. The closest waterway to the project site is the Guadalupe River, located 0.6 miles west of the project site. Based on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM), the project site is located in Flood Zone AE.[44] Zone AE is designated as areas where base flood elevations are determined within the

[44] Federal Emergency Management Agency (FEMA). Flood Map Service Center. Website: https://msc.fema.gov/portal/search?#searchresultsanchor. Accessed June 17, 2020.

100-year floodplain. The project site is located within a dam failure inundation area from the Almaden/Calero Dam, as determined in the General Plan EIR.

Stormwater runoff from the site flows over land into the City-maintained storm drainage system, which consists of a network of inlets, manholes, pipes, outfalls, channels, and pump stations. The project site is comprised primarily comprised of exposed soils with minimal impervious surfaces.

Impact Discussion

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

and

2) Would the project substantially alter the existing drainage pattern of 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:

a) result in substantial erosion or siltation on- or off-site;

b) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

c) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

d) impede or redirect flood flows?

(Less than significant impact) Implementation of the proposed project would involve demolition and grading activities at the project site. Construction would temporarily increase the amount of debris on-site which could be carried by runoff into the storm drainage system, which flows into the San Francisco Bay. The following measures (based on the San Francisco Bay RWQCB recommendations) have been included as standard permit conditions to reduce potential construction-related water quality impacts.

Standard Permit Conditions: Implementation of the following measures would reduce the construction impacts on water quality, as applicable:

i. Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.

ii. Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

iii. All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust, as necessary.

iv. Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

v. All trucks hauling soil, sand, and other loose materials shall be required to cover all trucks or maintain at least two feet of freeboard.

vi. All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).

vii. Vegetation in disturbed areas shall be replanted as quickly as possible.

viii. 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.

ix. The Project Applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Currently, the majority of the project site consists of exposed soils and pervious surfaces. The proposed project would repave the majority of the project site and include landscaping along all project frontages, including bioretention landscaping. Furthermore, the proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 for land uses of concern. This policy requires the project to include specific source control measures. These measures include the following:

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

The design of the project already follows these guidelines, and no additional mitigation is required. Project construction would not alter the grading of the project site, and therefore would not impede or redirect flood flows. There are no waterways on the project site. Development of the proposed project would, therefore, not alter the course of a stream or river. The proposed project would not substantially degrade water quality.

The General Plan EIR 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 regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less-than-significant water quality impact.

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

(Less than significant impact) The proposed project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed project may impede sustainable groundwater management of the basin. The proposed project would not involve substantial ground disturbance or excavation, and therefore groundwater would not likely be encountered at the site during construction. Additionally, as described previously, project site soils are poorly drained and do not allow significant groundwater infiltration. The proposed project does not include installation of new groundwater wells or use of groundwater supplies. As stated previously, the proposed project would install additional landscaping, which would increase the permeability of the site. For these reasons, the proposed project would not substantially deplete groundwater supplies or interfere with groundwater recharge. Impacts would be less than significant.

4) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?

(Less than significant impact) The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project site is designated as Zone AE on the FEMA FIRM map, which is within the 100-year floodplain with base flood elevations determined.[45] Like much of San José, the project site is located in a dam inundation area; however, the proposed project would not change the current land use of the site, and would comply with Chapter 17.02, Specific Flood Hazard Area Regulations, in the San José Municipal Code. Therefore, the proposed project would not permanently expose people or structures to a significant risk of loss, injury or death from flooding from a dam failure. Impacts would be less than significant.

5) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

(Less than significant impact) The proposed project falls within the San Francisco Bay RWQCB planning and management boundaries. Local water management plans must, at a minimum, comply with water quality thresholds and measures as defined by the RWQCB. The Water Quality Control Plan for the San Francisco Bay RWQCB designates beneficial uses and water quality objectives for waters of the State, including surface waters and groundwater. It also includes programs of implementation to achieve water quality objectives.[46] The proposed project would comply with the water quality objectives as set forth in the Water Quality Control Plan.

Locally, the proposed project area is covered by the General Plan Environmental Leadership chapter, which sets forth goals for environmental sustainability that include water and groundwater management goals. The Environmental Leadership chapter describes goals and policies intended to

[45] Federal Emergency Management Agency (FEMA). Flood Map Service Center. Website: https://msc.fema.gov/portal/search?#searchresultsanchor. Accessed June 17, 2020.

[46] California State Water Resources Control Board (State Water Board). San Francisco Bay Region. 2020. Basin Planning. Website: https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html. Accessed July 24, 2020.

protect water resources. General Plan Policy ER-9.6 requires proper construction and monitoring of all facilities that store hazardous materials in order to prevent contamination of the surface water, groundwater, and underlying aquifers. While the proposed project is not a major development project, project construction and operations would involve the minor routine transport and handling of minimal quantities of hazardous substances such as diesel fuels, lubricants, solvents, asphalt, pesticides, and fertilizers. The proposed project would comply with current regulations and programs for regulated hazardous materials, which would ensure consistency with Policy ER-9.6.

Because the proposed project would be consistent with the San Francisco Bay RWQCB and the General Plan Environmental Leadership chapter, the proposed project would not conflict with or obstruct implementation of a water quality control plan or a sustainable groundwater management plan. Therefore, impacts would be less than significant.

3.7.7 - Land Use

Impact Discussion

1) Would the project physically divide an established community?

and

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

(Less than significant impact) The project site is surrounded by light industrial uses to the west, north, and east. Residential uses are located to the south of the project site. The proposed project would not physically divide an established community. The physical division of a community can generally occur through the construction of a new structure that creates a barrier between existing communities, or through the removal of a feature, such as a bridge, that connects an existing community. The proposed project would not involve these types of activities or changes. The proposed project, which would involve improvements to the interior of an existing building; construction of a new utility building; installation of new storage tanks; re-paving of the site; and installation of new landscaping, parking areas, and driveway improvements; would be consistent with the existing uses of the project site. Since the proposed upgrades are consistent with the existing uses, the proposed project would not alter the existing character of the community or physically divide an established community.

The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation. The site is designated Light Industrial in the General Plan Land Use/Transportation Diagram and is zoned Light Industrial by the San José Zoning Ordinance. The proposed project does not propose any land use or zoning changes. The proposed project would be consistent with the existing General Plan land use designation and zoning, and would not conflict with any applicable land use plans, policies, or regulations. Impacts would be less than significant.

3.7.8 - Mineral Resources

Impact Discussion

1) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

and

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

(No impact) The site and the areas adjacent to the site are in Mineral Resource Zone 1 (MRZ-1). MRZ-1 is defined as areas where adequate information indicates that no significant mineral deposits are present, or where there is little likelihood for their presence.[47] According to the General Plan, the State Mining and Geology Board has designated the Communications Hill Area, bounded generally by the Southern Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, as containing mineral deposits which are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are either of statewide significance or the significance of which requires further evaluation. Therefore, the proposed project would not result in the loss of availability of a locally important mineral resource as designated on a general plan, specific plan, or other land use plan. According to the General Plan Land Use Map, the site is designated LI. The site is not designated as a mineral resource recovery site in the General Plan or in a specific plan or other land use plan. Therefore, the proposed project would not result in the loss of availability of a known mineral resource or a locally important mineral resource recovery site. Impacts would be less than significant.

3.7.9 - Population and Housing

Impact Discussion

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

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

(No impact) The City of San José population was estimated to be 1,030,119, with 321,835 households, in 2018. The average number of persons per household was estimated at 3.14.[48]

There are no new residences or housing units proposed as part of the project. Therefore, the proposed project would not introduce new residents. The proposed project would not directly or

[47] California Department of Conservation. 1983. CGS Information Warehouse: Mineral Land Classification. Mineral Land Classification Map: Milpitas Quadrangle, Special Report 146 Plate 2.15. Website: ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sr/SR_146-2/. Accessed April 28, 2020.

[48] United States Census Bureau. 2020. QuickFacts: San José city, California; United States. Website: https://www.census.gov/quickfacts/fact/table/sanjosecitycalifornia,US/PST045219. Accessed April 28, 2020.

indirectly induce substantial population growth in the area. In addition, the site does not currently contain residential units or support a residential population. As such, the proposed project would not displace existing people or housing.

3.7.10 - Public Services

Impact Discussion

The existing development on the site is currently served by the San José Fire Department and the San José Police Department. The closest fire station to the project site is San José Fire Department Station No. 25, located at 5125 Wilson Way, 0.4 mile, or approximately a 3-minute drive, from the project site. The San José Police Department is located 6.1 miles, or approximately a 15-minute drive, from the project site.

The project area is in the Santa Clara Unified School District. The public schools serving the project site are George Mayne Elementary School (K-5), located 0.64 mile from the site at 5030 North First Street in Alviso; Don Callejon Middle School (6-8), located 3.61 miles from the site at 4176 Lick Mill Boulevard in Santa Clara; and Wilcox High School (9-12), located 6.40 miles from the site at 3250 Monroe Street in Santa Clara.[49]

The nearest City park is Alviso Park, 1,318 feet to the south at 24 Wilson Way. The City of San José operates over 200 parks and 60 miles of scenic trails.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks, or other public facilities?

(Less than significant impact) The project site is located in an urbanized area within the growth boundaries of the City of San José. Though currently mostly vacant, previous development on the project site was served by the San José Fire Department and San José Police Department, parks, and other public facilities. Since the proposed project would not increase the residential population of San José, the proposed project would not substantially increase demand for fire department services or police department services or require the provision of new facilities. Additionally, the proposed project would be constructed in accordance with the California Fire Code. Therefore, the proposed project would not be considered a fire hazard and would have less than significant impacts to fire protection.

Regarding police protection, the proposed project incorporates project design features that would reduce the demand for police services. Project design features would include a sliding gate at the entrance of the site, iron fencing along the State Street frontage, chain link fencing along the back and side property lines, and exterior lighting. Since the proposed project is consistent with the project site's General Plan land use designation, the proposed project would not increase police

[49] Santa Clara Unified School District. 2020. My School Locator. Website: https://locator.decisioninsite.com/?StudyID=203915. Accessed July 24, 2020.

demand beyond what was anticipated in the General Plan. Impacts related to police protection would be less than significant.

Because the proposed project does not include residential development, the project would not induce population growth. As such, the proposed project would not increase demand for the use of existing school facilities, park acreage or facilities, or other public facilities. Impacts would be less than significant.

3.7.11 - Recreation

The City of San José currently operates more than 200 parks and 60 miles of urban trails.[50] Nearby neighborhood and regional parks include the Alviso Park, 1,318 feet to the south at 24 Wilson Way and Alviso Marina County Park, 2,197 feet to the west at 1195 Hope Street.

Impact Discussion

1) 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?

and

2) 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?

(No impact) As discussed in Section 3.7.9, Population and Housing, the project site does not currently contain housing units or a residential population, and the project does not propose the construction of residential or housing units. Therefore, the proposed project would not induce population growth and would not increase the use of existing neighborhood and regional parks or other recreational facilities.

No new or expanded recreational facilities are included in the proposed project. The proposed project would not induce population growth that would require the construction or expansion of recreational facilities. Therefore, there would be no impact.

3.7.12 - Utilities and Service Systems

Water service to the project site is provided by the San José Water Company via a water line on State Street.

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF). The RWF is a regional wastewater treatment facility serving eight tributary sewage collection agencies and is administered and operated by the City of San José's Department of Environmental Services. The RWF provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 167 million gallons per day (mgd) of wastewater.

[50] City of San José. 2020. Parks & Trails. Website: https://www.sanjoseca.gov/your-government/departments/parks-recreation-neighborhood-services/outdoor-activities. Accessed April 28, 2020.

The RWF treats an average of 110 mgd of wastewater and serves 1.4 million residents, which shows the RWF has a remaining capacity of 57 mgd.[51]

As described in Section 3.7.6, Hydrology and Water Quality, stormwater runoff from the site flows over land into the City-maintained storm drainage system. Stormwater runoff from the site would be directed to the City's existing stormwater system.

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and was reviewed in subsequent years. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[52] Solid waste generated within the County is landfilled at Guadalupe Landfill, Kirby Canyon Landfill, Newby Island Sanitary Landfill, Zanker Materials Processing Facility, and Zanker Road Landfill.

Impact Discussion

1) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

2) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

and

3) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

(Less than significant impact) The project is consistent with the General Plan and zoning land use designations for the project site. The General Plan EIR concluded that with the implementation of existing regulations and adopted General Plan policies, any physical impacts resulting from buildout of the General Plan would be less than significant.

The proposed bathrooms, locker rooms, and indoor improvements would result in a nominal increase in water usage and wastewater generation due to the employees using the project site during operation. While this is an increase in demand on the municipal water and wastewater systems, the existing water and wastewater facilities have the capacity to accommodate the proposed project. The proposed project would not require upgrades to the existing potable water lines that currently serve the project site. As described previously, the RWF has a treatment capacity of 167 mgd but only treats 110 mgd demonstrating there is 57 mgd of treatment capacity available. Furthermore, the proposed project would not result in inadequate water supplies or wastewater treatment capacity because the project is consistent with the General Plan land use designations and

[51] San José-Santa Clara Regional Wastewater Facility. 2016. Media Fact Sheet.

[52] Santa Clara County. 2016. Five-Year Countywide Agency Integrated Waste Management Plan Review Report. June. Website: https://www.sccgov.org/sites/rwr/rwrc/Documents/Revised%20June%2022%20RWRC%20Packet.pdf. Accessed June 11, 2020.

therefore, the project's expected water demand and wastewater generation was analyzed in the General Plan EIR and 2015 Urban Water Management Plan. The proposed project would not require upgrades to the sanitary sewer lines that currently serve the proposed project or lines that are located downstream of the project. The proposed project would not result in the construction or expansion of existing facilities beyond what was assumed in the General Plan EIR.

As discussed in Section 3.7.6, Hydrology and Water Quality, the proposed project would not result in a significant increase in stormwater runoff. The proposed project would pave the majority of the project site and include landscaping along all project frontages, including bioretention landscaping. Furthermore, the proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 for land uses of concern. This policy requires the proposed project to include specific source stormwater control measures. As a result, the proposed project would not result in the need for new or expanded stormwater drainage facilities.

The proposed project would connect to existing electric power, natural gas, and telecommunications facilities adjacent to the project site. The proposed project would be consistent with General Plan land use designations and as such would not require additional electric power, natural gas, or telecommunications facilities beyond what is already provided.

For these reasons, the proposed project would have a less-than-significant environmental effect on existing water supply, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities.

4) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

and

5) Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

(Less than significant impact) As concluded in the General Plan EIR, there is sufficient capacity at existing landfills which service the City to serve development under buildout of the General Plan. Project construction and operation would not generate significant amounts of solid waste and operational uses would be consistent with the General Plan land use designation. No new or expanded landfill facilities would be required as a result of the proposed project. Therefore, impacts associated with solid waste would be less than significant.

3.7.13 - Wildfire

The project site is within an urbanized area and is not adjacent to areas at risk of wildland fires. The risk of wildfire within the urbanized area is low. The project site is located outside of the fire hazard severity zone as indicated on the State Fire Hazard Severity Zones Maps.[53]

[53] California Department of Forestry and Fire Protection (CAL FIRE). 2008. San José: Very High Fire Hazard Severity Zones in LRA. October 8. Website: https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/. Accessed April 28, 2020.

Impact Discussion

1) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

2) Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

3) Would the project 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?

and

4) Would the project 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?

(Less than significant impact) The project does not propose alterations to the local roadway circulation pattern or access, including emergency access. In addition, the proposed project would not result in a permanent lane closure or roadway removal and would therefore not impact an adopted emergency response plan or evacuation plan. The Project Applicant would be required to comply with all applicable codes, conditions, and regulations to minimize fire risk and environmental impacts during construction and operation of the project. Therefore, the proposed project would not exacerbate wildfire risks or expose occupants to risks of wildfire.

The project site is relatively level and does not contain steep slopes. Therefore, the proposed project would not exacerbate wildfire risks due to slope or prevailing winds.

The proposed asphalt sealant tank would include containment walls provided with spill collection, overfill alarm, and other safety features as required by the California Fire Code and the CBC. The propane tank and any other hazardous materials or hazardous materials storage would be required to comply with all City regulations pertaining to propane tanks, including but not limited to a hazardous materials storage permit pursuant to the San José Municipal Code. Permits issued by the City of San José are in accordance with Section 105 of the California Fire Code.[54] The proposed project would not include installation or maintenance of infrastructure that would exacerbate fire risk or result in temporary or ongoing impacts to the environment.

The proposed project also would not expose people or structures to significant risks as a result of runoff, post-fire slope instability, or drainage changes. Additionally, as discussed in Section 3.7.5, Geology and Soils, the project site is not in a landslide hazard zone. As a result, the proposed project would not place people or structures in at risk of landslides. The proposed project would not change the land use of the site and would not expose people or structures to a significant risk of loss, injury or death from flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes. Therefore, impacts would be less than significant.

[54] City of San José. 2020. Fire Prevention & Permits. Website: https://www.sanjoseca.gov/your-government/departments/fire-department/bureaus/fire-prevention-permits. Accessed April 30, 2020.

3.8 - MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Setting

The setting for each resource area has been described within the applicable "Environmental Setting" sections, above.

3.8.1 - Environmental Checklist and Impact Discussion

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	
1. Does the project have the potential to 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, 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?	☐	☐	☒	☐	
2. 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)?	☐	☐	☒	☐	
3. Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	☐	☐	☒	☐	
4. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	

Impact Discussion

1) Does the project have the potential to 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, 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 mitigation measures. Due to the nature of the proposed project and the developed and disturbed nature of the site, the proposed project also would not 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, 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. Impacts would be less than significant.

2) 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 would not impact agricultural and forest resources; mineral resources; and resources related to population and housing, and recreation. The proposed project, therefore, would not contribute to cumulative impacts to these resources. The project is proposed in an established, developed area and there are no planned or proposed developments in the immediate site vicinity that could contribute to cumulative aesthetic, air quality (including construction-related impacts), biological, land use, noise and vibration, public services, transportation, utilities and service systems, and wildfire impacts.

The proposed project's cultural resources, geology and soils, and hazardous materials impacts are specific to the project site and would not contribute to cumulative impacts elsewhere. Implementation of the proposed project would marginally contribute to global GHG emissions, by definition. As discussed in Section 3.3, Greenhouse Gas Emissions, the proposed project's individual GHG emissions would have a less-than-significant (cumulative) GHG impact.

3) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

(Less than significant impact) The proposed project includes improvements to the interior of the existing metal building on-site, construction of a new 635-square-foot utility building, installation of new storage tanks, and re-paving of the site. The project also includes new landscaping along project boundaries and would provide new parking areas; these improvements would be consistent with the General Plan land use designation of the project site.

The construction phase would require the use of nonrenewable construction material, such as concrete, metals, and plastics. Nonrenewable resources and energy would also be consumed during the manufacturing and transportation of buildings materials, preparation of the site, and construction of the building. The operational phase would consume energy for multiple purposes including, building heating and cooling, lighting, and electronics. Energy, in the form of fossil fuels, would be used to fuel vehicles traveling to and from the project site. The proposed project would also incorporate design features that benefit the community, including but not limited to, pedestrian walkways and landscaping. For these reasons, the proposed project does not have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals.

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

(Less than significant impact) Project construction and operations would involve the minor routine transport and handling of minimal quantities of hazardous substances such as diesel fuels, lubricants, solvents, asphalt, pesticides, and fertilizers. However, the proposed project would not create a significant hazard to the public or the environment, because project construction and operations would comply with applicable federal, State, and local laws pertaining to the safe handling and transport of hazardous materials. In addition, the project does not propose commercial or industrial uses, such as gas stations or dry cleaners that typically use or transport significant amounts of hazardous materials. Furthermore, the proposed project would include the implementation of MM HAZ-1 to prevent any potential hazards and hazardous materials impacts associated with the historic use of the project site.

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