Leo Recycling Project

File No. SPA15-016-02

Initial Study / Negative Declaration

November 1, 2021

Prepared by

City of San Jose

Planning, Building and Code Enforcement Department 200 East Santa Clara Street, Room 300 San José, California 95113

Prepared with the assistance of

Stantec Consulting Services, Inc.
1340 Treat Boulevard, Suite 300
Walnut Creek, CA 94597

LEO RECYCLING PROJECT

Table of Contents

LIST OF FIGURES

LIST OF TABLES

LIST OF APPENDICES

Abbreviations

AAQS	Ambient Air Quality Standards
AB	Assembly Bill
ABAG	Association of Bay Area Government
ADA	Americans with Disabilities Act
Air Basin	San Francisco Bay Area Air Basin
amsl	Above Mean Sea Level
ATCM	Air Toxics Control Measure
BAAQMD	Bay Area Air Quality Management District
bgs	Below Ground Surface
CAA	Clean Air Act
CAAQS	California Ambient Air Quality Standards
CAFE	Corporate Average Fuel Economy
Cal FIRE	California Department of Forestry and Fire Protection
CARB	California Air Resources Board
CARE	Community Air Risk Evaluation
CBC	California Building Standards Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDC	California Department of Conservation
CDD	Construction and Demolition Debris
CDI	Construction and Demolition Debris/Inerts
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Commission
CFR	Code of Federal Regulations
City	City of San José
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNPS	California Native Plant Society
CO	Carbon monoxide
CRHR	California Register Historical Resources
CRPR	California Rare Plant Rank
CWA	Clean Water Act

DOF	California Department of Finance
DPM	Diesel Particulate Matter
DTSC	Department of Toxic Substances Control
EA	CalRecycle Enforcement Agency
EOP	Emergency Operations Plan
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FGC	California Fish and Game Code
FMMP	Farmland Mapping and Monitoring Program
gpd	Gallons Per Day
GHGs	Greenhouse Gases
GHGRS	Greenhouse Gas Reduction Strategy
GWh	Gigawatt-hours
GWP	Global Warming Potential
HAP	Hazardous Air Pollutant
HFC	Hydrofluorocarbons
HMTA	Hazardous Materials Transportation Act
HRA	Health Risk Assessment
IPaC	Information for Planning and Conservation
IS	Initial Study
IWM	Integrated Waste Management
I-280	Interstate-280
LD	Lethal Dose
Ldn	Average Day-Night Sound Level
Leo Recycling	Leo Recycling Facility
LOS	Level of Service
LRA	Local Responsibility Area
MBTA	Migratory Bird Treaty Act
mg/m^3	Milligrams Per Cubic Meter
$MMTCO_2e$	Million Metric Tons of Carbon Dioxide
MTC	Metropolitan Transportation Commission
NAAQS	National Ambient Air Quality Standards
ND	Negative Declaration
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NO_2	Nitrogen dioxide
NOAA	National Oceanic Atmospheric Administration

NPPA	Native Plant Protection Act
NRCS	Natural Resources Conservation
NRHP	National Register of Historic Places
OEHHA	California Office of Environmental Health Hazard Assessment
OES	State Office of Emergency Services
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Administration
PFCs	Perfluorochemicals
PG&E	Pacific Gas & Electric
$PM_{2.5}$	Particulate matter diameter less than 2.5 microns
PM_{10}	Particulate matter diameter less than 10 microns
Porter-Cologne Act	Porter-Cologne Water Quality Control Act of 1969
ppb	Parts Per Billion
ppm	Parts Per Million
PRC	Public Resources Code
Project	Leo Recycling Project
RCRA	Resources Conservation and Recovery Act
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCVHCP	Santa Clara Valley Habitat Plan Habitat Conservation Plan
SJFD	San José Fire Department
SJPD	San José Police Department
SJUSD	San José Unified School District
SO_2	Sulfur dioxide
SR	State Route
SRA	State Responsibility Area
SWRCB	State Water Resources Control Board
SUP	Special use Permit
TAC	Toxic Air Contaminant
tpd	Tons Per Day
UBC	Uniform Building Code
$\mu g/m^3$	Micrograms Per Cubic Meter
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Service
VMT	Vehicle Miles Traveled
WPCP	San José-Santa Clara Regional Water Pollution Control Plant

BACKGROUND INFORMATION

This Initial Study (IS) has been prepared to conform to the requirements of the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations [CCR] Section 15000 et seq.), and the regulations and policies of the City of San José (City). The purpose of this IS is to provide objective information regarding the environmental consequences of the Proposed Project to the decision makers considering the Project.

The City is the lead agency under CEQA for the Proposed Project. The City has prepared this IS to evaluate the environmental impacts that might reasonably be anticipated to result from implementation of this Project, as described below.

This IS and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at 200 E. Santa Clara Street, San José, California 95113.

Publication of this IS marks the beginning of a 30-day public review and comment period. During this period, the IS will be available to local, State, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this IS during the 20-day public review period should be sent to:

Sanhita Ghosal, Planner III
City of San José Department of Planning, Building and Code Enforcement –Planning Division
200 East Santa Clara Street, Tower 4F San José, California 95113
(408) 535-7851
sanhita.ghosal@sanjoseca.gov

This IS and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at the above address. Following the conclusion of the public review period, the City will consider the adoption of the IS/Negative Declaration (ND) for the project at a regularly scheduled public hearing. The City shall consider the IS/ND together with any comments received during the public review process. Upon adoption of the ND, the City may proceed with Project approval actions.

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

1.0 INTRODUCTION

The Leo Recycling Project (Project) involves the continued operation of the existing Leo Recycling Facility (Leo Recycle), a solid waste processing facility, with modification to the maximum daily capacity of materials to 500 tons per day (tpd). The facility would continue to operate within an existing 50,000-square foot industrial building located on an already developed, approximately 2.5-acre site in the Heavy Industrial Zoning District. Based on the previously approved SUPs and minor operational changes requested as part of this Amendment application, the business is going to request for a Full Solid Waste Facility Permit from Calrecycle. The changes requested via this Special Use permit Amendment are the following operational changes:

- Amount and types of solid waste materials to be processed is estimated to consist of 250 tpd Construction and Demolition Debris/Inerts (CDIs)[1], 200 tpd green waste materials[2], and 50 tpd Type A Inert[3] materials for a total of 500 tpd of maximum daily capacity.
- Hours of processing activities would be extended to 24 hours per day, 7 days a week
- Additional outdoor storage for recyclable materials
- Operation of a mobile grinder unit both indoors and outdoors
- Modified on-site circulation

1.1 PROJECT TITLE

Leo Recycling Project

1.2 LEAD AGENCY

City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor Tower
San José, CA 95113

[1] CDI" means any combination of construction and demolition debris and Inert debris. Inert Debris means solid waste and recyclable materials that are source separated or separated for reuse, do not contain hazardous waste (as defined in CCR, Title 22, section 66261.3 et. seq.) or soluble pollutants at concentrations in excess of applicable water quality objectives and do not contain significant quantities of decomposable waste.
[2] Green waste is combined with organic waste in the PRC Chapter 12.9, Section 42649.8, which is defined as food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. However, at the Leo Recycling facility, green waste does not include food waste or food-soiled paper, only green waste which can include yard trimmings, wood chippings, tree trimmings, leaves, etc.
[3] Type A inerts are defined by 14 CCR Section 17381 as materials including but not limited to concrete (including fiberglass or steel reinforcing bar embedded in the concrete), fully cured asphalt, glass, fiberglass, asphalt or fiberglass roofing shingles, brick, slag, ceramics, plaster, clay and clay products. Type A inert debris is waste that does not contain soluble pollutants at concentrations in excess of water quality objectives and has not been treated in order to reduce such pollutants.

1.3 LEAD AGENCY CONTACT

Sanhita Ghosal, Planner
(408) 535-7851
sanhita.ghosal@sanjoseca.gov

1.4 PROJECT LOCATION

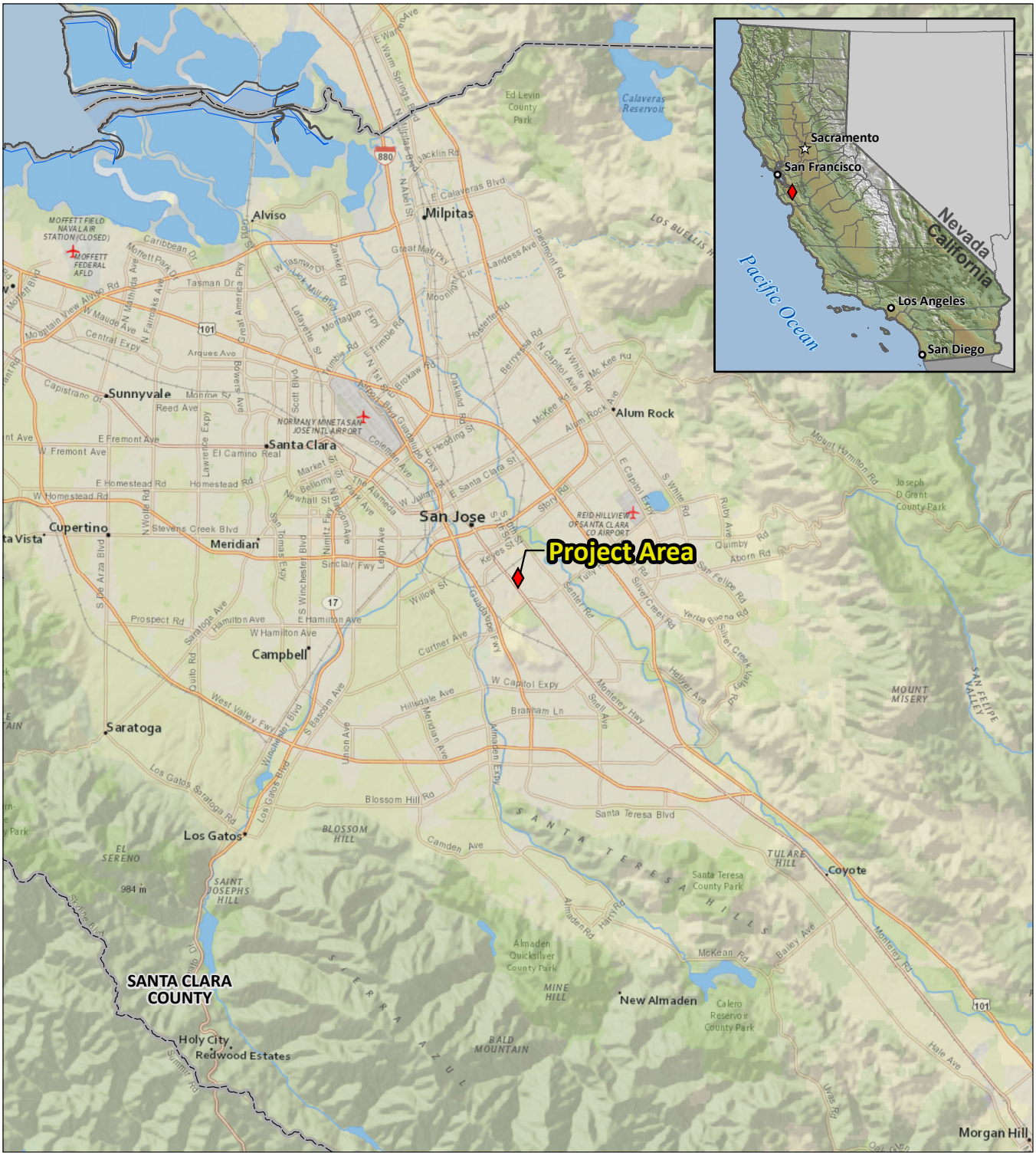
The Project is located in the City of San José (City) at the Leo Recycling Facility. The Assessor's Parcel Number for this site is 47724049. The address for the facility is 215 Leo Avenue, San José, California 95112. The regional location for the Project is presented in Figure 1.

1.5 EXISITING SETTING AND SURROUNDING LAND USES

The Project site is located on a 2.5-acre site in an industrial area of the City and is largely surrounded by warehouse and industrial operations facilities, as shown in Figure 2 and Figure 3. Elevations within the site range from 98 to 135 feet above mean sea level (amsl). Surrounding land uses include the following:

- **North:** The Mavens Creamery warehouse, a Subaru service and repair auto works facility, B2 Auto dismantlers facility, a California Motel.
- **East:** The Maranatha Christian Center, a T&T Smog Check, a RL Trucking facility, and Mayfair Trailer Park.
- **South:** Sims Metal Management facility and storage area
- **West:** Sims Metal Management and a Bank of America Financial Center.

The Project site itself includes a 50,000 square-foot industrial building with administrative offices inside, 21 parking spaces for employees and customers, one certified commercial scale, and a large bunker outside of the building for commercial tree trimmings, brush, and construction wood materials, inert debris, sorting area, workshop, vehicle and equipment parking, and maintenance area. Equipment on-site includes one primary grinder, one standby shredder, two excavators, two large wheel loaders, two skip loaders, two forklifts, one street sweeper, several semi-vehicles, end dumps, and transfer trailers.



Leo Recycling Project Location

N

0 1.5 3 Miles

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Stantec

Project Location	Prepared by DL on 2021-03-26
215 LEO AVENUE #10	TR by CA on 2021-03-26
SAN JOSE, CA 95112	IR by CA on 2021-03-26

Client/Project 185704747

Leo Recycling / ATT Recycle, Inc.

Leo Recycling Project

Draft Initial Study

Figure No.

1

Title

Regional Location Map

Notes

1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet

2. Data Sources: Stantec 2021

3. Background: Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community
National Geographic, Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp.

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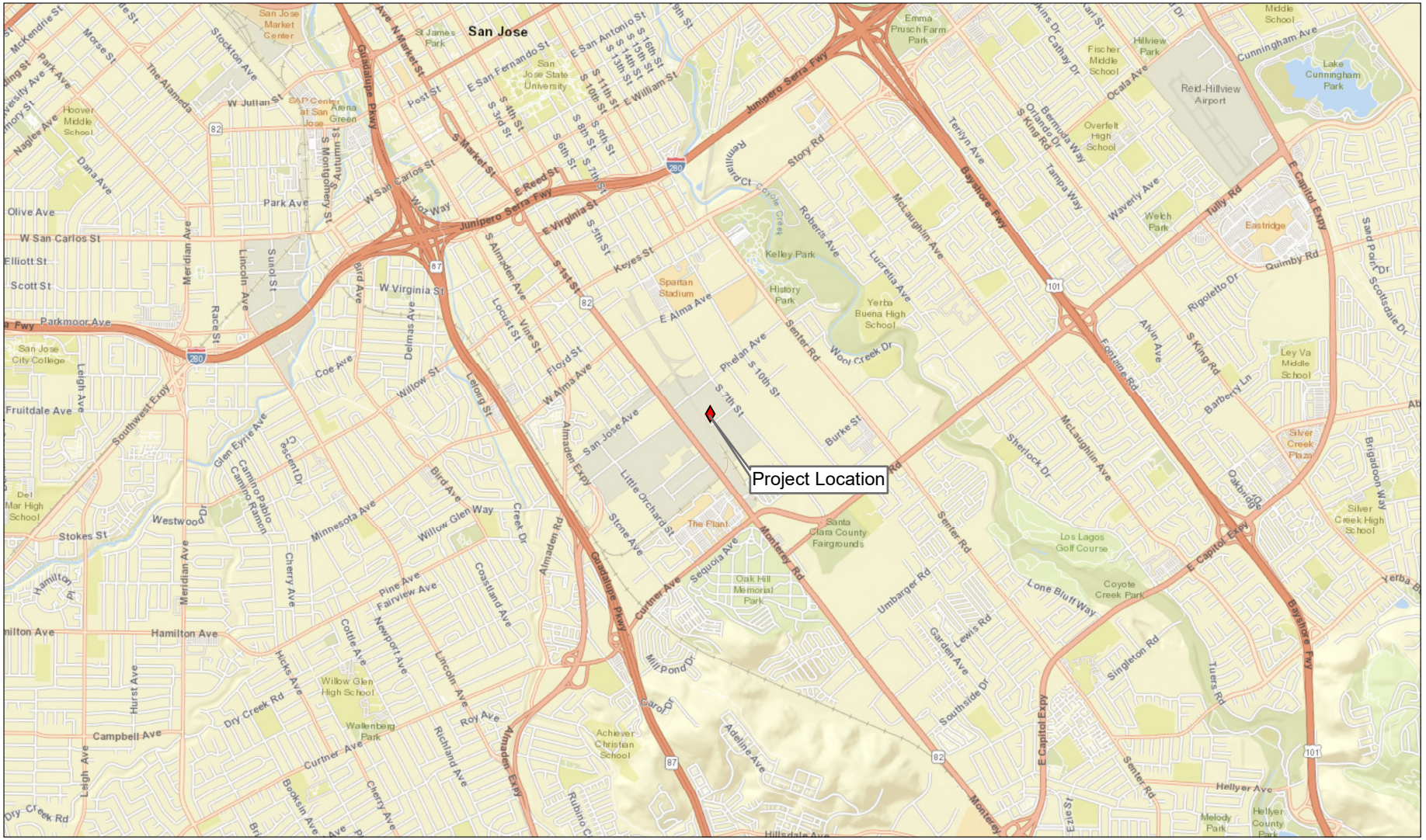

Project Location

N

0 2,100 4,200 Feet

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1:48,000

Stantec

Notes

1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet
2. Data Sources: Stantec 2021
3. Background: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Project Location
215 Leo Avenue #10
San Jose, CA 95112

Prepared by DL on 2021-03-25
TR by ST on 2021-03-25
IR by CA on 2021-03-25

Client/Project
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Leo Recycling / ATT Recycle, Inc.
Leo Recycling Project
Draft Initial Study

Figure No.
2

Title
Vicinity Map

C:\Users\dalaw\Desktop\Leo Recycle Project - 185704747.300.0003\Figure2_ProjectVicinityMap_03252021.mxd Revised: 2021-03-26 By: dalaw

Project Location
Parcel Boundary
Railroads

N

0 100 200 Feet

(At original document size of 8.5x11)
1:2,400

Stantec

Project Location
215 Leo Avenue #10
San Jose, CA 95112

Prepared by DL on 2021-03-25
TR by ST on 2021-03-25
IR by CA on 2021-03-25

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185704747
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Leo Recycling Project
Draft Initial Study

Figure No.
3

Title
Existing Site Aerial View

Notes
1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet
2. Data Sources: Stantec 2021
3. Background: © 2021 Microsoft Corporation © 2021 Maxar ©CNES (2021) Distribution Airbus DS

C:\Users\dalaw\Desktop\Leo Recycle Project - 185704747.300.0003\Figure3_ProjectAerialMap_03252021.mxd Revised: 2021-03-26 By: dalaw

1.6 GENERAL PLAN DESIGNATION AND ZONING

1.6.1 General Plan Land Use Designation

Heavy Industrial: The Project site has a General Plan designation of Heavy Industrial. The Heavy Industrial category is intended for industrial users with nuisance characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses (City of San José 2011a). The Heavy Industrial designation is also appropriate for solid waste transfer and processing facilities.

1.6.2 Zoning

Heavy Industrial: The Project site also has a Zoning District of Heavy Industrial. Similar to the land use designation above, the Heavy Industrial Zoning District is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses (Municipal Code Section 20.50.010).

1.6.3 Santa Clara Valley Habitat Plan Land Use Designation

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

1.7 CEQA AND PUBLIC AGENCY REVIEW

CEQA requires that project proponents disclose the significant impacts to the environment from proposed Project developments. The intent of CEQA is to foster good planning and to consider environmental issues during the planning process. The City is the Lead Agency under CEQA for the preparation of this IS. The CEQA Guidelines (Section 21067) define the Lead Agency as, “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.” Approval of the Project is considered a public agency discretionary action; and therefore, the Project is subject to compliance with CEQA. The City has directed the preparation of an IS to comply with CEQA.

Stantec has prepared this document at the direction of the City. The purpose of this document is to disclose the environmental consequences of implementing the Project to decision-makers and the public. The public, City residents, and other local and state resource agencies will be given the opportunity to review and comment on this document during a 30-day public-review period. Comments received during the review period will be considered by the City prior to certification of this IS and project approval.

1.8 REQUIRED PERMITS AND APPROVALS

The Project would require the following review and permit approvals from the City, as applicable:

- Special Use Permit /Amendment
- Public Improvement Permit
- Grading Pemrit
- Amendment to the City of San José Construction and Demolition Debris Program Facility Certification

Additionally, all work would be subject to the San José Municipal Code, including the Zoning Ordinance.

1.9 TECHNICAL STUDIES

The following technical studies were conducted and/or reviewed in preparing this IS: air quality modeling outputs, biological resources assessment, cultural resources study, noise technical report, and transportation analysis. These studies and supporting data are included as appendices to this IS and referred to, where appropriate, throughout this document.

1.10 DOCUMENT ORGANIZATION

This IS is organized as follows:

Section 1.0: Introduction. This section introduces the Project and describes the purpose and organization of this document.

Section 2.0: Description. This section describes the purpose and need for the Project, identifies project objectives, and provides a detailed description of the Project.

Section 3.0: Environmental Checklist and Environmental Evaluation. This section presents an analysis of the range of environmental issues identified in the CEQA Environmental Checklist and determines for each topic whether the Project would result in no impact or a less than significant impact, a less than significant impact with mitigation incorporated, or a potentially significant impact. If impacts are determined to be potentially significant after incorporation of applicable mitigation measures, an Environmental Impact Report (EIR) would be required. For this Project, however, no potentially significant impacts were identified, and no mitigation measures are required.

Section 4.0: References. This section lists the references used in preparing this IS.

Section 5.0: List of Preparers. This section identifies the report preparers.

2.0 PROJECT DESCRIPTION

2.1 PROJECT OVERVIEW

The Leo Recycling facility is a local disposal site in San José, California which collects green waste, construction debris, and other materials through truck deliveries and self-hauling by customers. Materials are delivered through the inbound and outbound driveway along Leo Avenue to the staging areas within the yard west of the main 50,000-square foot building on-site. The materials are then processed by on-site employees through the following steps:

1. **Weighing/Inspection.** Vehicles entering the facility are inspected and weighed on a certified scale outside of the building.

2. **Direction to Appropriate Area.** Vehicles are then directed to enter the building, or directed to the appropriate lumber waste, green waste, and/or inert bunker areas to the west of the building, in the bunkers for offloading.

3. **Offloading Materials.** Materials are then offloaded from the trucks and the employees spot check for any prohibited materials (i.e., hazardous materials). The customer must take any prohibited materials with them when they leave the site. Any prohibited material discovered after a customer has left is removed and placed in the Haz mat Locker, or appropriate container/recovery area, and removed from the site per regulations.

4. **Employee Processing of Materials.** On-site employees process the received materials as they come in, depending on material type.

    a. Bunker piles (i.e. green waste/woody materials) are shredded and the materials are loaded onto trucks and delivered to a composting facility, or landfill for beneficial reuse/ground cover.

    b. Inert materials are cleaned of any non-inert materials and either taken inside the building to a designated bunker or loaded directly into a transfer vehicle. Dirt and concrete are loaded and hauled away for beneficial reuse, or other non-landfill purposes. Other recyclable inerts such as asphalt and broken tiles may be taken by a wheel loader for processing and are then loaded onto trucks and taken to an appropriate diversion facility.

    c. CDI materials are placed in the mixed CDI sorting areas and are sorted using equipment (i.e., excavator, wheeled loader, and/or skip loader) and manual labor. Recyclable materials are placed in a separate bunker and hauled to an approved recycling center. Any other CDI materials that are identified as having a beneficial use are either loaded into the shredder or loaded directly into covered trailers/dump trucks and taken to landfill facilities. Large, oversized materials, non-construction or demolition materials, and other undesirable materials are removed as residuals and placed in a residual bunker before being loaded unto transfer vehicles and taken to a landfill for disposal.

The Project includes modified operation components for material processing, hours of operation, and on-site circulation. The Project does not include any construction activities or operational changes to the grinder. The Project site currently processes an average of approximately 165 tpd of construction and demolition and inert debris (CDIs), 170 tpd of green waste, and 135 tpd of Type A inerts, for a total of 470 tpd of average materials process on-site.

The table below provides an overview of the existing permitted capacity of the site (for both the City's SUP, and the CalRecycle Enforcement Agency (EA)), as well as the existing materials being process on site (i.e., baseline[4]), and the proposed materials to be processed on-site. The total impact being analyzed in this IS is the proposed amount (500 tpd) minus the current baseline amount (470 tpd)[5].

Summary of Material Processing Permitted, Existing, and Proposed Amounts

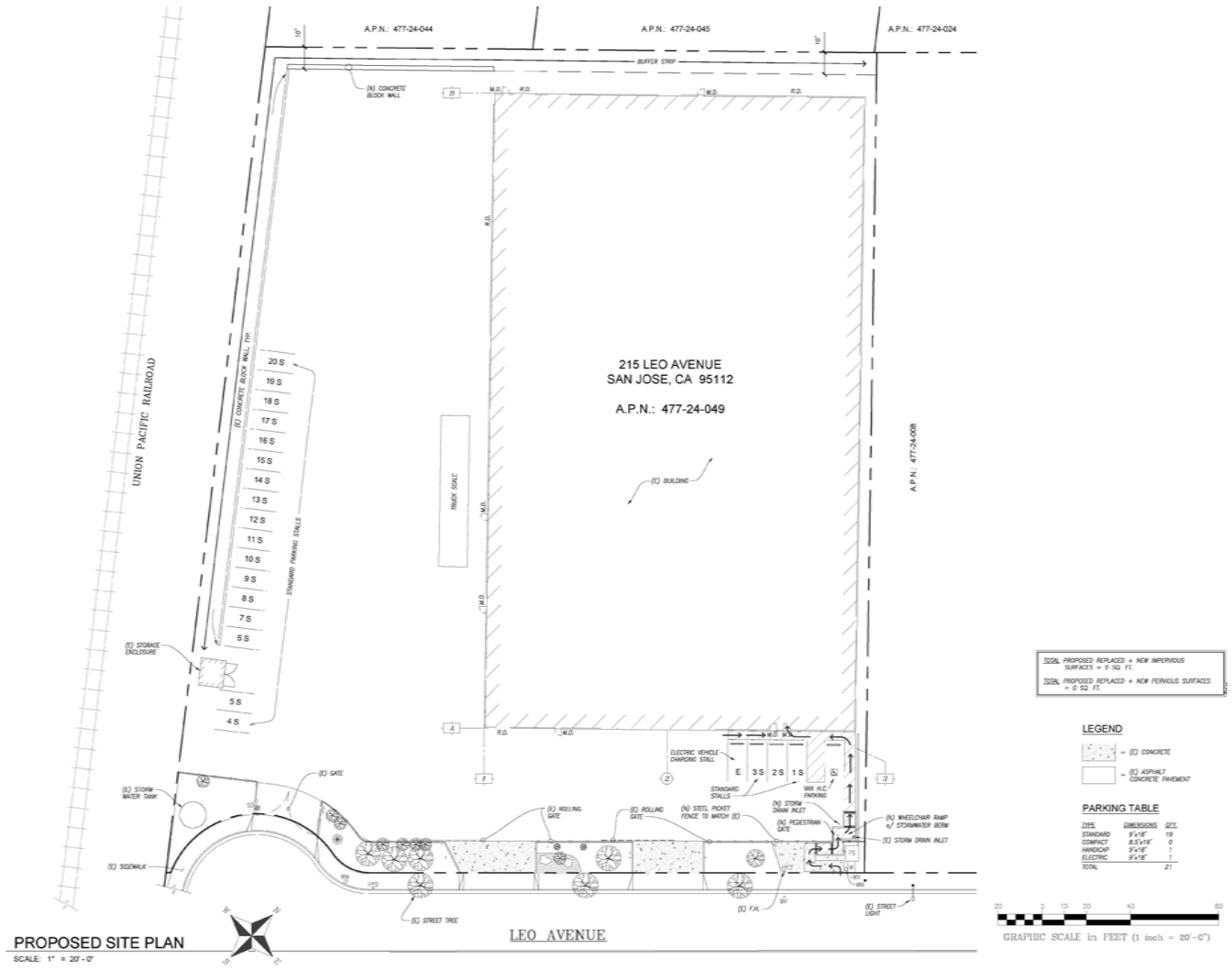
Source	Total (tpd)
City of San José SUP Permitted Capacity	150
CalRecycle EA Permitted Capacity	1,875
Existing Materials being Processed (Baseline)	470
Proposed Materials To Be Processed	500
Impact being analyzed for CEQA (Proposed – Baseline = Impact)	**30**

2.2 SITE HISTORY

The Project site operations were originally approved by the City of San José under a single SUP in March of 2014 (File No. SP15-016) to allow recycling and processing within a 25,000 square foot portion of the existing industrial building on-site. Then in January 2017, this SUP was revised to allow for the expansion of a recycling and transfer processing facility from 25,000 square feet to 50,000 square feet in the existing industrial building. The 2017 SUP included an air quality analysis that assumed a processing load of 149.99 tpd. Then in May 2018, another SUP Amendment was issued to extend the hours of operation from 10:00 p.m. to 11:00 p.m.

The Leo Recycling facility filed EA Notifications, in 2015, for small volume (<25 tpd) CDI, small volume (<200 tpd) green waste, and small volume (<1,500 tpd) Type A inerts. Leo Recycling then filed a registration permit for medium volume (<175 tpd) CDI in 2018. The total CalRecycle EA permitted capacity is 1,875 tpd.

[4] CEQA Guidelines Section 15125 generally defines the baseline as the physical conditions in existence.
[5] Recent court cases (*Fat v. County of Sacramento (2002), 97 Cal.App.4th 1270*) found that Lead agencies must evaluate impacts against actual conditions existing at the time of CEQA review and are not required to "turn back the clock" and evaluate impacts compared to a baseline condition that predates the activity.



PROPOSED SITE PLAN
SCALE: 1" = 20'-0"

Stantec

Project Location
215 Leo Avenue #10
San Jose, CA 95112

Prepared by DL on 2021-03-25
TR by ST on 2021-03-25
IR by CA on 2021-03-25

185704747

Client/Project
Leo Recycling / ATT Recycle, Inc.
Leo Recycling Project
Draft Initial Study

Figure No.
4

Title
Project Site Plan

Notes
1. Coordinate System: NAD 1983 StatePlane California III FIPS 0403 Feet
2. Data Sources: Decker Engineers: Transportation Analysis
3. Background:Decker Engineers: Transportation Analysis

2.3 PROPOSED PROJECT COMPONENTS

2.3.1 Material Processing

The facility currently processes and transfers CDI, green waste materials, and Type A Inert materials. As of August 2019, the tonnage for each type of material processed at the facility (CDIs, green waste, and Type A inerts) totaled approximately 470 tpd. Under the Project, this total tonnage capacity would be expanded to 500 tpd with the breakdown of each material as follows: 250 tpd CDIs, 200 tpd green waste materials, and 50 tpd Type A Inert materials. The 500 tpd would still be well below the CalRecylce EA permitted capacity for the site of 1,875 tpd. The summary table below provides the overview of current versus proposed material processing amounts at the facility:

Summary of Current Versus Proposed Material Processing

Type of Material	Current (tpd)	Proposed (tpd)
CDIs	165	250
Green Waste	170	200
Type A Inert	135	50
Total	**470**	**500**

The facility currently accepts and would continue to accept loads that meet the regulations as set forth in the California Code of Regulations (CCR), Title 27, Division 2, Subdivision 1, Chapter 4, Subchapter 3, Articles 2.0-3.2. The facility would continue to accept CDI debris from the public self-haul, commercial business self-haul, and demolition companies self-haul, plus commercial self-haul of tree trimmings landscape brush, and wood from construction. Definitions for each material processed at the facility is as follows:

- **CDI:** CDI materials are defined by 14 CCR Section 17381 as solid waste that is a portion of the waste stream that are “construction and demolition wastes’, as defined in Section 17225.15 of Article 4. These materials can include sources separated for reuse solid waste and recyclable materials including, commingled and separated materials that result from construction work, are nonhazardous, and that contain no more than one percent putrescible wastes by volume calculated on a monthly basis.

- **Green waste:** Green waste is combined with organic waste in the PRC Chapter 12.9, Section 42649.8, which is defined as food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste. However, at the Leo Recycling facility, green waste does not include food waste or food-soiled paper, only green waste which can include yard trimmings, wood chippings, tree trimmings, leaves, etc.

- **Type A inerts:** Type A inerts are defined by 14 CCR Section 17381 as materials including but not limited to concrete (including fiberglass or steel reinforcing bar embedded in the concrete), fully

cured asphalt, glass, fiberglass, asphalt or fiberglass roofing shingles, brick, slag, ceramics, plaster, clay and clay products. Type A inert debris is waste that does not contain soluble pollutants at concentrations in excess of water quality objectives and has not been treated in order to reduce such pollutants.

All loads that would come into the site would first be weighed on a certified scale outside the building. The vehicles are then directed to either the building with CDI debris loads or directed by traffic control employees to discharge the loads of construction lumber wastes, woody green wastes, inerts into bunker area outside of the building on the western side of the property. Inside the building employees would direct where the material received would be unloaded by the self-haul customers and commercial customers. If any prohibited materials are discovered after the customer has left the site, these materials are removed by employees and placed in an on-site Hazmat locker, or appropriate container/recovery area, and removed from the site per applicable regulations.

Estimated daily vehicle trips for the facility at 500 tpd capacity is 385 trucks trips of inbound material and 39 outbound transfer trailer truck trips, which would be similar to the amount that could be generated under the current permitted conditions.

2.3.2 Hours of Operation

Currently the site is permitted to operate between 5:30 a.m. and 11:00 p.m., daily, with grinder operations permitted between 8:00 a.m. and 11:00 p.m. The facility is open to the public from 5:30 a.m. to 7:00 p.m. Monday through Friday and 5:30 a.m. to 5:30 p.m. Saturday and Sunday. Under the Project, hours of operation would be as follows:

- Business Hours (Open to the Public):
  - Monday – Friday (6:00 a.m. to 6:00 p.m. with the last drop off at 5:30 p.m.)
  - Saturday (7:00 a.m. to 5:00 p.m. with the last drop off at 4:30 p.m.
  - Sunday (7:00 a.m. to 4:00 p.m. with the last drop off at 3:30 p.m. and with an option to close with notice)

- Holiday Schedule Closures:
  - New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas

- Optional Holiday Schedule Closures with Notice:
  - President's Day, Good Friday, Martin Luther King Day

- Operational Hours:
  - 24 hour per day, 7 days per week
  - Hours permissible of operation of on-site grinder 8:00 a.m. to 11:00 p.m.

Inbound material receipt would be limited to the hours open to the public however, most of the on-site equipment routine maintenance, litter patrol and cleaning street frontage, processing, loading and hauling of transfer trailers, and other maintenance and housekeeping activities would occur starting as early as 4:00 a.m. and run as late as 11:00 p.m. The hours for grinding operations would not change from the current hours of 8:00 a.m. to 11:00 p.m.

2.3.3 Outdoor Storage

Outdoor storage on-site is currently limited to a Hazmat locker and a large bunker outside of the 50,000 square foot building for commercial tree trimmings, brush, and construction wood materials, inert debris, sorting area, workshop, and vehicle, and equipment parking and maintenance area. Under the Project, additional outdoor storage would be added to the site which would consist of three small, uncovered bunkers outside of the existing structure, on the far western portion of the Project site. These additional storage areas would consist of storage for dirt, inerts, and clean concrete.

2.3.4 Site Access and On-site Circulation

Vehicular access to the Project is currently provided via one inbound only driveway and one outbound driveway along Leo Avenue. An existing third driveway along Leo Avenue will be maintained in order for larger trucks/trailers to access building entrances. The existing access won't change except for the easternmost driveway along Leo Avenue that would be closed and replaced with sidewalk with access to a pedestrian gate and wheelchair ramp.

2.4 CONSTRUCTION

No construction is required for the Project, therefore there is no discussion on construction-related topics in this IS.

2.5 EXISITING PERMITS AND REQUIREMENTS

Existing permits include the City of San José SUP (File No. SP15-016) and the current CalRecycle EA Notifications (43-AN-0039, 43-AN-0038, and 43-AN-0040). The requirements of these permits include the following:

- **Compliance with Local and State Laws:** Conformance with all applicable local and state laws, including, but not limited to, the City of San José Municipal Code (File No. SP15-016).
- **Refuse:** All trash areas are effectively screened from view and covered and maintained in an orderly state to prevent water from entering into the garbage container (File No. SP15-016).
- **Anti-Litter:** The site and surrounding area must be marinated free of litter, refuse, and debris (File No. SP15-016, EA Notification 43-AN-0039, 43-AN-0038, and 43-AN-0040).
- **Maintenance of Impervious Surfaces:** The paved yard shall be maintained properly in order to ensure that the surface is free of cracks and remain impervious (File No. SP15-016).
- **Dust Control:** A handheld hose watering system in the green waste sorting and transfer areas shall be installed and maintained. Water shall be applied during unloading and sorting operations so that airborne dust does not leave the site. All paved areas on-site and adjacent to public streets shall be wet swept and the entirety of Leo Avenue shall be wet swept at least ten times per day. Trucks shall be maintained to minimize PM_{10} emissions (File No. SP15-016, EA Notification 43-AN-0039, 43-AN-0038, and 43-AN-0040).

- **Hazardous Materials:** The site shall not be used for the storage of hazardous, toxic, flammable, or combustible materials that would be subject to review under a separate Site Development Permit (File No. SP15-016, EA Notification 43-AN-0039, 43-AN-0038, and 43-AN-0040).
- **Grading/Geology:** All on-site storm drainage conveyance facilities and earth retaining structures four feet in height or greater or is being surcharged shall be reviewed and approved under Public Works grading and drainage permit prior to the issuance of Public Works Clearance (No. SP15-016).
- **Stormwater Runoff Pollution Control Measures:** This project must comply with the City's Post-construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of BMPs which includes site design measures, and source control to minimize stormwater pollutant discharges (No. SP15-016, EA Notification 43-AN-0039, 43-AN-0038, and 43-AN-0040).

3.0 ENVIRONMENTAL CHECKLIST AND ENVIRONMENTAL EVALUATION

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that requires mitigation to reduce the impact from "Potentially Significant" to "Less than Significant" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Greenhouse Gases	☐ Public Services
☐ Agriculture and Forestry Resources	☐ Hazards and Hazardous Materials	☐ Recreation
☐ Air Quality	☐ Hydrology and Water Quality	☐ Transportation
☐ Biological Resources	☐ Land Use and Planning	☐ Tribal Cultural Resources
☐ Cultural Resources	☐ Mineral Resources	☐ Utilities and Service Systems
☐ Energy	☐ Noise	☐ Wildfires
☐ Geology and Soils	☐ Population and Housing	☐ Mandatory Findings of Significance

Evaluation of Environmental Impacts

Section 3.0, Environmental Checklist and Environmental Evaluation, presents the environmental checklist form found in Appendix G of the California Environmental Quality Act (CEQA) Guidelines. The checklist form is used to describe the impacts of the Project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are -specific mitigation measures, if needed.

For the checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant and for which mitigation has not been identified. If any potentially significant impacts are identified, an EIR must be prepared. An ND cannot be used if there are potentially significant impacts that cannot be mitigated.

Less Than Significant with Mitigation Incorporated: This designation applies when applicable and feasible mitigation measures previously identified in prior applicable EIRs or in the General Plan Environmental Impact Report (General Plan EIR) have reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact" and, pursuant to Section 21155.2 of the PRC, those measures are incorporated into a ISMND or EIR.

This designation also applies when the incorporation of new -specific mitigation measures not previously identified in prior applicable EIRs or in the General Plan EIR have reduced an effect from a "Potentially Significant Impact" to a "Less Than Significant Impact".

Less Than Significant Impact: Any impact that would not be considered significant under CEQA, relative to existing standards.

No Impact: The Project would not have any impact.

Important Note to the Reader

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

The City of San José (City) currently has policies that address existing conditions (e.g., noise) affecting a 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 Initial Study) can include information of interest even if such information is not an “environmental impact” as defined by CEQA.

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

3.1 AESTHETICS

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

3.1.1 Regulatory Setting

State

State Scenic Highways Program

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The Project site is not located near any scenic highways. Interstate 280 is designated as an “eligible” state designated highway, however, is not an officially designated highway and is over 1.5 miles from the Project site (Caltrans 2020).

Local

City of San José City Council

City Council Policy 4-2 requires dimmable, programmable lighting for new streetlights, which would control the amount and color of light shining on streets and sidewalks. Light is to be directed downward and outward. New and replacement streetlights should also offer the ability to change the color of the light from full spectrum (appearing white or near white) in the early evening to a monochromatic light in the later hour of the night and early morning. At a minimum, full spectrum lights should be able to be dimmed by at least 50 percent in the late-night hours (City of San José 2011b).

Council Policy 4-3 Outdoor Lighting Policy

The City of San José's Outdoor Lighting Policy (City Council Policy 4-3) promotes energy efficient outdoor lighting on private development to provide adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

- **Goal IN-1: General Provision of Infrastructure.** Provide and maintain adequate water, wastewater, stormwater, water treatment, solid waste and recycling, and recycled water infrastructure to support the needs of the City's residents and businesses.
    - **Policy IN-1.9:** Design new public and private utility facilities to be safe, aesthetically pleasing, compatible with adjacent uses, and consistent with the Envision General Plan goals and policies for fiscal sustainability, environmental leadership, an innovative economy, and quality neighborhoods.
- **Goal CD-1: Attractive City.** Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.
- **Goal CD-9: Access to Scenic Resources.** Preserve and enhance the visual access to scenic resources of San José and its environs through a system of scenic routes.

3.1.2 Environmental Setting

According to the City's General Plan, the City topography consists of a gently sloping to flat valley that is bounded by the Diablo Mountain Range to the east, the San Francisco Bay to the north, and the Santa Cruz mountains to the southwest. The City itself is dominated largely by developed areas and structures, with the General Plan estimating that 80 percent of the land consists of developed areas (City of San José 2011a). The densest of this development occurs in the Downtown area of the City, with numerous high-rise buildings, freeways, and dense residential and commercial land uses. The remainder or the developed portions of the City consists of suburban development made up of single-family residences and residential-serving commercial areas and open space.

The Project site is located in the central portion of the City, approximately 1.6 miles south of Downtown San José, in an area that is surrounded by industrial land uses. The existing use of the Project site is consistent with these surrounding uses, as it currently functions as a recycling transfer station. Inbound and outbound cars and trucks, as well as an industrial warehouse and outdoor storage of collected recycling materials dominates much of the views within the Project area. Additionally, there are also a few sporadic trees and sparse vegetation on the perimeter on the Project site, mostly congregated along the sidewalk of Leo Avenue. The Project area is not located in and scenic corridors, urban corridors, or rural scenic corridors, as designated by the General Plan (City of San José 2011a).

Further the City's General Plan defines scenic vistas in the City as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. The views of hillside areas, including the foothills of the Diablo Range, Santa Cruz Mountains, Silver Creek Hills, and Santa Teresa Hills are considered scenic features in the San José area according to the City's General Plan. The Project site and the surrounding area are relatively flat and prominent viewpoints, aside from the surrounding buildings, are limited. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. The Project area is not located along any scenic corridors per the City's Scenic Corridors Diagram (City of San José 2011a).

The Project proposes no changes to the existing 50,000 square-foot building currently located on-site. The Project site is located in an industrial setting and no new construction or ground-disturbing activities are being proposed. The proposed outdoor storage of recyclable materials would not cause a perceptible visual change, as it would be located within the same area as the existing storage.

3.1.3 Environmental Impact Analysis

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

As stated earlier, the Project does not propose any new construction and only proposes an intensification of existing uses. No physical changes are proposed to the existing structure; therefore, **no impact** would occur with respect to scenic vistas.

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

As stated earlier, the Project does not propose any new construction and only proposes an intensification of existing uses. No physical changes are proposed to the existing structure; therefore, the Project would have **no impac**t to scenic resources within a state-designated scenic highway.

c) 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 a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The Project proposes no changes to the existing 50,000 square foot building located on the site. The Project site would continue to operate as a recycling facility with daily operations consistent with this use. The increase in materials processed and transported to and from the Project site would not result in a visual change that would degrade the existing visual character of the site, and the surrounding industrial uses around the Project site would not be substantially impacted by the increase in materials processed and transported on- and off-site. As the Project is located in an urbanized area, operation of the proposed Project would not conflict with applicable zoning and/or other regulations governing scenic quality; therefore, there would be **no impact** in this regard.

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

Sources of light and glare currently exist on-site and within the Project area include streetlights, parking lot lights from nearby buildings, security lights, vehicular headlights, internal building lights, and exterior lighting. The Project does not include the installation of any new lighting or new sources of glare; however, the operations of the facility would change to 24 hours per day seven days a week, which could introduce additional lighting in the area during darker hours. As discussed in Section 2.3.2, Hours of Operation, most of the on-site maintenance activities of the facility would begin as early as 4:00 a.m. and run as late as 11:00 p.m. The maintenance staff would require some lighting in order to complete these activities during the darker morning hours. The facility is not near any sensitive receptors that could be substantially impacted by turning on lights during the dark hours, as the nearest sensitive receptor is 650 feet to the northeast. Any light used on-site would be limited to vehicle headlights and already operating interior and exterior building lighting, which is and would continue to be directed downward into the work areas. These existing sources of light would not spread lighting beyond the Project site in a manner that would adversely affect nighttime views in the area and would be consistent with the ongoing nighttime operations that currently exist on-site. Therefore, operational lighting associated with the Project would have a **less than significant impact** on day and nighttime views in the area.

3.2 AGRICULTURE AND FORESTRY RESOURCES

AGRICULTURE AND FORESTRY RESOURCES Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

3.2.1 Regulatory Setting

Federal, State, and Local

There are no federal, state, or local regulations or policies related to agriculture and forestry resources that are relevant to the Project. The following policies are related to preservation of farmland.

State

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, “agricultural land” is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. The project site is designated as “Prime Farmland,” “Urban and Built-Up Land,” and “Grazing Land” and is surrounded by “Farmland of Local Importance” by the California Department of Conservation (DOC, 2016). CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. None are present on the project site. The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Local

Envision San José 2040 General Plan

Policies in the City General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts from development projects. The following policy is specific to agriculture and forest resources and applies to the proposed Project.

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

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

3.2.2 Environmental Setting

The California Department of Conservation (CDC) administers the Farmland Mapping and Monitoring Program (FMMP) related to California's statewide agricultural land inventory. The Project site, and the majority of the City, is designated as "Urban and Built-Up Land" on the Santa Clara County Important Farmlands Map (CDC 2016). The Project site is located in a highly industrialized area in the City and does not include any areas designated as farmland, Williamson Act contracted lands, forest land, or timberland.

3.2.3 Environmental Impact Analysis

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

As described above, the Project site consists of an existing recycling facility on an already developed land, and no new construction is proposed. Therefore, the Project would not convert any farmland to non-agricultural use, and there would be **no impact**.

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

The Project site is not located within or adjacent to a Williamson Act contract site. Therefore, the Project would not conflict with an existing zoning designation for agriculture use or a Williamson Act contract and there would be **no impact**.

c) 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))?

There is no existing zoning designation for forest land, timberland, or timberland production within the Project area, and the Project site is zoned for heavy industrial use. Therefore, there would be **no impact** related to forest lands or timberlands.

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

There is no forest land within the Project area, as the Project site is zoned for heavy industrial use. Therefore, there would be **no impact** to loss of forestland or conversion of forest land to non-forest use.

e) 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?

The Project site would remain a recycling facility designed for heavy industrial use in an existing urban area, and no new construction or land alteration are proposed. Therefore, there would be **no impact** to conversion of farmland or forest lands.

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3.3 AIR QUALITY

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

3.3.1 Regulatory Setting

Federal

U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) handles global, international, national, and interstate air pollution issues and policies. The EPA sets national vehicle and stationary source emission standards, oversees approval of all State Implementation Plans, provides research and guidance for air pollution programs, and sets National Ambient Air Quality Standards (NAAQS), also known as federal standards or national standards. There are national standards for six common air pollutants, called criteria air pollutants, which were identified from provisions of the Clean Air Act (CAA) of 1970. The criteria pollutants are:

- Ozone
- Particulate matter (PM_{10} and $PM_{2.5}$)
- Nitrogen dioxide (NO_2)
- Carbon monoxide (CO)
- Lead
- Sulfur dioxide (SO_2)

The national standards were set to protect public health, including that of sensitive individuals; thus, the standards continue to change as more medical research is available regarding the health effects of the criteria pollutants. Primary national standards are the levels of air quality necessary, with an adequate margin of safety, to protect public health, as discussed in Ambient Air Quality Standards (AAQS) summary prepared by the California Air Resources Board (CARB).

State

California Air Resources Board

A State Implementation Plan is a document prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain national standards. The State Implementation Plan for the State of California is administered by the CARB, which has overall responsibility for statewide air quality maintenance and air pollution prevention. The CARB also administers California Ambient Air Quality Standards (CAAQS) for the 10 air pollutants designated in the California Clean Air Act (CCAA). The 10 state air pollutants are the six national standards listed above as well as the following: visibility-reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride. The national and state AAQS are summarized in Table 1.

Table 5: California and National Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards[1]	National Standards[2]	
		Concentration	Primary[3]	Secondary[4]
Ozone[5]	1 Hour	0.09 ppm (180 µg/m3)	—	Same as Primary Standard
	8 Hour	0.070 ppm (137 µg/m3)	0.070 ppm (137 µg/m3)	
Respirable Particulate Matter[6]	24 Hour	50 µg/m3	150 µg/m3	Same as Primary Standard
	Annual Arithmetic Mean	20 µg/m3	—	
Fine Particulate Matter[6]	24 Hour	—	35 µg/m3	Same as Primary Standard
	Annual Arithmetic Mean	12 µg/m3	12 µg/m3	
Carbon Monoxide	1 Hour	20 ppm (23 mg/m3)	35 ppm (40 mg/m3)	—
	8 Hour	9.0 ppm (10 mg/m3)	9 ppm (10 mg/m3)	—
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m3)	—	—
Nitrogen Dioxide	1 Hour	0.18 ppm (339 µg/m3)	100 ppb (188 µg/m3)	—
	Annual Arithmetic Mean	0.030 ppm (57 µg/m3)	0.053 ppm (100 µg/m3)	Same as Primary Standard
Sulfur Dioxide[7]	1 Hour	0.25 ppm (655 µg/m3)	75 ppb (196 µg/m3)	—
	3 Hour	—	—	0.5 ppm (1300 µg/m3)
	24 Hour	0.04 ppm (105 µg/m3)	0.14 ppm (for certain areas)	—
	Annual Arithmetic Mean	—	0.030 ppm (for certain areas)	—
Lead[8, 9]	30-Day Average	1.5 µg/m3	—	—
	Calendar Quarter	—	1.5 µg/m3	Same as

Pollutant	Averaging Time	California Standards[1]	National Standards[2]	
		Concentration	Primary[3]	Secondary[4]
	Rolling 3-Month Average	—	0.15 µg/m3	Primary Standard
Visibility-Reducing Particles[10]	8 Hour	See Footnote 1	No National Standards	
Sulfates	24 Hour	25 µg/m^3		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m^3)		
Vinyl Chloride[8]	24 Hour	0.01 ppm (26 µg/m^3)		

Notes:

1. California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, and particulate matter (PM_{10}, $PM_{2.5}$, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the CCR.
2. National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM_{10}, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m^3 is equal to or less than one. For $PM_{2.5}$, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.
3. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
4. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
5. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm.
6. On December 14, 2012, the national annual $PM_{2.5}$ primary standard was lowered from 15 µg/m^3 to 12.0 µg/m^3. The existing national 24-hour $PM_{2.5}$ standards (primary and secondary) were retained at 35 µg/m^3, as was the annual secondary standard of 15 µg/m^3. The existing 24-hour PM_{10} standards (primary and secondary) of 150 µg/m^3 also were retained. The form of the annual primary and secondary standards is the annual mean, averaged over 3 years.
7. On June 2, 2010, a new 1-hour SO_2 standard was established, and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO_2 national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated nonattainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved.
8. The CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
9. The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m^3 as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated nonattainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
10. In 1989, the CARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

µg/m^3 = micrograms per cubic meter

CARB = California Air Resources Board

mg/m^3 = milligrams per cubic meter

$PM_{2.5}$ = particulate matter 2.5 microns in diameter or less

PM_{10} = particulate matter 10 microns in diameter or less

ppb = parts per billion

ppm = parts per million

SO_2 = sulfur dioxide

Source: CARB 2019

Applicable Toxic Air Contaminant Regulation

CARB's toxic air contaminant (TAC) program traces its beginning to the criteria pollutant program in the 1960s. For many years, the criteria pollutant control program has been effective at reducing TACs, since many volatile organic compounds and PM constituents are also TACs. During the 1980s, the public's concern over toxic chemicals heightened. As a result, citizens demanded protection and control over the release of toxic chemicals into the air. In response to public concerns, the California legislature enacted the Toxic Air Contaminant Identification and Control Act governing the release of TACs into the air. This law charges CARB with the responsibility for identifying substances as TACs, setting priorities for control, adopting control strategies, and promoting alternative processes. CARB has designated almost 200 compounds as TACs. Additionally, CARB has implemented control strategies for a number of compounds that pose high health risk and show potential for effective control.

The CARB's Diesel Risk Reduction Plan has led to the adoption of new state regulatory standards for all new on-road, off-road, and stationary diesel-fueled engines and vehicles to reduce diesel particulate matter (DPM) emissions by about 90 percent overall from year 2000 levels as stated on page 1 of the plan. The ed emission benefits associated with the full implementation of this plan, including federal measures, are reductions in DPM emissions and associated cancer risks of 75 percent by 2010 and 85 percent by 2020 (CARB 2000).

In 2005, CARB approved an Air Toxics Control Measure (ATCM) to limit diesel-fueled commercial motor vehicle idling to reduce emissions of toxics and criteria pollutants. The driver of any vehicle subject to this section (1) shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location and (2) shall not idle a diesel-fueled auxiliary power system for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if it has a sleeper berth and the truck is located within 100 feet of a restricted area (homes and schools).

Clean Air Plan

The Clean Air Plan guides the region's air quality planning efforts to attain the CAAQS. The Bay Area Air Quality Management District (BAAQMD) 2017 Clean Air Plan is the current Clean Air Plan, which contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NOx), particulate matter, and GHG emissions (BAAQMD 2017b). The primary goals of the 2017 Clean Air Plan are to protect public health through the attainment air quality standards and protect the climate.

The 2017 Clean Air Plan contains 85 control measures aimed at reducing air and climate pollutants in the Bay Area. For purposes of consistency with climate planning efforts at the state level, the control strategy in the Clean Air Plan is based upon the same economic sector framework used by the CARB for its Climate Change Scoping Plans.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

- **Policy MS-10.1:** Assess ed air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to State and federal standards. Identify and implement feasible air emission reduction measures.
- **Policy MS-10.2:** Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.
- **Policy MS-10.4:** Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support federal and State regulations to improve automobile emission controls.
- **Policy MS-10.7**: Encourage regional and Statewide air pollutant emission reduction through energy conservation to improve air quality.
- **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-11.5:** Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
- **Policy MS-13.1**: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

San José Municipal Code

In addition to the goals and policies of the General Plan, the Project would also be subject to the City's Grading Ordinance, Chapter 17.04.280 of the Municipal Code, which requires that all earth moving activities control fugitive dust through steps such as regular watering of the ground surface, cleaning of nearby streets, and planting any areas left vacant for extensive periods of time.

Bay Area Air Quality Management District

The BAAQMD is the public agency that regulates stationary sources of air pollution in the nine counties that comprise the San Francisco Bay Area: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma. BAAQMD attains and maintains air quality conditions in Napa County through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of BAAQMD includes the preparation of plans and programs for the attainment of NAAQS and CAAQS, adoption and enforcement of rules and regulations, and issuance of permits for stationary sources. BAAQMD also inspects stationary sources, responds to citizen complaints, monitors ambient air quality and meteorological conditions, and implements other programs and regulations required by the CAA and CCAA.

As mentioned above, BAAQMD adopts rules and regulations. All projects are subject to BAAQMD's rules and regulations in effect at the time of construction. Specific rules applicable to project construction may include, but are not limited to:

- **Regulation 2, Rule 1, General Permit Requirements:** Includes criteria for issuance or denial of permits, exemptions, appeals against decisions of the Air Pollution Control Officer and BAAQMD actions on applications.
- **Regulation 2, Rule 2, New Source Review:** Applies to new or modified sources and contains requirements for Best Available Control Technology and emission offsets. Rule 2 implements federal New Source Review and Prevention of Significant Deterioration requirements.
- **Regulation 6, Rule 1, General Requirements:** Limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions, and opacity.
- **Regulation 7, Odorous Substances:** Regulation 7 places general limitations on odorous substances and specific emission limitations on certain odorous compounds. A person (or facility) must meet all limitations of this regulation but meeting such limitations shall not exempt such person from any other requirements of BAAQMD, state, or national law. The limitations of this regulation shall not be applicable until BAAQMD receives odor complaints from 10 or more complainants within a 90-day period alleging that a person has caused odors perceived at or beyond the property line of such person and deemed to be objectionable by the complainants in the normal course of their work, travel, or residence. When the limits of this regulation become effective as a result of citizen complaints described above the limits shall remain effective until such time as no citizen complaints have been received by BAAQMD for 1 year. The limits of this regulation shall become applicable again if BAAQMD receives odor complaints from five or more complainants within a 90-day period. BAAQMD staff shall investigate and track all odor complaints they receive and shall attempt to visit the site, identify the source of the objectionable odor, and assist the owner or facility in finding a way to reduce the odor.

- **Regulation 8, Rule 3, Architectural Coatings:** Limits the quantity of volatile organic compounds in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within BAAQMD.

BAAQMD Care Program

The Community Air Risk Evaluation (CARE) program was initiated in 2004 to evaluate and reduce health risks associated with exposures to outdoor TACs in the Bay Area. The program examines TAC emissions from point sources, area sources, and on-road and off-road mobile sources with an emphasis on diesel exhaust, which is a major contributor to airborne health risk in California. The CARE program is an on-going program that encourages community involvement and input. The technical analysis portion of the CARE program is being implemented in three phases that include an assessment of the sources of TAC emissions, modeling and measurement programs to estimate concentrations of TACs, and an assessment of exposures and health risks. Throughout the program, information derived from the technical analyses will be used to focus emission reduction measures in areas with high TAC exposures and a high density of sensitive populations. Risk reduction activities associated with the CARE program are focused on the most at-risk communities in the Bay Area.

For commercial and industrial sources, the BAAQMD regulates TACs using a risk-based approach. This approach uses a health risk assessment (HRA) to determine what sources and pollutants to control as well as the degree of control. An HRA is an analysis in which human health exposure to toxic substances is estimated and considered together with information regarding the toxic potency of the substances, in order to provide a quantitative estimate of health risks. As part of ongoing efforts to identify and assess potential health risks to the public, the BAAQMD has collected and compiled air toxics emissions data from industrial and commercial sources of air pollution throughout the Bay Area. The BAAQMD has identified seven impacted communities, including portions of Santa Clara County; areas of San José and the Project site, have been identified as an affected community.

The Project is located in an area identified as a cumulative impact area (BAAQMD 2013). This is an area where TACs, fine particulate matter, and ozone have the greatest impacts on health.

BAAQMD CEQA Guidelines

The BAAQMD CEQA Air Quality Guidelines (BAAQMD 2017a) were prepared to assist in the evaluation of air quality impacts of projects and plans proposed within the Bay Area. The guidelines provide recommended procedures for evaluating potential air impacts during the environmental review process, consistent with CEQA requirements, and include recommended thresholds of significance, mitigation measures, and background air quality information. They also include recommended assessment methodologies for air toxics, odors, and GHG emissions.

In June 2010, BAAQMD adopted updated draft CEQA Air Quality Guidelines and finalized them in May 2011. These guidelines superseded previously adopted agency air quality guidelines of 1999 and were intended to advise lead agencies on how to evaluate potential air quality impacts.

In May 2017, the BAAQMD published an updated version of the CEQA Air Quality Guidelines. The 2017 CEQA Air Quality Guidelines include thresholds to evaluate project impacts in order to protectively evaluate the potential effects of the Project on air quality. These protective thresholds are appropriate in the context of the size, scale, and location of the Project.

3.3.2 Environmental Setting

The Project is in the City of San José in Santa Clara County, which lies entirely within the San Francisco Bay Area Air Basin (Air Basin). The Air Basin is approximately 5,600 square miles in area and consists of nine counties that surround the San Francisco Bay, including all of Alameda County, Contra Costa County, Marin County, San Francisco County, San Mateo County, Santa Clara County, and Napa County, the southwestern portion of Solano County and the southern portion of Sonoma County. Its terrain and geographical location determine the distinctive climate of the Air Basin, as the Air Basin is a coastal plain with connecting valleys and low hills. The local agency with jurisdiction over air quality in the Air Basin is the BAAQMD.

Attainment Status

The EPA and CARB designate air basins where AAQS are exceeded as “nonattainment” areas. If standards are met, the area is designated as an “attainment” area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered “unclassified.” National nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards.

Each standard has a different definition, or “form” of what constitutes attainment, based on specific air quality statistics. For example, the federal 8-hour CO standard is not to be exceeded more than once per year; therefore, an area is in attainment of the CO standard if no more than one 8-hour ambient air monitoring values exceeds the threshold per year. In contrast, the federal annual standard for $PM_{2.5}$ is met if the 3-year average of the annual average $PM_{2.5}$ concentration is less than or equal to the standard.

Table 2 summarizes the most recent designations for criteria pollutants in the Air Basin.

Table 6: San Francisco Bay Area Air Basin Attainment Status

Pollutant	Designation/Classification	
	Federal Standards[a]	State Standards[b]
Ozone – One hour	No Federal Standard	Nonattainment
Ozone – Eight Hour	Nonattainment	Nonattainment
PM10	Unclassified	Nonattainment
PM2.5	Nonattainment	Nonattainment
Carbon Monoxide	Attainment/Unclassified	Attainment
Nitrogen Dioxide	Attainment/Unclassified	Attainment
Sulfur Dioxide	Attainment/Unclassified	Attainment
Lead	No Designation/Classification	Attainment

Hydrogen Sulfide	No Federal Standard	Unclassified
Sulfates	No Federal Standard	Attainment
Visibility Reducing Particles	No Federal Standard	Unclassified
Vinyl Chloride	No Federal Standard	No information available
Notes: a See 40 CFR Part 81 b See CCR Title 17 Sections 60200-60210 Source: BAAQMD 2020		

Air Pollutants

Toxic Air Contaminants

A TAC is a hazardous air pollutant (HAP) that is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. In general, for those TACs that may cause cancer, there is no concentration that does not present some risk. In other words, there is no threshold level below which adverse health impacts are not expected to occur. This contrasts with the criteria pollutants for which acceptable levels of exposure can be determined and for which the state and federal governments have set AAQS.

According to the California Almanac of Emissions and Air Quality, most of the estimated health risk from TACs for the State of California, can be attributed to relatively few compounds, the most important of which is diesel particulate matter (DPM) from diesel-fueled engines.

Asbestos

Asbestos is listed as a TAC by the CARB and as a hazardous air pollutant (HAP) by the EPA. Naturally occurring asbestos areas are identified by the type of rock found in the area. Asbestos-containing rocks found in California are ultramafic rocks, including serpentine rocks. Crushing or breaking these rocks, through construction or other means, can release asbestos form fibers into the air. Asbestos emissions can result from the sale or use of asbestos-containing materials, road surfacing with such materials, grading activities, and surface mining. The risk of disease is dependent upon the intensity and duration of exposure. When inhaled, asbestos fibers may remain in the lungs and with time may be linked to such diseases as asbestosis, lung cancer, and mesothelioma.

According to the California Division of Mines and Geology, naturally occurring asbestos has been known to be present in 44 of California's 58 counties, including Santa Clara County. Based on the map provided by the Division of Mines and Geology, there are no naturally occurring asbestos in the City.

Diesel Particulate Matter

CARB identified the PM emissions from diesel-fueled engines as a TAC in August 1998 under California’s TAC program. The State of California, after a 10-year research program, determined in 1998 that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to

DPM poses a chronic (long-term) health risk. The California Office of Environmental Health Hazard Assessment (OEHHA) recommends using a 30-year (residential) and 25-year (worker) exposure duration for determining cancer risks. DPM is emitted from both mobile and stationary sources. In California, on-road diesel-fueled vehicles contribute approximately 40 percent of the statewide total, with an additional 57 percent attributed to other mobile sources such as construction and mining equipment, agricultural equipment, and transport refrigeration units.

Air Quality

The local air quality can be evaluated by reviewing relevant air pollution concentrations near the. Table 3 summarizes published monitoring data from 2016 through 2018, the most recent 3-year period available for the nearest monitoring station is in San José (Jackson Street). The data shows that during the past few years, the Air Basin has exceeded the ozone, PM_{10}, and $PM_{2.5}$ standards.

Table 7: Ambient Air Quality Summary

Air Pollutant	Averaging Time	Item	2016	2017	2018
Ozone	1 Hour[a]	Max 1 Hour (ppm)	0.087	0.121	0.078
		Days > State Standard (0.09 ppm)	0	3	0
	8 Hour	Max 8 Hour (ppm)	0.066	0.098	0.061
		Days > State Standard (0.070 ppm)	0	4	0
		Days > National Standard (0.070 ppm)	0	4	0
		Days > National Standard (0.075 ppm)	0	3	0
Inhalable coarse particles (PM_{10})	Annual (National)	Annual Average (µg/m^3)	17.5	20.7	23.0
	Annual (State)	Annual Average (µg/m^3)	18.3	21.3	23.1
	24 Hour	24 Hour (µg/m^3) (National)	40.0	69.4	155.8
		24 Hour (µg/m^3) (State)	41.0	69.8	121.8
		Days > State Standard (50 µg/m^3)	0	19.2	12.2
		Days > National Standard (150 µg/m^3)	0	0	3.1
Fine particulate matter ($PM_{2.5}$)	Annual (National)	Annual Average (µg/m^3)	8.4	9.5	12.8
	Annual (State)	Annual Average (µg/m^3)	8.4	ID	12.9
	24 Hour	24 Hour (µg/m^3) (National)	22.6	49.7	133.9
		24 Hour (µg/m^3) (State)	22.7	49.7	133.9
		Days > National Standard (35 µg/m^3)	0	6.0	15.5

Notes:
> = exceed

Air Pollutant	Averaging Time	Item	2016	2017	2018
ppm = parts per million g/m3 = micrograms per cubic meter a = The Federal 1 hour Ozone Standard was revoked in June 2005; California retained a 1 hour Ozone Standard ID = insufficient data max = maximum Bold = exceedance State Standard = CAAQS National Standard = NAAQS Sulfur dioxide is reported on a statewide basis as it is no longer monitored locally Sources: CARB 2019					

Local Sources of Air Pollution

The Project site is located in a predominately industrial setting, where the main sources of air pollution are mobile sources traveling along the nearby roadways that surround the Project site, rail traffic from the Union Pacific tracks adjacent to the site, and other adjacent stationary sources.

Sensitive Receptors

Those who are sensitive to air pollution include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. For purposes of CEQA, the BAAQMD considers a sensitive receptor a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. Consistent with BAAQMD health risk assessment (HRA) guidelines, impacts to receptors within 1,000 feet of the Project boundary were evaluated in the HRA. The Project is in an industrial area and the closest residential receptor is located approximately 585 feet northeast of the Project site. The closest worker receptors are located at other businesses adjacent to the Project site.

3.3.3 Environmental Impact Analysis

Modeling Assumptions

The following is a summary of modeling assumptions used to estimate the Project's emissions. Detailed modeling assumptions are provided in Appendix A, in the emissions spreadsheet. Emission factors from CalEEMod and EMFAC were used to generate the emissions estimate.

The Project would involve the continued operation of the existing facility with a modification to increase the daily processing of materials, from 470 tons per day to 500 tons per day, and adding an additional day of processing, from six days per week to seven days per week. The Project would not involve any construction emissions. The primary sources of emissions for the Project are from off-road equipment and on-road mobile sources. Off-road equipment also called "nonroad" equipment refers to sources such as vehicles, engines and equipment used for construction and other purposes, such as excavators, wheel loaders, forklifts, and street sweepers. On-road mobile sources refers to vehicles associated with employee commute to and from work and haul trucks transporting loads in and out of the facility. The Project operator confirmed that the additional tonnage would not require additional off-road equipment or a daily increase in hours of operation. While not needed to accommodate the increased tonnage, the

project does propose an increase in the number of days the site would be in use from six to seven days and an increase in hours of operations, as described above. Table 4 provides a summary of the off-road equipment included in the modeling.

Table 8: Offroad Equipment

Equipment Type	CalEEMod Equipment Type	Fuel Type	Engine Tier	Hours per Day	Horsepower	Load Factor
Excavator	Excavators	Diesel	Tier 4 Final	6	115	0.38
Excavator	Excavators	Diesel	Tier 4 Final	6	175	0.38
Excavator	Excavators	Diesel	Interim Tier 4	6	95	0.38
Excavator	Excavators	Diesel	Tier 3	6	175	0.38
Wheel Loader	Rubber Tired Loaders	Diesel	Tier 4 Final	6	175	0.36
Wheel Loader	Rubber Tired Loaders	Diesel	Tier 4 Final	6	175	0.36
Wheel Loader	Rubber Tired Loaders	Diesel	Tier 4 Final	6	130	0.36
Wheel Loader	Rubber Tired Loaders	Diesel	Tier 4 Final	6	130	0.36
Street Sweeper	Sweepers/Scrubbers	Diesel	Tier 3	8	230	0.46
Forklift	Forklifts	Propane	NA	6	59	0.20

Note: Daily Project and Existing offroad equipment operation is the same.
Source: Appendix A

The Project would require an increase in staff. Up to nine additional employees would be required. Table 5 provides a summary of the employee vehicle trips.

Table 5: Employee Vehicle Trips

Existing		Project		Net Change	
# of Employees	# of Daily Trips (In/Out)	# of Employees	# of Daily Trips (In/Out)	# of Employees	# of Daily Trips (In/Out)
21	42	30	60	9	18

Note: The CalEEMod default worker trip length of 9.5 miles was used in the analysis
Source: Appendix A

The Project would require an increase in truck vehicle trips. Table 6 provides a summary of outbound truck trips for the Project and Table 7 provides a summary of inbound truck trips for the Project.

Table 6: Inbound Truck Trips

Truck Type	Existing		Project		Net Change	
	# of Inbound Trucks	# of Truck Trips per day (In/Out)	# of Inbound Trucks	# of Truck Trips per day (In/Out)	# of Inbound Trucks	# of Truck Trips per day
HHDT	231	462	245.5	491	14.5	29
MHDT	116	232	123.5	247	7.5	15
LHDT2	39	78	41.5	83	2.5	5

Note: The CalEEMod default of 20 miles for hauling trips was used in the analysis because inbound truck trips would primarily be local trips.

HHDT = Heavy Heavy Diesel Truck; (Gross Vehicle Weight > 33,000 lbs)

MHDT = Medium Heavy Diesel Truck; Gross Vehicle Weight 14,0001 – 33,000 pounds)

LHDT2 = Light Heavy Duty Diesel Truck 2; (Gross Vehicle Weight 10,000 – 14,000 pounds)

Source: Appendix A

Table 7: Outbound Truck Trips

Outbound Categories (HHDT)	Existing		Project		Net Change	
	Total Trucks per day	Total Truck Trips per day (In/Out)	Total Trucks per day	Total Truck Trips per day (In/Out)	Total Trucks per day	Total Truck Trips per day (In/Out)
Shredded Wood and Green Waste	10	20	10	20	0	0
Residuals	4	8	4	8	0	0
Recyclables	12	24	12	24	0	0
Inerts	4	8	4	8	0	0
Alternative Daily Cover	3	6	3	6	0	0
Additional Trucks from Expanded Operations	2	4	2	4	2	4

Note: A weighted trip length was calculated based on information from the existing facility.

HHDT = Heavy Heavy Diesel Truck; (Gross Vehicle Weight > 33,000 lbs)

Weighted Trip Lengths (miles):

Shredded Wood and Green Waste = 64.55

Residuals = 69

Recyclables = 0.95

Inerts = 54.6

Alternative Daily Cover = 73

Additional Trucks from Expanded Operations: 73

Source: Appendix A

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

The applicable air quality plans associated with the Project site include the 2017 BAAQMD Clean Air Plan (BAAQMD 2017b). The primary goals of the 2017 Clean Air Plan are to attain air quality standards and reduce population exposure to unhealthy air and protect public health in the Bay Area. The BAAQMD has developed its air quality thresholds with the understanding that they are protective of public health.

Consistency with the Clean Air Plan can be determined if a project: 1) supports the goals of the Clean Air Plan; 2) includes applicable control measures from the Clean Air Plan; and 3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

Overall, operations of the Project would not result in a significant increase in criteria pollutant emissions. As shown in the Table 8 and Table 9 below, operational emissions would be well below BAAQMD daily and annual significance thresholds for criteria pollutants. Furthermore, as shown in Table 6, the Project would not result in significant health impacts. Thus, the Project would not be required to incorporate specific control measures listed in the 2017 Clean Air Plan. Further, implementation of the Project would not inhibit BAAQMD or partner agencies from continuing progress toward attaining state and federal air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 Clean Air Plan Based on this, the Project would not conflict with or obstruct implementation of applicable air quality plans; therefore, impacts would be **less than significant**.

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

The Project would result in emissions of criteria pollutants for which the region is in non-attainment during operations. As shown in Table 2 above, the Air Basin is in nonattainment for the federal standards for ozone and $PM_{2.5}$ and is in nonattainment for the state standards of ozone, PM_{10}, and $PM_{2.5}$. The BAAQMD has established significance thresholds to assist the region in attaining applicable federal and state standards and apply to primary (criteria and precursor) and secondary pollutant (ozone).

The Project would extend the operating schedule of the recycling facility from six days per week to seven days per week which could increase the emissions of criteria pollutants on-site. Ongoing dust control practices, including daily wet sweeping of the facility, identified within the existing Special Use Permit would still apply to the Project (See Section 2.3, Existing Permits and Requirements, for this permit stipulation). The Project was evaluated based on the net increase in emissions (Project emissions minus existing emissions). Detailed emission calculations are provided in Appendix A.

The Project would be considered to contribute to a significant impact if it would result in exceedance of BAAQMD significance thresholds for ROG, NOx, PM_{10}, and $PM_{2.5}$. As shown in Table 8 and Table 9, operational emissions would be below BAAQMD daily and annual significance thresholds for criteria pollutants. Based on this, Project operational emissions would not result in a considerable net increase of criteria pollutants for which the region is non-attainment; therefore, impacts would be **less than significant**.

Table 8: Project Annual Operation Emissions

	Source	ROG	NOx	PM_{10}	$PM_{2.5}$
		Annual Emissions (tons/year)			
Proposed Project	Off-road Equipment[1]	0.11	1.45	0.05	0.05
	Staff Commute[2]	0.03	0.02	0.08	0.02
	Inbound Trucks[3]	1.30	27.03	3.17	1.22
	Outbound Trucks[4]	0.22	5.78	0.57	0.22
	Stationary[5]	0.37	0.79	0.04	0.04
	Project Emissions	*2.02*	*35.06*	*3.91*	*1.55*
Existing Operations	Off-road Equipment[1]	0.09	1.25	0.04	0.04
	Staff Commute[2]	0.02	0.01	0.05	0.01
	Inbound Trucks[3]	1.05	21.79	2.56	0.98
	Outbound Trucks[4]	0.17	4.48	0.44	0.17
	Stationary (Shredder)[5]	0.32	0.68	0.03	0.03
	Existing Emissions	*1.64*	*28.20*	*3.13*	*1.24*
Net Emissions		**0.38**	**6.86**	**0.79**	**0.31**
BAAQMD Thresholds		10	10	15	10
Exceed Thresholds		**No**	**No**	**No**	**No**

1. Off-road equipment refers to equipment such as excavators, wheel loaders, forklifts, and street sweepers
2. Staff commute refers to the emissions associated with employees traveling to/from the site for work
3. Inbound trucks refers to trucks delivering materials to the facility for processing.
4. Outbound trucks refers to trucks transporting processed materials to other facilities for final disposal/use
5. Stationary refers to the shredder which is a permitted stationary source with BAAQMD

Source: Appendix A

Using the net annual emissions from Table 8, the net increase in average daily emissions were estimated based on 365 days of operation. As shown in Table 9, the net increase in average daily emissions would be below all BAAQMD thresholds; therefore, impacts would be **less than significant**.

Table 9: Project Average Daily Emissions

Source	ROG	NOx	PM_{10}	$PM_{2.5}$
	Average Daily Emissions (lb/day)			
Net Increase	2.08	37.60	4.32	1.68
BAAQMD Threshold	54	54	82	54
Exceeds Threshold?	**No**	**No**	**No**	**No**

Source: Appendix A

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

A health risk impact assessment was prepared to evaluate the proposed Project's impact to offsite sensitive receptors. Figure 5 provides the location of emission sources and the nearest sensitive receptor.

Legend

Offroad Equipment

Mobile Source

Waste Shredder

Project Boundary

Receptor Grid

Nearest Sensitive Receptor

SR

Stantec

Project Location
215 LEO AVENUE #10
SAN JOSE, CA 95112

Client/Project
Leo Recycling / ATT Recycle, Inc.
Leo Recycling Project
Draft Initial Study

185704747

Figure No.
5

Title
Emission Sources and Nearest Sensitive Receptor

As stated previously, the Air Dispersion Modeling and Risk Tool was used to estimate the Project's health risk impacts and impacts were based on the net increase in DPM and $PM_{2.5}$ emissions. The cancer risk analysis was based on a worker receptor being exposed to the Project's DPM emissions for a duration of 25 years. As shown in Table 10, the Project would not exceed the cancer risk, chronic hazard index, or $PM_{2.5}$ concentration thresholds. Additionally, the cumulative analysis for health impacts includes cancer risk, chronic impacts, and $PM_{2.5}$ concentrations for existing stationary sources and gasoline dispensing facilities. Table11 presents the modeled cumulative lifetime excess cancer risk for operations of the Project.

Table 10: Project Health Impacts Summary

Receptor Type	Cancer Risk (per million)	Chronic Hazard Index	Annual $PM_{2.5}$ (ug/m^3)
Residential	5.19	0.0014	0.11
Worker	6.83	0.0221	0.11
BAAQMD Threshold	10	1.0	0.30
Exceeds Threshold?	**No**	**No**	**No**
Source: Appendix A			

Table 11: Cumulative Health Risk Summary

Receptor Type	Cancer Risk (per million)	Chronic Hazard Index	Annual $PM_{2.5}$ (ug/m^3)
Residential	6.89	0.021	0.11
Worker	8.53	0.04	0.11
BAAQMD Threshold	100	10	0.80
Exceeds Threshold?	**No**	**No**	**No**
Source: Appendix A			

As shown in Table 10 and Table 11 above the Project would result in pollutant emissions that are below the BAAQMD's thresholds of significance for both individual and cumulative cancer risk, chronic impacts, and $PM_{2.5}$. Therefore, the Project would not expose sensitive receptors to substantial pollutant concentrations and impacts would be **less than significant**.

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

The existing operational activities at the Project site would remain unchanged, there would only be an increase in the operating schedule from six days per week to seven days per week. Operation of the Project would not create the addition of any facilities known to produce odors beyond what currently exists at the Project site. Furthermore, the Project would continue to implement odor control measures

that are currently being practiced. The Project would not create objectionable odors affecting a substantial number of people; therefore, impacts would be **less than significant**.

3.4 BIOLOGICAL RESOURCES

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

3.4.1 Regulatory Setting

Federal

Clean Water Act

The Clean Water Act (CWA), as amended (33 United States Code [USC] 1251 et seq.), was established to restore and maintain the chemical, physical, and biological integrity of waters throughout the U.S. Discharge of dredged or fill material into waters of the U.S., including wetlands, lakes, streams, rivers, and estuaries, is regulated under Section 404 of the CWA. Section 404 is jointly implemented by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (USACE), with the USACE issuing Section 404 permits and monitoring permit compliance. Section 404 permit applicants are also required to obtain a Section 401 water quality certification from the state or authorized tribe in the region where the discharge would originate. In California, the State Water Resources Control Board

(SWRCB) regulates multi-regional projects and the Regional Water Quality Control Boards (RWQCB) regulate specific regional projects.

Federal Endangered Species Act

The Federal Endangered Species Act (ESA) of 1973, as amended (16 USC 1531 et seq.), was established to protect and recover imperiled species and their habitats. Under the ESA, animal and plant species may be listed as either endangered or threatened and along with their designated critical habitat are protected from actions that would cause take of any listed species except under federal permit. The U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration Fisheries (NOAA) administer the ESA and consult with other federal agencies under Section 7 of the ESA to ensure that their actions are not likely to jeopardize the continued existence of any listed species or result in the destruction or adverse modification of designated critical habitat for these species.

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. 703-712), enacts the provisions of treaties between the U.S. and Great Britain (for Canada), Mexico, Japan, and the Soviet Union (now Russia) for the protection of migratory birds. Under the MBTA, it is unlawful to take any migratory bird or any part, nests, or eggs of migratory birds unless permitted by regulations. Migratory birds, as defined by the MBTA, include all species native to the U.S. or its territories, except some upland game that occur as a result of natural biological or ecological processes. Non-native species introduced into the United States or its territories by intentional or unintentional human assistance are not included in the MBTA.

State

Porter-Cologne Water Quality Control Act

The Porter-Cologne Water Quality Control Act (Porter-Cologne Act) of 1969, as amended (Water Code Section 13000 et seq.), was established to provide a comprehensive program to protect water quality that applies to surface waters, wetlands, groundwater, and point and nonpoint pollution sources. Under the Porter-Cologne Act, the SWRCB and nine RWQCBs were created and authorized to implement state water quality regulations. The SWRCB oversees water rights and water quality policy, and the RWQCBs protect and enhance water quality at the regional and local levels. CWA Section 401 grants the SWRCB the authority to review proposed federally permitted or licensed activities that may impact state water quality and to certify, condition, or deny the activities if they do not comply with state water quality standards. RWQCBs may impose specific discharge prohibitions or requirements for activities that may affect any waters of the state, including isolated wetlands. Per the 2001 U.S. Supreme Court decision of Solid Waste Association of Northern Cook Counties v. United States Corps of Engineers and the Porter-Cologne Act, RWQCBs retained the authority to regulate discharges of waste into any waters of the state regardless of whether the waters are subject to USACE jurisdiction under CWA Section 404.

California Endangered Species Act

The California Endangered Species Act (CESA) of 1970, as amended (California Fish and Game Code [FGC] Sections 2050-2089), was established to conserve, protect, restore, and enhance any listed

species and its habitat. The CESA prohibits the take of any species designated by the California Fish and Game Commission (CFGC) as endangered, threatened, or candidate species and protects all native animals and plants and their habitats that are threatened with extinction or experiencing significant declines which would lead to threatened or endangered designation if not halted. The CESA authorizes the California Department of Fish and Wildlife (CDFW) to issue an Incidental Take Permit (FGC Section 2081 and 2089) for state-listed species, when specific criteria are met.

California Fish and Game Code Sections 1900-1913 – Native Plant Protection Act

The Native Plant Protection Act (NPPA) allows the CFGC to designate plants as endangered or rare. The NPPA prohibits take, possession, or sale within the state of any native-listed plants. The CDFW has the authority to enforce the provisions of this act and authorize incidental take permits for activities if deemed appropriate.

California Fish and Game Code Sections 3500-3516 Birds

The CDFW protects game birds, birds of prey, migratory birds, and fully protected birds, and their nests and eggs from take or possession except as otherwise provided by the code (e.g., incidental take under CESA, state waterfowl hunting validations, etc.). In response to the U.S. Department of Interior's December 22, 2017, memorandum interpreting incidental take of migratory birds, the CDFW and California Office of Attorney General published a legal guidance on November 29, 2018, affirming that California law will continue to prohibit the incidental take of migratory birds. On September 27, 2019, the California State Legislature passed the California Migratory Bird Protection Act (Assembly Bill [AB] 454) amending Section 3513 of the FGC, which clarifies that incidental but avoidable take of migratory birds is prohibited.

California Fish and Game Code Sections 3511, 4700, 5050, and 5515 – Fully Protected Species

Prior to the CESA listings, California statutes accorded a Fully Protected status to specifically identified birds, mammals, reptiles, amphibians, and fish. Most of these fully protected species have also been listed under the CESA. Fully protected species cannot be taken or possessed, and no take licenses or permits (e.g., incidental take permit) can be issued except for collecting for scientific research and relocation for protection of livestock.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating biological impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

- **Policy ER-4.4:** Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.

- **Policy ER-5.1:** Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
- **Policy ER-5.2:** Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
- **Policy ER-6.5**: Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.

Santa Clara Valley Habitat Plan Habitat Conservation Plan

The Santa Clara Valley Habitat Plan Habitat Conservation Plan (SCVHCP) is a 50-year regional plan to protect endangered species and natural resources while allowing for future development in Santa Clara County. In addition to strengthening local control over land use and species protection, the SCVHCP will provide a more efficient process for protecting natural resources by creating new habitat reserves that will be large in scale, more ecologically valuable, and easier to manage than the individual mitigation sites created under the current approach (Santa Clara Valley Habitat Agency 2012).

3.4.2 Environmental Setting

Regionally, the Project site has a Mediterranean climate characterized by cool, dry summers and moderate winters, with average annual temperatures ranging from 80.6 to 59.0 degrees Fahrenheit. Historical data used to describe the climate was collected at the San José International Airport Station, approximately 4.9 miles north of the Project site (Western Regional Climate Center 2020). Precipitation in the Project site occurs as rain. Average annual rainfall is 12.37 inches and primarily occurs from November through April.

The Project site is located within an urbanized area of San José. The Project site is already developed with existing structures, pavement, and unpaved dirt and grass areas. The Project site includes some landscaping, including ornamental and street trees. Due to the disturbed nature of the site, it has a relatively low habitat value. Due to the complete lack of native, sensitive, and wetland habitats on the Project site, special-status plant and animal species habitats are not expected to occur on the Project site.

Existing conditions

The Project site is currently developed with a 50,000 square-foot industrial building, including administrative offices, 21 parking spaces for employees and customers, one certified commercial scale, and a large bunker outside of the building for commercial tree trimmings, brush and construction wood materials, inert debris, a sorting area, workshop, vehicle and equipment parking, and a maintenance area. The Project site is highly disturbed due to current operations and there are no native, sensitive, or wetland habitats on the site, which is almost completely paved or covered with buildings. There are a few ornamental trees outside of the exterior property fence and along the sidewalk south of the property boundary. Due to the lack of any suitable habitats and the extent of human disturbance and development

on the Project site, special-status plant and animal species are not expected to occur. No new construction or ground disturbing activity is proposed that could affect nesting birds in the trees at the Project site.

Desktop Analysis

A Stantec biologist conducted a desktop analysis of existing publicly available occurrence data, literature reviews, and state and federal government agency resources to determine which sensitive biological resources have potential to occur in the Project site or within a 5-mile radius.

For the purpose of this evaluation, special-status plant species include plants that are CESA or FESA listed endangered, threatened, candidate, and proposed species; CDFW rare species; and California Rare Plant Rank (CRPR) 1 to 4 species. Special-status wildlife species include wildlife that are CESA or FESA listed endangered, threatened, candidate, or proposed species, and CDFW species of special concern or fully protected species. Sensitive natural habitat communities include communities listed as Ranks S1 to S3 in the CDFW California Natural Community List (CDFW 2020a).

Database and resource queries of special-status species and sensitive habitats included the following:

- USGS California 7.5-minute topographic quadrangles for *San José East*, *Milpitas*, *Calaveras Reservoir*, *Mt. Day*, *San José West*, *San José East*, *Lick Observatory*, *Los Gatos*, *Santa Teresa Hills*, and *Morgan Hill*
- USFWS Information for Planning and Conservation (IPaC) (USFWS 2020a)
- USFWS Designated Critical Habitat (USFWS 2020b)
- USFWS National Wetlands Inventory (USFWS 2020c)
- California Natural Diversity Database (CNDDB) occurrence records within 5 miles of the Project site (CDFW 2020b)
- California Native Plant Society (CNPS) online Inventory of Rare and Endangered Plants occurrence records within the nine U.S. Geological Survey 7.5-minute quadrangle maps (CNPS 2020)
- California Wildlife Habitat Relationships System (CDFW 2014).
- California Natural Community List (CDFW 2020a)
- A Guide to Wildlife Habitats of California (Mayer and Laudenslayer 1988)

Based on the desktop analysis of existing information, a list of special-status species that occur or have potential to occur in the Project site and vicinity was developed. The list was further refined based on the habitat within and adjacent to the Project site to determine the potential for those species to occur.

Habitat Communities

Habitat communities within the Project site were classified based on descriptions provided in *A Guide to Wildlife Habitats of California* (Mayer and Laudenslayer 1988) and the California Natural Community List (CDFW 2020a). The only habitat community present in the Project site is Urban. No aquatic resources or sensitive natural habitat communities occur within the Project site based on review of historical aerial imagery and topographic maps. A description of the habitat within the Project site is provided below.

Urban

The Project site occurs in a dense urban setting and consists of commercial structures and parking areas. The Project site contains only a few ornamental trees along Leo Avenue and a small section of ruderal vegetation along the northwest section of fencing.

Special-Status Species

Plants

A total of 58 special-status plant species were identified based on a review of available literature, USFWS species list, and CNDDB and CNPS database records. Habitat requirements were assessed for each species, and the habitats within the Project site and the immediate vicinity were reviewed to determine if potential habitat for these species occurs in the Project site. No suitable habitat occurs within the Project site due to the existing development.

Wildlife

A total of 41 special-status wildlife species were identified based on a review of available literature, USFWS species list, and CNDDB database records. Habitat requirements were assessed for each species and the habitats within the Project site and the immediate vicinity were reviewed to determine if potential habitat for these species occurs in the Project site. No suitable habitat occurs within the Project site due to the existing development.

Critical Habitat

The Project site does not occur within USFWS designated or proposed critical habitat. Critical habitat is mapped in the vicinity and includes steelhead (*Oncorhynchus mykiss*) critical habitat 0.7 mile east of the Project site and Bay checkerspot butterfly (*Euphydryas editha bayensis*) 3.4 miles southeast of the Project site.

3.4.3 Environmental Impact Analysis

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

Special-Status Plants

There is no potential habitat within the Project site for special-status plant species. The Project site is completely developed with minimal vegetation in the form of ornamental trees and ruderal species growing along Leo Avenue the southwest section of fencing. The Project site does not provide suitable special-status plant species; therefore, the Project would have no impact on special-status plants.

Special-Status Wildlife

The majority of the Project site is developed and does not provide suitable habitat for special-status wildlife. The only portion of the Project that may provide marginal habitat is the few ornamental trees along Leo Avenue and the small section of vegetation along the southwest section of fencing. These vegetated areas may provide minimal foraging and nesting habitat for migratory birds. Due to the minimal suitable nesting habitat for special-status species within or around the Project site and the lack of construction activities which could disturb any such species, impacts to migratory nesting bird species would be **less than significant**.

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

The Project site does not contain any sensitive natural communities, including riparian habitat. Therefore, the Project would have **no impacts** on any riparian habitat or other sensitive natural communities.

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

The Project site is completely developed in an urban setting and no state or federally protected aquatic resources, including wetlands, streams, and vernal pools, under the jurisdiction of the USACE or RWQCB occur within the Project site. Therefore, the Project site would have **no impact** aquatic resources.

d) 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 native wildlife nursery sites?

The Project site is completely developed in an urban setting and does not act as a corridor for species dispersal or provide migration habitat connectivity; therefore, the Project would have **no impact** on wildlife corridors or native wildlife nursery sites.

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

The minimal vegetation within or adjacent to the Project site consists of ornamental trees and ruderal species. No trees would be removed as part of the Project. Therefore, there would be **no impact**.

f) 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?

The Project site is within the SCVHCP (Santa Clara Valley Habitat Agency 2012) and would fall under the covered activity category of urban development. No sensitive habitats were identified on the Project site, and there are no local policies or ordinances protecting biological resources that would be in conflict with operation of the Project. The Project site does not offer habitat capable of supporting special-status species identified in the SCVHP.

The City's Standard Permit Condition related to the SCVHP states:

Santa Clara Valley Habitat Plan. The Project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The Project applicant would be required to submit the SCVHP Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The SCVHP and supporting materials can be viewed at www.scv-habitatplan.org. However, since no grading activities would occur as part of the Project, the Project may be exempt from such development fees, as it is considered a private activity within the City planning limits (i.e., as land type urban-suburban, less than 0.5 acres). Therefore, the Project would not be subject to the Habitat Plan Nitrogen Deposition Fee. The Project would not conflict with the provisions of the SVHCP, and there would be **no impact**.

3.5 CULTURAL RESOURCES

CULTURAL RESOURCES Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☐	☒
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

3.5.1 Regulatory Setting

Federal

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act (NHPA) of 1966 and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 CFR Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA. The NRHP is the nation's master inventory of historic resources that are considered significant at the national, state, or local level.

State

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

Assembly Bill 52

Assembly Bill (AB) 52 specifies that a project that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. AB 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requests in writing to the lead agency, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project.

At the time of the preparation of this Initial Study, two tribes have sent written requests for notification of projects to the City of San José and one verbal request has been made.

- On July 9, 2018, a representative of the Ohlone Indian Tribe, Inc., requested notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b). In response to a more specific verbal request in a meeting with City staff and the representative on July 12, 2018, clarification was received that such notification be sent only for projects in the City of San José that involve ground disturbing activities in Downtown, and that such requests may be sent via e-mail only for future projects require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. As this project is not in Downtown, no notification was sent to the Ohlone Indian Tribe, Inc.
- On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB52 notification and the written notice received June 28, 2021, requesting notification of projects in accordance with Public Resources Code Section 21080.3.1 subd. (b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.

Accordingly, AB52 notification for this project was sent electronically and via mail to Tamien Nation on October 18, 2021. This notification is included as Appendix E of this IS.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating tribal impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

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

3.5.2 Environmental Setting

The Project site currently operates as a recycling facility and contains developed areas with pavement and structures. No archaeological or historical resources have been identified within the Project area. The Project would continue the operation of the site as a recycling facility with daily activities associated with the movement and processing of recyclable materials that are brought to the site. No demolition, excavation, construction, or other ground disturbing activities are proposed as part of this Project.

3.5.3 Environmental Impact Analysis

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

No historic resources have been identified within the Project area, and no ground disturbance is proposed as part of the Project. The site would continue to operate as a recycling facility and would not result in any changes or potential impacts to historical resources. As such, because there would be no ground disturbance and because the site would continue to operate similar to existing conditions, there would be **no impact** to historic resources as a result of the Project.

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

No archaeological resources have been identified within the Project area, and no ground disturbance is proposed as part of the Project. The site would continue to operate as a recycling facility and would not result in any changes or potential impacts to archaeological resources. As such, because there would be no round disturbance and because the site would continue to operate similar to existing conditions, there would be **no impact** to archeological resources as a result of the Project.

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

The Project does not include any ground disturbing activities; therefore, there would be no potential to disturb human remains. There would be **no impact**.

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3.6 ENERGY

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

3.6.1 Regulatory Setting

Federal

Corporate Average Fuel Economy Standards

First established by Congress in 1975, the Corporate Average Fuel Economy (CAFE) standards aim to reduce energy consumption by increasing the fuel economy of cars and light trucks. The National Highway Traffic Safety Administration (NHTSA) and EPA jointly administer CAFE standards. Congress has specified that CAFE standards must be set at the "maximum feasible level" with consideration given for the following: 1) technological feasibility; 2) economic practicality; 3) effect of other standards on fuel economy; and 4) need for the nation to conserve energy (NHTSA 2010).

Fuel efficiency standards for medium- and heavy-duty trucks were jointly developed by EPA and NHTSA. The Phase 1 heavy-duty truck standards apply to combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles for model years 2014 through 2018 and resulted in a reduction of fuel consumption from 6 to 23 percent less than the 2010 baseline, depending on the vehicle type (EPA 2011). EPA and NHTSA also adopted the Phase 2 heavy-duty truck standards, which cover model years 2021 through 2027 and require the phase-in of a 5 to 25 percent reduction in fuel consumption over the 2017 baseline depending on the compliance year and vehicle type (EPA 2016).

State

Air Toxic Control Measure

In 2004, CARB initially approved an ATCM to implement idling restrictions of diesel-fueled commercial motor vehicles operating in California (13 California Code of Regulations [CCR], Section 2485) (CARB 2005). The ATCM applies to diesel-fueled commercial vehicles with a gross vehicle rating greater than 10,000 pounds. The ATCM would limit idling times of these vehicle's primary engine to no more than 5 minutes. Although the ATCM's intent was to reduce DPM, this measure would also reduce fuel consumption.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Several Subsections within the General Plan outline the City's energy goals and policies as they pertain to the sustainable utilization of energy resources within the City. Those included (below) are applicable to the project (City of San José 2011a):

- **Goal MS-2**: Energy Conservation and Renewable Energy Use. Maximize the use of green building practices in new and existing development to maximize energy efficiency and conservation and to maximize the use of renewable energy sources.
    - **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-2.4:** Promote energy efficient construction industry practices. 1605 Industrial Avenue Redevelopment Project 61 Initial Study September 2019.
    - **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-3.2:** Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
    - **Policy MS-3.3**: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.
- **Goal MS-14:** Reduce Consumption and Increase Efficiency. Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.
    - **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 MS-14.4:** Implement the City's Green Building Policies (see Green Building Section) so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
- **Policy CD-5.6:** Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.

City of San José Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84; City of San José 2020a) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José, Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10; City of San José 2020a), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10; City of San José 2020a).

City of San José Private Sector Green Building Policy (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes 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. The green building standards required by this policy are intended to advance greenhouse gas reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater. For commercial/industrial buildings greater than or equal to 25,000 square feet, Council Policy 6-32 requires LEED Silver certification (City of San José 2008b). Climate Smart San José Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community while continuing to foster the City's projected growth (City of San José 2018b). The Climate Smart San José plan includes three "pillars" or goals:

- Create a sustainable and climate smart city by:
  - Transitioning to renewable energy
- Embracing the Californian climate Create a vibrant city of connected and focused growth by:
  - Densifying the City to accommodate growth
  - Making homes more efficient and affordable for families
  - Creating clean, personalized mobility choices

    - Developing integrated, accessible public transportation infrastructure

- Create an economically inclusive city of opportunity by:
    - Creating local jobs to reduce vehicle miles traveled (VMT)
    - Improving commercial building stock
    - Making commercial goods movement clean and efficient

Strategies for increasing energy efficiency and reducing energy and resource consumption are consistent with strategies for reducing GHG emissions and can be found in Section 3.3, Air Quality and Section 3.8, Greenhouse Gas Assessment.

3.6.2 Environmental Setting

This energy analysis is based on the Leo Recycling Energy Assessment (Stantec 2020), which provides an evaluation of the Project's anticipated energy needs, impacts and conservation, as provided in Appendix D of this IS.

Electricity

Pacific Gas & Electric (PG&E) and San José Clean Energy (SJCE) are the two electricity providers serving the City. PG&E has a service area of approximately 70,000 square miles in Northern and Central California providing energy to nearly 16 million people. In 2019, PG&E's total electricity sales in its service area was estimated to be 35,956 gigawatt-hours (GWh) (PG&E 2020).

SJCE is operated by the City's Community Energy Department. In 2002, California Assembly Bill 117 established Community Choice Aggregation (CCA), a new way for California communities to provide local residents and businesses with a choice of electricity providers. A city or a group of cities pool (aggregate) the electricity demand from residents and businesses in their area and buy electricity for them. CCAs offer cleaner power mix options. SJCE is the new CCA for the City of San José, and it is the largest city in the country to operate a single-jurisdiction CCA. SJCE provides electric generation service, however, PG&E continues to deliver electricity to homes and businesses and bills customers. SJCE sources clean and renewable electricity for its customers. SJCE's default product, is 55 percent renewable and they also offer a 100 percent renewable energy option with an additional premium cost.

Transportation Fuels

Transportation accounted for nearly 40 percent of California's total energy consumption in 2018 (USEIA 2020). In 2018, California consumed 15.5 billion gallons of gasoline and 3.7 billion gallons of diesel fuel (California Energy Commission [CEC] 2020). Petroleum-based fuels currently account for more than 90 percent of California's transportation fuel use (CEC 2016). However, the state is now developing strategies to reduce petroleum use. Over the last decade, California has implemented several policies, rules, and regulations to improve vehicle efficiency, increase the development and use of alternative fuels, reduce air pollutants and greenhouse gases (GHGs) from the transportation sector, and reduce

vehicle miles travelled. CEC has developed plans and policies to expand the infrastructure of alternative fuel refueling stations to encourage the use and reliability of alternatively fueled vehicles (CEC 2007). Total fuel consumption of diesel and gasoline for Santa Clara County was approximately 100 million gallons and 643 million gallons, respectively (CEC 2020).

Existing Energy Use

The primary source of energy use for the existing operations and the Project come from mobile sources associated with offroad equipment, consisting of excavators, wheel loaders, a street sweeper, and a forklift, and onroad mobile sources, consisting of employee vehicles and medium- to heavy-duty trucks hauling materials in for processing and hauling away processed materials for final use/disposal. The onroad and offroad mobile sources consume diesel and gasoline fuel. There are no electric-operated equipment.

Tables 4, 5, 6, and 7 in Section 3.2 Air Quality provide a summary of equipment and vehicle use used in estimating energy demand.

The existing shredder consumes diesel fuel. The existing 50,000 square-foot building consumes electricity. There are no other sources of electrical demand on the site.

Currently, the operating schedule at the Project site is six days per week. The Project would expand its daily capacity and extend the operating schedule to seven days per week. The Project's impacts would be evaluated based on the net increase in energy consumption equivalent to Project energy consumption subtracting existing energy consumption. Table 12 shows the existing annual energy consumptions for the Project site.

Table 12: Existing Annual Energy Use

Source	Fuel Consumption (gallons)		Electricity (GWh)
	Diesel	Gasoline	
Offroad Equipment	57,078	--	-
Inbound Trucks	65,867	--	-
Outbound Trucks	138,531	--	-
Staff	--	4,425	-
Waste Shredder	113,070	--	-
Total Consumption	**964,545**	**4,425**	**150.87**

3.6.3 Environmental Impact Analysis

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

Operational energy consumption would occur as result of the building's electricity needs and the use of transportation fuels. Diesel fuel would be consumed by off-road equipment, waste hauling trucks and the

waste shredder and gasoline would be consumed by employee trips. Electricity would be consumed by the existing industrial building. This analysis estimates the maximum increase in operational energy consumption to evaluate the Project's associated impacts on energy resources. As discussed previously, the building energy demand would increase because of the additional operating day. Off-road equipment diesel fuel demand would similarly increase because of the additional operating day. Diesel fuel and gasoline fuel use by the on-road mobile sources from employees and inbound and outbound trucks would also increase, and the number of employees increases, as does the number of trucks, as a result of the additional operating day. Table 13 and Table14 show the energy consumption for the Project and compares it to the local energy supplies.

Table 13: Project Annual Electricity Consumption

Scenario	Electricity Consumption (GWh)
Project	177
Existing	151
Net Consumption increase	26
2018 PG&E Retail Sales	48,832
Project's Percentage of PG&E Sales	0.05
Source: PG&E 2019	

Table 14: Project Annual Transportation Fuel Consumption

Source	Fuel Consumption (gallons)	
	Diesel	Gasoline
Project		
Off-road Equipment	66,774	--
Inbound Trucks	815,980	--
Outbound Trucks	179,317	--
Staff (Employee Commute)	--	7,395
Waste Shredder	132,278	--
Total Consumption	*1,194,350*	*7,395*
Existing		
Off-road Equipment	57,078	0
Inbound Trucks	655,867	0
Outbound Trucks	138,531	0
Staff (Employee Commute)	0	4,425
Waste Shredder	113,070	0
Total Existing Consumption	*964,547*	*4,425*
Net Change		
Off-road Equipment	9,696	0

Inbound Trucks	160,114	0
Outbound Trucks	40,786	0
Staff (Employee Commute)	0	2,970
Waste Shredder	19,207	0
Net Increase in Consumption	**229,803**	**2,970**
2018 Fuel Data for Santa Clara County[2]	100,000,000	643,000,000
Percentage of County	0.23	0.0005

Notes:

1. Offroad equipment refers to sources such as vehicles, engines and equipment used for construction and other purposes, such as excavators, wheel loaders, forklifts, and street sweepers.

2. Diesel is adjusted to account for retail (48 percent) and non-retail (52 percent) diesel sales.

Source: CEC 2020

As shown in Table 13 and Table 14, the Project would consume a fraction of a percent of the available electricity and transportation fuel supplies and would not represent a substantial fraction of the available energy supplies. The Project would comply with the state's anti-idling regulation which would result in a more efficient use of diesel fuel consumption. Based on this the Project would not result in wasteful, inefficient, or unnecessary consumption of energy sources; therefore, impacts would be **less than significant**.

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

The Project consists of a recycling facility that would increase its daily capacity and operating schedule which would result in an increase in the amount of waste handled and recycled. The Project would directly support the City's efforts for diverting waste from landfills and reducing consumption of natural resources. By increasing its capacity, the Project would reduce energy consumption associated with the production of raw materials. It would also comply with CARB's Airborne Toxic Control Measure (ATCM) and reduce fuel consumption during idling events. The Project would not conflict with or obstruct a state or local energy plan for renewable energy or energy efficiency; therefore, impacts would be **less than significant**.

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3.7 GEOLOGY AND SOILS

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

3.7.1 Regulatory Setting

Federal and Local

There are no federal or local regulations or policies related to geology and soils that are relevant to the Project.

State

Alquist-Priolo Earthquake Fault Zoning Act

In 1972, the Alquist-Priolo Earthquake Fault Zoning Act was passed to mitigate the effects of surface faulting on structures designed for human occupancy. The Alquist-Priolo Earthquake Fault Zoning Act required the State Geologist to delineate Earthquake Fault Zones along known active faults that have a relatively high potential for ground rupture. Faults that are zoned under the Alquist-Priolo Earthquake Fault Zoning Act must meet the strict definition of being "sufficiently active" and "well-defined" for inclusion as an Earthquake Fault Zone. The Earthquake Fault Zones are revised periodically, and they extend 200 to 500 feet on either side of identified fault traces. No structures for human occupancy may be built across an identified active fault trace. An area of 50 feet on either side of an active fault trace is assumed to be underlain by the fault, unless proven otherwise. Proposed construction in an Earthquake Fault Zone is permitted only following the completion of a fault location report prepared by a California Registered Geologist.

Seismic Hazards Mapping Act

The Seismic Hazard Mapping Act governs the responsibilities of city, county, and state agencies in identifying and mapping seismic hazard zones and mitigation seismic hazards to protect public health and safety in accordance with the provision of the California Public Resources Code, Division 2. Geology, Mines and Mining, Seismic Hazards Mapping – Chapter 7.8. The intent of this publication is to delineate zones where earthquakes could cause hazardous ground shaking and ground failure, including liquefaction and landslides. Currently, zones near the San Andreas Fault in the urban centers of the Greater San Francisco Bay Area and Los Angeles have been delineated. Local cities and counties within these zones regulate building construction in order to minimize loss associated with these seismic hazards.

California Building Standards Code

The California Building Standards Code (CBC) prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2019 CBC.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code (Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA

Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

3.7.2 Environmental Setting

Regional Geology

San José is located within the Santa Clara Valley, a broad alluvial plain with alluvial soils extending several hundred feet below ground surface. The Santa Clara Valley consists of a large structural basin containing alluvial deposits derived from the Diablo Range to the east and the Santa Cruz Mountains to the west. The anta Clara Valley sediments were deposited as a series of coalescing alluvial fans by streams that drain the adjacent mountains.

Local Geology

Topography and Soils

According to the Natural Resources Conservation Service (NRCS) web soil survey, the soils under the Project site consist largely of Urbanland-Hangerone complex soils with a small portion of Urbanland-Campbell complex soils (NRCS 2020). Urbanland-Hangerone complex soils are generally characterized as poorly drained soils that are located in basins with 0-2 percent slopes. Urbanland-Campbell complex soils are generally characterized as very deep, moderately well drained soils that formed in alluvium from mixed rock and are located within alluvial fans and flood plains with 0-2 percent slopes (NRCS 2015). These soil complexes are primarily made up of clay soils that are overlain by human transported material, such as concrete and pavement.

Liquefaction

Soil liquefaction occurs when ground shaking from an earthquake causes a sediment layer saturated with groundwater to lose strength and take on the characteristics of a fluid, thus becoming similar to quicksand. Factors determining the liquefaction potential are soil type, the level and duration of seismic ground motions, the type and consistency of soils, and the depth to groundwater. Loose sands and peat deposits, along with recent Holocene age deposits, are more susceptible to liquefaction, while older deposits of clayey silts, silty clays, and clays deposited in freshwater environments are generally stable under the influence of seismic ground shaking. The Project site is not located within a state-designated liquefaction hazard zone (California Department of Conservation 2000).

Seismicity and Seismic-Related Hazards

The San Francisco Bay Area is one of the most seismically active regions in the United States. Faults in the region are capable of generating earthquakes of magnitude 6.7 or higher, and strong to very strong ground shaking would be expected to occur at the Project site during a major earthquake on one of the nearby faults. Based on a 2015 forecast completed by the U.S. Geological Survey (USGS), there is a 72 percent probability that one or more major earthquakes would occur in the San Francisco Bay Area by 2044 (USGS 2015).

The Project site is not located within a designated Alquist-Priolo Earthquake Zone, Santa Clara County Fault Hazard Zone, or City of San José Potential Hazard Zone (Santa Clara County 2012). Nearby active faults include the Hayward, Calaveras, and San Andreas faults (see Table 15). No active faults have been mapped on the Project site; therefore, the risk of fault rupture at the site is low.

Table 15: Active Faults Near the Project Site

Fault	Distance from Proposed Project Site
Hayward	14 miles
Calaveras	7 miles
San Andreas	12 miles

Land Slides and Lateral Spreading

Any incline where relatively large masses of material are supported by soil that is likely to soften under strain is prone to a landslide. The risk increases in areas where the ground is steep, weak or fractured; is saturated by heavy rain; or is compromised by historical ground movements (Branz 2019). Landslides occur most frequently during or following large storms or seismic activity and will most likely take place in areas where they have previously occurred.

Lateral movement (i.e., displacement, spreading, etc.) occurs when seismic shaking causes a mass of soil to lose cohesion and move relative to the surrounding soil. Lateral movement can be entirely horizontal and occur on flat ground, but it is more likely to occur on or around sloping ground, such as adjacent to hillsides and waterways (Branz 2019).

In general, the potential for landslide, slope failure, and/or lateral displacement in the Project area in its current condition is very low because the Project site is highly developed with stable soils and consists of very flat ground. A desktop review of the California Department of Conservation Landslide Inventory showed that the Project, and a majority of the San José, is not in a landslide hazard area (California Department of Conservation 2020).

Paleontological Resources

Geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils; however, mammoth remains were found along the nearby Guadalupe River in San José in 2005. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. These recent sediments, however, may overlie older Pleistocene sediments with high potential to contain paleontological resources. These older sediments, often found at depths of greater than 10 feet below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

3.7.3 Environmental Impact Analysis

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

- **i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
- **ii. Strong seismic ground shaking?**
- **iii. Seismic-related ground failure, including liquefaction?**
- **iv. Landslides?**

The Project site is not located within an Alquist-Priolo Earthquake Fault Zone, a state-designated liquefaction zone, or an area susceptible to earthquake-induced landslides or landslide hazard zone according to the state of California. Although the Project is located in a seismically active region of California, and strong ground shaking would be expected during the lifetime of the Project, the Project would not result in a change of use at the site and would continue to operate as a recycling facility. Therefore, the Project would result in **no impact** related to risk of loss, injury, or death involving earthquake-induced ground shaking, ground failure, or landslides.

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

The Project site currently operates within a highly developed area that is not subject to substantial soil erosion or loss of topsoil. The Project would not include any earth moving activities and would continue to operate as a recycling facility. Therefore, there would be **no impact** related to substantial erosion or loss of topsoil as a result of implementation of the Project.

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

As described under threshold ‘a’ above, the Project site is not located within a liquefaction zone or landslide zone. In addition, the Project site is relatively flat and is not adjacent to a creek or any other unsupported face; therefore, the risk of lateral spreading is low. The Project does not include any construction activities or ground movement and would continue to operate as a recycling facility within existing building and paved site. Therefore, there would be **no impact** related to unstable soils.

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

Expansive or collapsible soils are characterized by the ability to undergo significant volume change (shrink and swell) as a result of variation in soil moisture content. The soil complexes underneath the Project site are primarily made up of clay soils that are overlain by human-transported material, such as concrete and pavement; therefore, it could be considered expansive. However, the Project does not

include any construction activities that would be subject to a grading permit or design review by the City or that would require UBC testing to determine the expansion potential of the soils in the area. The Project would continue to operate as a recycling facility within existing building and paved site. Therefore, there would be **no impact** related to expansive soils.

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

The Project site, already developed with an industrial building and operating recycling facility, is connected to the City's municipal sanitary sewer system. The Project would not include septic tanks or alternative wastewater disposal systems. Therefore, there would be **no impacts** related to septic tanks or alternative wastewater disposal systems.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geological feature?

The Project would not include any ground disturbing activities; therefore, there would be no potential to directly or indirectly destroy unique paleontological resources or geologic features within the Project site. As such, there would be **no impact**.

3.8 GREENHOUSE GAS EMISSIONS

GREENHOUSE GAS EMISSIONS Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

3.8.1 Regulatory Setting

Federal

The federal government administers a wide array of programs to address the GHG generated in the United States. These programs focus on energy efficiency, renewable energy, methane and other non-CO2 GHGs, agricultural practices, and implementation of technologies to achieve GHG reductions.

At the federal level, the EPA is responsible for implementing federal policy to address GHGs. The EPA implements numerous voluntary programs that contribute to the reduction of GHG emissions. These programs (e.g., the ENERGY STAR labeling system for energy-efficient products) play a significant role in encouraging voluntary GHG reductions from large corporations, consumers, industrial and commercial buildings, and many major industrial sectors.

In Massachusetts v. Environmental Protection Agency (Docket No. 05–1120), the U.S. Supreme Court held in 2007 that EPA has statutory authority under Section 202 of the CAA to regulate GHGs. The Court did not hold that the EPA was required to regulate GHG emissions; however, it indicated that the agency must decide whether GHGs cause or contribute to air pollution that is reasonably anticipated to endanger public health or welfare.

In 2009, a national policy between the National Highway Traffic Safety Administration and the EPA was adopted for fuel efficiency and emissions standards in the U.S. auto industry, which applies to passenger cars and light-duty trucks for model years 2012 - 2016. The standards surpass the prior CAFE standards and requires an average fuel economy standard of 35.5 miles per gallon (mpg) and 250 grams of CO_2 per mile by model year 2016, based on EPA calculation methods. In 2012, standards were adopted for model year 2017 - 2025 for passenger cars and light-duty trucks. By 2025, vehicles are required to achieve 54.5 mpg (if GHG reductions are achieved exclusively through fuel economy improvements) and 163 grams of CO_2 per mile.

Fuel economy and carbon dioxide standards were updated through the Safe Affordable Fuel-Efficient (SAFE) Vehicles Rule in March 2020.The SAFE Vehicles Rule would apply to passenger and light trucks with model years 2021 to 2026 and would increase stringency of CAFE and carbon dioxide standards by 1.5 percent each year through 2026.

In 2009, regarding GHGs under Section 202(a) of the CAA, the EPA adopted a Final Endangerment Finding for the six defined GHGs (CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6). The Endangerment Finding is required before EPA can regulate GHG emissions under Section 202(a)(1) of the CAA consistently with the U.S. Supreme Court decision. EPA also adopted a Cause or Contribute Finding in which the EPA Administrator found that GHG emissions from new motor vehicle and motor vehicle engines are contributing to air pollution, which is endangering public health and welfare. These findings do not, by themselves, impose any requirements on industry or other entities. However, these actions were a prerequisite for implementing GHG emissions standards for vehicles.

State

In the absence of federal regulations, control of GHGs is generally regulated at the state level and is typically approached by setting emission reduction targets for existing sources of GHGs, setting policies to promote renewable energy and increase energy efficiency, and developing statewide action plans.

California has adopted statewide legislation addressing various aspects of climate change and GHG emissions mitigation. Much of this legislation establishes a broad framework for the state's long-term GHG reduction and climate change adaptation program. The governor has also issued several executive orders (EOs) related to the state's evolving climate change policy. Of particular importance are the following:

Assembly Bill 32

AB 32, also known as the Global Warming Solutions Act of 2006 (codified in HSC, Division 25.5), requires CARB to establish a statewide GHG emissions cap for 2020 based on 1990 emission levels. AB 32 required CARB to adopt regulations that identify and require selected sectors or categories of emitters of GHGs to report and verify their statewide GHG emissions, and CARB is authorized to enforce compliance with the program. Under AB 32, CARB was also required to adopt a statewide GHG emissions limit equivalent to the statewide GHG emissions levels set in 1990, which must be achieved by 2020. The 2020 GHG emissions limit is 431 million metric tons of carbon dioxide equivalent ($MMTCO_2e$).

Toward achieving the maximum technologically feasible and cost-effective GHG emission reductions, AB 32 permits the use of market-based compliance mechanisms and requires CARB to monitor compliance with and enforce any rule, regulation, order, emission limitation, emissions reduction measure, or market-based compliance mechanism that it adopts. CARB has adopted nine Early Action Measures for implementation, including:

- Ship electrification at ports,
- Reduction of high global-warming-potential gases in consumer products,
- Heavy-duty vehicle GHG emission reduction (aerodynamic efficiency),
- Reduction of perfluorocarbons from semiconductor manufacturing,
- Improved landfill gas capture, reduction of hydroflourocarbon-134a from do-it-yourself motor vehicle servicing,
- Sulfur hexafluoride reductions from the non-electric sector, a tire inflation program, and a low-carbon fuel standard.

Senate Bill 32

On September 8, 2016, Senate Bill (SB) 32 was signed by Governor Brown; this bill would require the state board to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030.

Executive Order B-30-15

EO B-30-15 provides an interim 2030 goal with the ultimate goal of reducing emissions by 80 percent below 1990 levels by 2050. The EO B-30-15 interim 2030 emission reduction goal is consistent with SB 32 and represents substantial progress towards the 2050 emissions reduction goal.

Executive Order S-03-05

EO S-03-05 directs the state to reduce GHG emissions to 80 percent below 1990 levels by 2050.

Climate Change Scoping Plan

In December 2008, CARB approved the AB 32 Scoping Plan outlining the state's strategy to achieve the 2020 GHG emissions limit. The Scoping Plan estimates a reduction of 174 $MMTCO_2e$ (about 191 million U.S. tons) from the transportation, energy, agriculture, forestry, and high climate-change-potential sectors, and proposes a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce dependence on oil, diversify California's energy sources, save energy, create new jobs, and enhance public health. The Scoping Plan must be updated every 5 years to evaluate the implementation of AB 32 policies to ensure that California is on track to achieve the 2020 GHG reduction goal. The First Update to the Climate Change Scoping Plan was approved by the CARB on May 22, 2014. In 2016, the Legislature passed SB 32, which codified a 2030 GHG emissions reduction target of 40 percent below 1990 levels. With SB 32, the Legislature passed companion legislation AB 197, which provides additional direction for developing the Scoping Plan. On December 14, 2017, the CARB approved the Second Update to the Climate Change Scoping Plan, the 2017 Climate Change Scoping Plan: The Strategy for Achieving California's 2030 Greenhouse Gas Target.

Clean Air Plan

The Clean Air Plan guides the region's air quality planning efforts to attain the CAAQS. The BAAQMD 2017 Clean Air Plan is the current Clean Air Plan, which contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NOx), particulate matter, and GHG emissions (BAAQMD 2017b). The primary goals of the 2017 Clean Air Plan are to protect public health through the attainment air quality standards and protect the climate.

The 2017 Clean Air Plan contains 85 control measures aimed at reducing air and climate pollutants in the Bay Area. For purposes of consistency with climate planning efforts at the state level, the control strategy in the Clean Air Plan is based upon the same economic sector framework used by the CARB for its Climate Change Scoping Plans.

Local

Envision San José 2040 General Plan

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 GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Air Quality Guidelines and standards for "qualified plans" as set forth by BAAQMD.

On December 15, 2015, the San José City Council certified a Supplemental Program Environmental Impact Report to the Envision San José 2040 Final Program Environmental Impact Report and readopted the City's GHG Reduction Strategy in the General Plan. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy. The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed developments and others are voluntary. Voluntary measures could be incorporated as mitigation measures for Project, at the City's discretion.

2030 Greenhouse Gas Reduction Strategy (2030 GHGRS)

The City of San José has updated its strategy for greenhouse gas reduction in alignment with Senate Bill (SB) 32, which established an interim statewide greenhouse gas reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (Executive Order B-55-18).

SB 32 expands upon Assembly Bill (AB) 32, the Global Warming Solutions Act of 2006, and requires a reduction in greenhouse gas emissions of at least 40% below the 1990 levels by 2030.

The City's 2030 Greenhouse Gas Reduction Strategy (2030 GHGRS) is a comprehensive update to the city's original GHGRS and reflects the plans, policies, and codes as approved by the City Council. The strategy builds on the City's Envision San José 2040 General Plan and Climate Smart San José -- these plans expanded the City's Green Vision to advance urban sustainability. Leveraging these existing plans and supporting policy and program frameworks, the 2030 GHGRS provides a set of strategies and additional actions for achieving the 2030 target.

The 2030 GHGRS serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The Development Compliance Checklist serves to apply the relevant General Plan and 2030 GHGRS policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. The Project is consistent with applicable measures from the City's compliance checklist. The Project's checklist is provided in Appendix A.

Green Vision

In 2007, the City adopted the Green Vision, a 15-year sustainability plan that focused on economic growth while reducing GHG emissions. The strategy included goals to increase energy efficiency and

reduce consumption along with creating clean tech jobs, diverting waste from landfills and converting waste into energy, increase electricity consumption from renewable sources, and plant 100,000 new trees. Significant progress has been made and as the program approaches its horizon year, the City plans to incorporate goals of the Green Vision into its Climate Smart San José's program.

Climate Smart San José

This program was adopted in 2018 to continue the City's efforts to reduce the impacts of climate change. In addition to addressing climate change issues, the program's strategies would reduce air pollution, save water, and improve the quality of life communitywide. The program is the first in the country to provide a plan for achieving greenhouse gas reductions consistent with those in the Paris Agreement.

San José Municipal Code

The City's Municipal Code includes the Green Building Regulations for Private Development which are intended to advance GHG reductions and other sustainability strategies in the City's Green Vision. The Green Building regulation would reduce energy and water consumption, divert waste from landfills, and provide power from renewable sources. The City determined that reduction of total energy and peak energy use as a result of incremental energy efficiency measures resulted in positive cost-benefits for building owners.

3.8.2 Environmental Setting

Global climate change is the observed increase in the average temperature of the Earth's atmosphere and oceans in recent decades. There is a general scientific consensus that global climate change is occurring, caused in whole or in part by increased emissions of GHGs that keep the Earth's surface warm by trapping heat in the Earth's atmosphere, in much the same way as glass traps heat in a greenhouse. The Earth's climate is changing because human activities, primarily the combustion of fossil fuels, are altering the chemical composition of the atmosphere through the buildup of GHGs. GHGs are released by the combustion of fossil fuels, land clearing, agriculture, and other activities, and lead to an increase in the greenhouse effect. Just as the glass in a greenhouse lets heat from sunlight in and reduces the heat escaping, greenhouse gases like carbon dioxide, methane, and nitrous oxide in the atmosphere keep the Earth at a relatively even temperature. Without the greenhouse effect, the Earth would be a frozen globe; thus, although an excess of greenhouse gas results in global warming, the naturally occurring greenhouse effect is necessary to keep our planet at a comfortable temperature.

Carbon Dioxide (CO_2)

In the atmosphere, carbon generally exists in its oxidized form, as CO_2. Natural sources of CO2 include the respiration (breathing) of humans, animals and plants, volcanic outgassing, decomposition of organic matter and evaporation from the oceans. Anthropogenic sources of CO_2 include the combustion of fossil fuels and wood, waste incineration, mineral production and deforestation. Anthropogenic sources of CO_2 amount to over 30 billion tons per year, globally. Natural sources release substantially larger amounts of CO_2. Nevertheless, natural removal processes, such as photosynthesis by land and ocean-dwelling plant

species, cannot keep pace with this extra input of man-made CO_2, and consequently, the gas is building up in the atmosphere.

Methane (CH4)

Methane is produced when organic matter decomposes in environments lacking sufficient oxygen. Natural sources include wetlands, termites, and oceans. Decomposition occurring in landfills accounts for the majority of human-generated CH_4 emissions in California and in the United States as a whole. Agricultural processes such as intestinal fermentation, manure management, and rice cultivation are also significant sources of CH_4 in California.

Nitrous Oxide (N_2O)

Nitrous oxide is produced naturally by a wide variety of biological sources, particularly microbial action in soils and water. Tropical soils and oceans account for the majority of natural source emissions. Nitrous oxide is a product of the reaction that occurs between nitrogen and oxygen during fuel combustion. Both mobile and stationary combustion produce N_2O, and the quantity emitted varies according to the type of fuel, technology, and pollution control device used, as well as maintenance and operating practices. Agricultural soil management and fossil fuel combustion are the primary sources of human-generated N_2O emissions in California.

Hydrofluorocarbons (HFCs), Perfluorocarbons (PFCs), and Sulfur Hexafluoride (SF_6)

HFCs are primarily used as substitutes for ozone depleting substances regulated under the Montreal Protocol (Montreal Protocol 1987). The Montreal Protocol is an international treaty that was approved on January 1, 1989 and was designated to protect the ozone layer by phasing out the production of several groups of halogenated hydrocarbons believed to be responsible for ozone depletion. PFCs and SF6 are emitted from various industrial processes including aluminum smelting, semiconductor manufacturing, electric power transmission and distribution, and magnesium casting. There is no primary aluminum or magnesium production in California; however, the rapid growth in the semiconductor industry leads to greater use of PFCs.

The magnitude of the impact on global warming differs among the GHGs. The effect each GHG has on climate change is measured as a combination of the volume of its emissions, and its global warming potential (GWP), expressed as a function of how much warming would be caused by the same mass of CO_2. Thus, GHG emissions are typically measured in terms of pounds or tons of CO_2 equivalents. HFCs, PFCs, and SF_6 have a greater “global warming potential” than CO2. In other words, these other GHGs have a greater contribution to global warming than CO2 on a per mass basis. However, CO_2 has the greatest impact on global warming, because of the relatively large quantities of CO_2 emitted into the atmosphere.

3.8.3 Environmental Impact Analysis

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

Short-Term Construction GHG Emissions

The Project does not involve any construction activities; therefore, there are no short-term construction GHG emissions.

Long-Term Operational GHG Emissions

The Project's long-term operational emissions were based on annual usage of off-road equipment, heavy duty waste trucks, employee vehicles, waste shredding equipment, and electricity consumption. The Project would generate minimal GHG emissions from water and wastewater conveyance and would not consume natural gas. GHG emissions from waste generation were excluded, since the Project is a waste collection and recycling facility. Emissions for the Project are shown in Table 16.

Table 16: Project Annual GHG Emissions

Source Category	$MTCO_2e$/year
Project	
Off-road Equipment	611.69
Staff Commute Trips	88.19
Inbound Hauling Trucks	8,765.30
Outbound Trucks	1,840.76
Shredder	1,247.47
Electricity	17.01
Total	*12,570.42*
Existing	
Off-road Equipment	524.30
Staff Commute Trips	59.66
Inbound Hauling Trucks	7,065.73
Outbound Trucks	1,426.83
Shredder	1,069.29
Electricity	14.59
Existing Total	*10,160.38*
Net Emissions	**2,410.04**

The Project is a recycling facility and would expand its maximum daily capacity of materials from 470 to 500 tpd allowing it to continue to collect waste and separate waste into the appropriate recyclable material streams. The recyclable materials would include, but not limited to green waste, wood, metals, cardboard, and dirt. These materials would be sent to the appropriate waste disposal sites or other facilities for reuse. The Project's recycling would reduce the amount of waste sent to landfills, reducing potential methane gas emissions. Furthermore, the 's recycling efforts would promote conservation of raw materials and reduce GHG emissions associated with generating raw materials. Based on this, the

Project would not conflict with applicable plans, policies, or regulations for reducing GHG emissions and would not emit GHG emissions that would have a significant impact on the environment; therefore, impacts would be **less than significant**.

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

The Project would not conflict or otherwise interfere with the statewide GHG reduction measures identified in the CARB Scoping Plan. Notably, the City's GHGRS includes goals and policies to reduce GHG emissions from existing and new land use development consistent with CARB's reduction targets in its Scoping Plan.

Consistency with City of San José GHG Reduction Strategy

The City of San José 2030 GHGRS includes strategies focused on green building, renewable energy, transportation and land use, education, and waste management.

The General Plan and the City's GHGRS contain goals and policies adopted for the purpose of reducing GHG emissions. Measures are either mandatory for proposed development projects, or they are voluntary. Voluntary measures can be incorporated as mitigation measures for projects at the discretion of the City. Mandatory GHG reduction criteria and its applicability to the project is detailed below.

- Consistency with the Land Use/Transportation Diagram (Land Use and Density)
- Implementation of Green Building Measures (GP Policies: MS-2.3., -2.3, -2.7, -2.11, -16.2)
    - Renewable Energy
    - Solar Orientation
    - Solar Panels
    - Architectural Design
    - Construction Techniques
    - Consistency with Green Building Ordinance and Policies
- Pedestrian, Bicycle and Transit Site Design Measures (GP Policies: CD-2.1, - 2.5, -2.11, -3.2, -3.4, LU-3.5, TR-2.8, -7.1, -8.5)
- Water Conservation and Urban Forestry Measures (GP Policies: MS-3.1, -3.2, -19.4, -21.3, -26.1, ER-8.7)

Prior to project approval, the applicant is required to complete the GHGRS Compliance Checklist to demonstrate the project's compliance with the City of San José 2030 GHSRS Compliance with the

checklist is demonstrated by completing Section A (General Plan Policy Conformance) and Section B (Greenhouse Gas Reduction Strategies). Projects that propose alternative GHG mitigation measures must also complete Section C (Alternative Project Measures and Additional GHG Reductions). As discussed under impact criterion 'a' above, the Project would not result in substantial GHG emissions and the increase in recyclable materials processed on-site would in fact reduce GHG emissions associated with the generation of raw materials. The Project would constitute development within an established community and would not open a new geographical area for this use that would draw mostly new trips or substantially lengthen existing trips.

Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the GHGRS. As shown in Tables 17 and 18, the project would comply with the 2030 GHGRS.

Table 17: 2030 GHGRS Table A – Project Compliance with General Plan Policies

General Plan Measure	General Plan Policies	Project Compliance
1) Consistency with the Land Use/Transportation Diagram (Land Use and Density)	Is the proposed Project consistent with the Land Use/Transportation Diagram	**Consistent.** The proposed Project is consistent with the Land Use/Transportation Diagram.
2) Implementation of Green Building Measures	MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.	**Not applicable.** The existing building does not accommodate solar, and the site plan is limited for ground-level solar systems, due to transportation circulation requirements.
	MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.	**Not applicable.** The proposed Project does not involve any new construction of buildings.
	MS-2.7: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.	**Not applicable.** The proposed Project requires minimal electricity and does not propose modifications to the existing site plan.
	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	**Not applicable.** The proposed Project does not involve new construction.

	effectiveness of passive solar design).	
	MS-16.2: Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.	**Not applicable.** The proposed Project requires minimal electricity and does not include infrastructure that could support energy generation facilities.
3) Pedestrian, Bicycle & Transit Site Design Measures	CD-2.1: Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan.	**Not applicable.** The proposed Project is not a roadway project; therefore, it would not alter existing street, pedestrian walkways, or bike lanes.
	CD-2.5: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.	**Not applicable.** The proposed Project does not include modifications to the existing site layout.
	CD-2.11: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.	**Not applicable.** The proposed Project is not within the Downtown and Urban Village Overlay areas.
	CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future	**Not applicable.** The proposed Project does not include modifications to the existing site layout.

	increases in bicycle and pedestrian activity.	
	CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.	**Not applicable.** The proposed Project does not include modifications to the existing site layout.
	LU-3.5: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.	**Not applicable.** The proposed Project is not in the Downtown area.
	TR-2.8: Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.	**Not applicable.** The proposed Project does not include modifications to the existing building.
	TR-7.1: Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for carsharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.	**Not applicable.** The proposed Project is not a large employer.
	TR-8.5: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.	**Not applicable.** The proposed Project does not include modifications to the existing parking lot.
4) Water Conservation and Urban Forestry Measures	MS-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial	**Not applicable.** The proposed Project does not include modifications to the existing landscaping.

	and developer-installed residential development unless for recreation needs or other area functions.	
	MS-3.2: Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.	**Not applicable.** The proposed Project uses minimal amounts of water and will comply with existing regulations for minimizing water use.
	MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.	**Not applicable.** The proposed Project does not have a need for recycled water due to minimal landscaping needs.
	MS-21.3: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.	**Consistent.** The proposed Project does not include modifications to the existing landscaping.
	MS-26.1: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.	**Not applicable.** The proposed Project does not represent new development, but a modification of existing hours of operation.
	ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.	**Consistent.** The proposed Project includes a Stormwater Pollution Prevention Plan that is compliant with City regulations.

Table 18: 2030 GHGRS Table B – GHGRS Compliance

GHGRS Strategy and Consistency Options	Project Consistency
Zero Net Carbon Residential Construction 1. Achieve/exceed the City's Reach Code, and	**Not applicable.** This category is for residential projects only.

2. Exclude natural gas infrastructure in new construction, or 3. Install on-site renewable energy systems or participate in a community solar program to offset 100% of the project's estimated energy demand, or 4. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project until which time SJCE achieves 100% carbon-free electricity for all accounts. **Supports Strategies:** GHGRS #1, GHGRS #2, GHGRS #3	
Renewable Energy Development 1. Install solar panels, solar hot water, or other clean energy power generation sources on development sites, or 2. Participate in community solar programs to support development of renewable energy in the community, or 3. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project. **Supports Strategies: GHGRS #1, GHGRS #3**	**Not applicable.** The proposed Project does not include changes to its existing building and is limited with ground-level renewable energy generation, due to traffic circulation requirements on-site. The Project receives its energy from PG&E which continues to increase its renewable energy percentage.
Building Retrofits – Natural Gas This strategy only applies to projects that include a retrofit of an existing building. If the proposed project does not include a retrofit, select "Not Applicable" in the Project Conformance column. 1. Replace an existing natural gas appliance with an electric alternative (e.g., space heater, water heater, clothes dryer), or 2. Replace an existing natural gas appliance with a high- efficiency model **Supports Strategies: GHGRS #4**	**Not applicable.** The proposed Project does not include retrofits to the existing building.
Zero Waste Goal 1. Provide space for organic waste (e.g., food scraps, yard waste) collection containers, and/or 2. Exceed the City's construction & demolition waste diversion requirement. **Supports Strategies: GHGRS #5**	**Consistent.** The proposed Project would increase the operating capacity of an existing recycling facility.

Caltrain Modernization 1. For projects located within ½ mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes or 2. Develop a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project related VMT. **Supports Strategies: GHGRS #6**	**Not applicable**. The proposed Project is not located within ½ mile of a Caltrain station.
Water Conservation 1. Install high-efficiency appliances/fixtures to reduce water use, and/or include water-sensitive landscape design, and/or 2. Provide access to reclaimed water for outdoor water use on the project site. **Supports Strategies: GHGRS #7**	**Not applicable**. The proposed Project does not include any new buildings or modifications to the existing building.

As demonstrated in Tables 17 and 18, the proposed Project would not conflict with the 2030 GHGRS. GHG emissions caused by long-term operation of the Project would be less than significant.

CARB Scoping Plan

CARB issued the Final 2017 Scoping Plan Update in November 2017. The Scoping Plan establishes emissions reduction strategies necessary to meet SB 32's 2030 reduction goals. Table 19 identifies the Scoping Plan policies that are applicable to the proposed Project. As shown, the proposed Project would be consistent with the Scoping Plan.

Table 19: Project Consistency with Applicable 2017 Scoping Plan Greenhouse Gas Reduction Strategies

Measure Name	Measure Description	Consistency Determination
SB 350 50% Renewable Mandate.	Utilities subject to the legislation will be required to increase their renewable energy mix from 33% in 2020 to 50% in 2030.	**Consistent.** The proposed Project will purchase electricity from a utility subject to the SB 350 Renewable Mandate.
Low Carbon Fuel Standard	This measure requires fuel providers to meet an 18 percent reduction in carbon content by 2030.	**Consistent.** Vehicles accessing the Project site will use fuel containing lower carbon content as the fuel standard is implemented.

Measure Name	Measure Description	Consistency Determination
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.	**Consistent.** Employees and inbound and outbound trucks can be expected to purchase increasing numbers of more fuel efficient and zero emission cars and trucks each year. The 2019 CalGreen Code requires electrical service in new single-family housing to be EV charger-ready. Home deliveries will be made by increasing numbers of ZEV delivery trucks.
Recycling and Waste Management	Reduce methane emissions at landfills. Increase waste diversion, composting and other beneficial uses of organic materials, and mandate commercial recycling. Move toward zero-waste	**Consistent.** The proposed Project would increase the quantity of materials recycled at the facility, thereby decreasing quantities of materials sent to landfills. Additionally, reintroducing recyclables with intrinsic energy value back into the manufacturing process reduces GHG emissions from multiple phases of product production, including extraction of raw materials, preprocessing and manufacturing.
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.	**Consistent.** The post-2020 Cap-and-Trade Program indirectly affects people who use the products and services produced by the regulated industrial sources, when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap- and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the program's first compliance period.

Source of Measures: CARB, 2017

Source of Consistency Determination: Stantec Consulting Services Inc, 2021

As shown above, the Project would not conflict with the applicable GHG measures in the CARB Scoping Plan. The Scoping Plan reflects the 2030 target of a 40 percent reduction below 1990 levels set by the Executive Order B-30-15 and codified by SB 32. GHG emissions from long-term operation of the Project would be less than significant.

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless,

it can be anticipated that operation of the project would benefit from implementation of current and potential future regulations (e.g., improvements in vehicle emissions, SB 100/renewable electricity portfolio improvements, etc.) enacted to meet an 80 percent reduction below 1990 levels by 2050.

Conclusion

The Project would not conflict with applicable plans, policies, or regulations for reducing GHG emissions and would not emit GHG emissions that would have a significant impact on the environment; therefore, impacts would be **less than significant**.

3.9 HAZARDS AND HAZARDOUS MATERIALS

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

3.9.1 Regulatory Setting

Federal

Resources Conservation and Recovery Act

The Resources Conservation and Recovery Act (RCRA) established the federal regulatory program for hazardous substances and gives the U.S. Environmental Protection Agency (EPA) the authority to regulate the generation, transport, treatment, and disposal of hazardous substances in a “cradle to grave” system. Under the RCRA, EPA regulates the generation, transportation, treatment, storage, and disposal of hazardous substances. This regulatory system includes tracking all generators of hazardous waste.

1984 Hazardous and Solid Waste Amendment Act

RCRA was amended by the 1984 Hazardous and Solid Waste Amendment Act, which prohibited the use of certain techniques for the disposal of certain hazardous wastes. The Emergency Planning and

Community Right-to-Know Act of 1986 imposes safety requirements to protect local communities in the event of accidental release of hazardous substances. The requirements provide measures to mitigate or prevent the risks from interaction with hazardous materials, such as handling, storage, and disposal. This law protects human health and the environment by minimizing the present threat and if the unintended release of hazardous materials was to occur. EPA has delegated fulfillment of many of the RCRA's requirements to the California Department of Toxic Substances Control (DTSC).

Hazardous Materials Transportation Act

The transport of hazardous materials is regulated by the United States Department of Transportation (USDOT) under the Hazardous Materials Transportation Act (HMTA). To accomplish this, the Federal Aviation Administration, Federal Motor Carrier Safety Administration, Federal Railway Administration, Pipeline and Hazardous Materials Safety Administration, and the United States Coast Guard have been given authority to enforce hazardous material transport regulations.

Occupational Safety and Health Administration

The Occupational Safety and Health Act of 1970 created the Occupational Safety and Health Administration (OSHA), which is responsible for protecting the health of workers, such as during the handling of hazardous materials. OSHA has created regulation to set federal standards of workplace safety including exposure limits, mandatory workplace training, accident and injury reporting, and safety procedures. These regulations are recorded in the Code of Federal Regulations (CFR) Title 29.

State

Hazardous Waste Control Act

The Hazardous Waste Control Act created the State hazardous waste management program. It is similar to, but more stringent than, the Federal RCRA program. The act is implemented by regulations contained in Title 26 of the CCR, which describes the following required aspects for the proper management of hazardous waste: identification and classification; generation and transportation; design and permitting of recycling treatment, storage and disposal facilities; operation of facilities and staff training; and closure of facilities and liability requirements.

These regulations list more than 800 materials that may be hazardous and establish criteria for identifying, packaging, and disposing of such waste. Under the Hazardous Waste Control Act and Title 26, the generator of hazardous waste must complete a manifest that accompanies the waste from generator to transporter to the ultimate disposal location. Copies of the manifest must be filed with the DTSC.

Cortese List Government Code Section 65962

Government Code Section 65962 was enacted in 1985 and was amended in 1992. It is used as a planning tool to comply with the CEQA and requires information about locations of hazardous materials release sites. It states that through the combined efforts of the DTSC, the Department of Health Services, the State Water Resources Control Board (SWRCB) and local enforcement agencies a list of potentially

hazardous areas and sites will be compiled and remain up to date (at a minimum, updated annually). The list is consolidated by the Secretary for Environmental Protection and is distributed to each city and county in which sites on the list are located. The list can be found on the DTSC's data management system known as EnviroStor, which includes information from the SWRCB GeoTracker database.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

- **Policy EC-6.1**: Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use, or transport in conformance with local, state, and federal laws, regulations, and guidelines.
- **Policy EC-6.2:** Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.

San José Emergency Operations Plan

An Emergency Operations Plan (EOP) is required for each local government in California. The guidelines for the plan come from the Federal Emergency Management Agency (FEMA), and are modified by the State Office of Emergency Services (OES) for California needs and issues. The purpose of the plan is to provide a legal framework for the management of emergencies and guidance for the conduct of business in the Emergency Operations Center. San José City Council adopted their EOP in August 2004 and the latest revision to the EOP was in November of 2018. The EOP addresses emergencies such as floods, heat waves, power outages, terrorism, earthquakes, and fires (City of San José 2018).

3.9.2 Environmental Setting

Definition of Terms

Hazardous Materials and Wastes

For purposes of this section, the term "hazardous materials" refers to both hazardous substances and hazardous wastes. A "hazardous material" is defined in the Code of Federal Regulations (CFR) as "a substance or material that…is capable of posing an unreasonable risk to health, safety, and property when transported in commerce" (49 CFR 171.8). California Health and Safety Code Section 25501 defines a hazardous material as follows:

> *Hazardous material means any material that, because of its quantity, concentration, or physical, or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. "Hazardous materials" include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.*

Hazardous wastes are defined in California Health and Safety Code Section 25141(b) as wastes that:

> *Because of their quantity, concentration, or physical, chemical, or infectious characteristics, [may either] cause, or significantly contribute to an increase in mortality or an increase in serious illness [, or] pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.*

Section 25532(j) of the Health and Safety Code defines "regulated substances accident risk" to mean a potential for the accidental release of a regulated substance into the environment that could produce a significant likelihood that persons exposed may suffer acute health effects resulting in significant injury or death.

Section (j) defines "regulated substance" to mean any substance that is either of the following (20 CFR Article 2 section 25532):

(1) A regulated substance listed in Section 68.130 of Title 40 of the CFR pursuant to paragraph (3) of subsection (r) of Section 112 of the CAA (42 Unite States Code Section 7412(r)(3)).

(2) An extremely hazardous substance listed in Appendix A of Part 355 (commencing with Section 355.10) of Subchapter J of Chapter I of Title 40 of the CFR that is any of the following:

i. A gas at standard temperature and pressure.

ii. A liquid with a vapor pressure at standard temperature and pressure equal to or greater than 10 millimeters mercury.

iii. A solid that is one of the following:

I. In solution or in molten form.

II. In powder form with a particle size less than 100 microns.

III. Reactive with a National Fire Protection Association rating of 2, 3, or 4

iv. A substance that the office determines may pose a regulated substances accident risk pursuant to subclause (II) of clause (i) of subparagraph (B) or pursuant to Section 25543.3.

Acute Hazardous Wastes

Acute hazardous wastes have been found to be fatal to humans in low doses or, in the absence of data on human toxicity, it has been shown in studies to have an oral lethal dose (LD) 50 toxicity (rat) of less than 50 milligrams per kilogram, an inhalation LC 50 toxicity (rat) of less than 2 milligrams per liter, or a dermal LD 50 toxicity (rabbit) of less than 200 milligrams per kilogram or is otherwise capable of causing or significantly contributing to an increase in serious irreversible, or incapacitating reversible, illness (CFR 40 261.11).

On-Site Sources of Contaminations

Hazardous materials are chemicals that could potentially cause harm during an accidental release or mishap, and are defined as being toxic, corrosive, flammable, reactive, and irritant, or strong sensitizer. Hazardous substances include all chemicals regulated under the United States Department of Transportation “hazardous materials” regulations and the U.S. Environmental Protection Agency (EPA) “hazardous waste” regulations. Hazardous wastes require special handling and disposal because of their potential to damage public health and the environment. The probable frequency and severity of consequences from the routine transport, use, or disposal of hazardous materials is affected by the type of substance, the quantity used or managed, and the nature of the activities and operations. Specific hazardous materials known on-site are discussed in further detail below.

Hazardous Materials Processed On-site

The recycling facility is not currently permitted to accept hazardous materials, nor would this change with implementation of the Project. All loads are checked for hazardous materials when the customer enters the facility. However, because some customers leave prohibited hazardous materials on-site unknowingly to the staff, which are then discovered after they leave, the facility is equipped with a Hazmat Locker in which hazardous materials are stored and removed from the site per regulations and permit stipulations. No batteries, oil, medical waste, liquid waste, or sludges are accepted on-site. Additionally, no materials capable of causing a public health or safety problems such as drugs, cosmetics, foods, beverages, poisons, or pesticides are accepted on-site. However, the few exceptions that could potentially be classified has a hazardous waste that are accepted at the facility through certifications and permits include E-waste (i.e., electronics such as televisions, computers, and phones), paint, mattresses, and tires.

Hazardous Air Pollutants

The EPA defines hazardous emissions, also known as Hazardous Air Pollutants (HAP), as those pollutants that are known or suspected to cause cancer or other serious health effects (EPA 2017). These pollutants can come from sources such as gasoline, motor oils, asbestos, and paint strippers and can be inhaled or ingested. Fuels such as diesel and gasoline required for the operation of construction equipment are considered Class three, flammable liquid, hazardous materials which can lead to fires or explosions if handled incorrectly. Additionally, oils and lubricants for operation of equipment are also considered Class three hazardous materials. The Project currently operates heavy equipment and

vehicles that use diesel, oils, and lubricants and would continue to do so with implementation of the Project.

Cortese List Government Code Section 65962

As discussed in the regulatory setting above, the Cortese list, which is compiled pursuant to Government Code Section 65962, is used to confirm compliance with CEQA requirements, providing a list of known locations of hazardous material release sites. The Envirostor database, which is managed by the DTSC, and the GeoTracker database, which is managed by the State Water Resources Control Board (SWRCB) are used to determine the proximity of a project to the nearest hazardous materials site. The Project site is not located on any Cortese listed sites. Active Cortese list cleanup sites, at the time this document was written within one quarter mile of the Project site are included in Table 20 below.

Table 20: Cortese listed Sites Within One-Quarter Mile of the Project

Name of Site	Address	Distance from Project Site	Clean Up Status	SWRCB or DTSC Listed Site?
Glencore Recycling LLC	1695 Monterey Highway, San José, CA 95112	0.24-mile west	Operating Permit	DTSC
Leo Avenue – UPRR	300 Leo Avenue, San José, CA 95112	600 feet east	Cleanup Program Site – Open, Assessment and Interim Remedial Action	SWRCB
Sources: DTSC 2020, SWRCB 2020				

Schools

There are no schools within one-quarter mile of the Project site. The nearest public school to the Project is the Galarza Elementary School, which is located approximately 1.18 miles southwest of the Project site, at 1610 Bird Avenue, San José, California 95125. The nearest private school to the Project site is Downtown College Preparatory El Camino Middle School, which is located approximately 0.6 mile northwest of the Project site, at 1402 Monterey Road, San José, California 95110.

Airports

There are no airports within two miles of the Project site. The nearest airport to the Project is the Reid-Hillview Airport, which is a Santa Clara County Airport located approximately 2.9 miles east of the Project site, at 2500 Cunningham Avenue, San José California. The Norman Y. Mineta San José International Airport is located over four miles north of the Project site, at 1701 Airport Boulevard, San José, California 95110. The Project is not located within the Airport Influence Area of either of these airports (Santa Clara County 2016).

Emergency Response ad Emergency Evacuation Plans

The City's EOP and General Plan do not identify any specific emergency evacuation routes within the City. However, there are many freeways, expressways, state routes, and other local roadway infrastructure that could serve as evacuation routes for large evacuation events (i.e., from fires,

earthquakes, or other natural or mane-made disasters requiring the movement of large amounts of people and vehicles) or for local emergency personnel for everyday use for local emergency situations around the City.

Major expressways and freeways near the Project site that could serve as emergency access or an evacuation route during mass evacuations include Interstate 280, State Route 87, and state route 101. Directly surrounding the Project site is Monterey Road (an arterial street), Phelan Avenue (a local street), and South 7th Street (a minor arterial street) which could provide access for emergency personnel through the area to reach various emergency situations in this portion of the City.

Fire Hazard

There are no wildlands located within the City. According to the California Department of Forestry and Fire Protection (CAL FIRE), there are not any very high fire hazard severity zones within the LRA in proximity to the Project site. Likewise, there are no moderate, high, or very high fire hazard severity zones in the SRAs in the vicinity of the Project site (CAL FIRE 2008).

3.9.3 Environmental Impact Analysis

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

Under current stipulations of the CalRecycle EA Notifications, the recycling facility is not permitted to accept hazardous wastes or materials beyond what is contained in the permit and certifications for the site (i.e. E-waste, paint, mattresses, and tires). All incoming loads are checked for hazardous materials prior to unloading any materials for processing. However, as discussed under On-site Sources of Contaminations, above, because some customers leave potentially hazardous materials at the facility which only become known to on-site staff after the customer has left the facility, an on-site Hazmat Locker is located on the site to temporarily store these materials. All hazardous materials temporarily stored on-site are stored in compliance with permit conditions and federal, state, and local requirements. These potentially hazardous materials are then transported off-site to a facility that is equipped to handle such materials. Increases in potentially hazardous materials on-site are not anticipated as a result of the Project, but rather, would be similar to existing conditions. Further, the existing Storm Water Permit (WDID# 2 43I025300) and the Stormwater Pollution Prevention Plan (SWPPP) for the site requires ongoing drainage control and prevention of uncontrolled off-site sheet-flows from leaving the Project site which adequately avoid any potential impacts related to potentially hazardous materials from leaving the Project site.

Additionally, operation of the Project would involve the routine use and transport of potentially hazardous materials, such as oils and combustible fuels for the operation of equipment; however, significant quantities of hazardous material would not be stored on-site. Potential impacts related to the use, transportation, or accidental release of potentially hazardous materials are reduced to a less than significant level with the implementation of normal operation practices and procedures or standard preventative and protective measures, as well as adherence to all applicable federal, state and local regulations. Therefore, the Project would result in a **less than significant impact** related to creation of a

significant hazard to the public or the environment though the routine transport, use, or disposal of hazardous materials.

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

As discussed under impact 'a' above, under current stipulations of the CalRecyle EA Notifications, the recycling facility does not accept hazardous materials on-site and this would not change as a result of implementation of the Project. Some customers that utilize the recycling facility occasionally leave behind hazardous substances unknowingly to the on-site staff. As such, there is an on-site Hazmat Locker that is used to store these materials until they can be transported to a local waste facility that is permitted to accept these materials. The recycling facility complies with all federal, state, and local regulations as well as the stipulations of their permits, to store, handle, and transport these hazardous materials. Potential spills on-site would therefore be limited, however, if an accidental spill of any stored hazardous materials were to occur on-site, the facilities staff would clean the spill in accordance with the applicable regulations, and notify the appropriate personnel, as needed. Therefore, the Project would result in a **less than significant impact** related to an accidental release of hazardous materials.

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

As discussed in the environmental setting above, there are no schools within one-quarter mile of the Project site. The increase in materials processed on-site would not result in a notable increase in emissions from hazardous materials beyond what currently exists on-site. Therefore, there would be **no impact** related to emitting hazardous emissions or handling hazardous or acutely hazardous substances or waste within one-quarter mile of schools.

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

As discussed in the environmental setting above, there are no active Cortese-listed sites on the Project site. Although these are two active Cortese-listed sites within one-quarter mile of the Project (see Table 13), these active sites would not pose a significant hazard to the public or the environment as a result of implementation of the Project. The Project site would continue to operate as a recycling facility and would not be affected by these hazardous sites. Therefore, there would be **no impact** related to being located on a site which is included in a list of hazardous materials pursuant to Government Code Section 95962.5.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public or private 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?

As discussed in the environmental setting above, there are no airports, or applicable airport land use plans within two miles of the Project. The Project would continue to operate as a recycling facility and the

employees on site would experience no change in existing conditions related to airport safety or excessive noise. Therefore, there would be **no impact**.

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

As discussed under Emergency Response and Emergency Evacuation Plans above, the City of San José EOP and General Plan do not identify specific emergency response or evacuation routes throughout the city. However, there are many freeways, expressways, state routes, and local roadways that could provide emergency evacuation and response routes for both mass evacuations and local response for emergency personnel to emergencies throughout the City.

The Project does not include any construction impacts that could temporarily interfere with local or regional emergency response or evacuations, therefore there would be no construction-related impacts to emergency response or emergency evacuations.

Operationally, implementation of the Project would result in an increase in trucks to and from the site to support the additional increase in materials processed on-site. As discussed in Section 2.2.4, On-site Circulation, of the Project Description, the new vehicle trips at the facility would be similar to the amount currently generated under existing conditions and the increase would be barely perceptible compared to existing conditions. Further, as discussed in Section 3.17, Transportation, the Project would not result in any significant impacts related to increases in traffic on the local roadways surrounding the Project site. Emergency personnel could still have adequate ingress and egress throughout the roads surrounding the Project site including Leo Avenue, South 7th Street, Phelan Avenue, Tully Road, and Monterey Road. The increase in vehicles on- and off-site would not result in a substantial interference in the existing traffic on these local roadways and would blend with the existing traffic conditions currently experienced in the area. Therefore, the Project would result in a **less than significant impact** related to interference with emergency response and evacuation plans.

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

The Project is located in the central area of the City and is surrounded on all sides by existing development including roads, structures, and infrastructure. There are no wildlands or undeveloped areas in or directly surrounding the Project site. Therefore, the Project would result in **no impact** related to wildland fires.

3.10 HYDROLOGY AND WATER QUALITY

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

3.10.1 Regulatory Setting

Federal and State

There are no federal or state regulations or policies related to hydrology and water quality that are relevant to the Project.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts from projects, however because the Project does not include any development none of these policies apply to the Project (City of San José 2011a).

Municipal Regional Permit Provision C.3

The San Francisco Bay Regional Water Quality Control Board (RWQCB) re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.71 Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

San José City Council Policies

Post-Construction Urban Runoff Management Policy (Policy 6-29) requires implementation of Best Management Practices (BMPs) which includes site design measures and source controls to minimize stormwater pollutant discharges.

Post-Construction Hydromodification Management Policy (Council Policy 8-14) requires measures to control hydromodification impacts from new development and redevelopment projects where such hydromodification is likely to cause increased erosion, silt pollutant generation or other adverse impacts to local rivers and creeks.

3.10.2 Environmental Setting

The City sits on an alluvial plain with ground surface elevations ranging from near sea level in the northwest to 90 feet above mean sea level (amsl) in the downtown area. The climate in the area consists of a semi-arid, Mediterranean-type climate with warm, dry weather in the late spring to early fall, and cool, wet winters. The mean precipitation in the city is 14-15 inches in the downtown area to 22 inches in the foothill areas of the City (City of San José 2010).

The City includes three major watersheds: San Thomas, Guadalupe, and Coyote. The Project site is in the Guadalupe watershed. The main reservoirs that directly affect this watershed include the Almaden Reservoir, Calero Reservoir, Guadalupe Reservoir, Lexington Reservoir, Vasona Lake/Reservoir, and Williams Reservoir. Stormwater and urban runoff generally flow into local storm drains and creeks rather than being absorbed into the soils. These flows eventually flow into the Bay.

The City is located in the Santa Clara Valley Groundwater Basin, which includes three sub-basins: the Santa Clara Valley, the Coyote Valley, and the Llagas sub-basins. The Santa Clara Valley Water Districts owns and operates 18 groundwater recharge facilities in the Santa Clara Valley which divert water from local reservoirs in the area to percolation areas which recharge the groundwater in Santa Clara Valley. Groundwater quality in the Santa Clara Valley is considered suitable for most urban and agricultural uses in the area (City of San José 2010).

The Project site is located within the FEMA Flood Rate Insurance Map Number 06085C0261H and is within a flood "zone D" which is an area of undetermined flood hazard (FEMA 2009). There are no large bodies of water near the Project site, nor is the Project site susceptible to flooding.

Seiches occur when seismic ground shaking induces standing waves inside water retention facilities (e.g., reservoirs and lakes). The resulting waves can cause failure of retention structures and potential flooding of downstream properties. There are no large enough bodies of water near the Project site that could cause a seiche to reach the Project site. Additionally, the Project site is approximately 10 miles from the San Francisco Bay and 30 miles from the Pacific Ocean; therefore, the Project site would not be subject to any risk from tsunamis.

3.10.3 Environmental Impact Analysis

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

The Project would not include any uses that would violate water quality standards or waste discharge requirements or degrade surface or groundwater quality. There is no development proposed for the Project and no uses that would increase water discharge or waste discharge from the site. Currently, stormwater and any runoff from the site is collected in the local stormwater drainage on-site. The on-site stormwater runoff drains to the on-site storm water drainage system, which is plugged, and captured stormwater is pumped to a stormwater storage tank, then pumped into mister system inside, and outside the building. Any excess stormwater that can't be reused, is pumped by a service company, and transported off-site for disposal at the City of San Jose Wastewater Treatment facility; stormwater does not flow into public a storm drain. Further, the existing Storm Water Permit (WDID# 2 43I025300) and the SWPPP for the site requires ongoing drainage control and prevention of uncontrolled off-site sheet-flows from leaving the Project site which adequately avoid any potential for contaminated waters from leaving the site. The increase in materials processed on-site would not result in any changes to runoff or otherwise result in decreases in water quality or waste discharge requirements. Therefore, there would be **no impact** related to violation of water quality or waste discharge requirements or substantially degrading surface or groundwater quality, as a result of implementation of the Project.

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

The Project does not include any new development or new impervious surfaces that could decrease groundwater supplies or interfere with groundwater recharge. The Project site currently consists of mostly paved areas and existing structures that are impervious. Current stipulations of the SUP require monitoring for cracks in the surface area of the facility in order to maintain the impervious nature of the facility (See Section 2.3 for more detail). The increase in recyclable materials processed on-site would not result in any changes to groundwater in the area. Therefore, there would be **no impact** related to groundwater supplies or interference with groundwater recharge such that the Project may impede groundwater management.

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

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

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

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

iv. Impede or redirect flood flows.

The Project does not include any development or additions of impervious surfaces to the area. The Project site currently contains mostly impervious surfaces through pavement or structures that are on-site. No changes to any structures or pavement would occur as a result of the Project, nor would the Project result in any changes to existing drainages in the area. The increase in recyclable materials processed on-site would not change any existing conditions as far as erosion, siltation, runoff, or redirect flood flows on-site. Therefore, there would be **no impact**.

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

As discussed in Section 3.10.2, Environmental Setting, above, the Project site is not in an area of known flooding hazard nor is the Project in a tsunami or seiche zone (FEMA 2009), The Project site is approximately 10 miles from the San Francisco Bay and 30 miles from the Pacific Ocean, therefore would not be subject to any risk from substantial flooding due to a tsunami. Additionally, the Project does not involve any development of any kind nor increase the amounts of hazardous materials contained on-site (see Section 3.9, Hazards and Hazardous Materials for further detail). Therefore, the Project would result in **no impact** related to flood hazards, tsunamis, or seiche zones that could increase the risk of pollutant release.

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

The Project would not include any additional development or increases in uses that could conflict with water quality control plans or groundwater management plans in the area. There would be no increases in runoff or increases in water consumption at the Project site as a result of the Project. Therefore, there would be **no impact** related to obstruction of water quality control plans or groundwater management plans.

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3.11 LAND USE AND PLANNING

LAND USE AND PLANNING Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

3.11.1 Regulatory Setting

Federal, State, and Local

There are no federal, state or local regulations or policies related to land use and planning that are relevant to the Project.

3.11.2 Environmental Setting

The Project site currently operates as a recycling facility and is surrounded on all sides by existing industrial uses. The Project area is not located within any designated area plans, specific plan areas, airport land use commission planning areas, or subject to development policies. The General Plan Land Use and zoning designations for the Project site are discussed in further detail below.

General Plan Land Use Designation

Heavy Industrial: The Project site has a General Plan designation of Heavy Industrial. The Heavy industrial category is intended for industrial users with nuisance characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses (City of San José 2011a). The Heavy Industrial designation is also appropriate for solid waste transfer and processing facilities.

Zoning

Heavy Industrial: The Project site also has a zoning designation of Heavy Industrial. Similar to the land use designation above, the Heavy Industrial zoning designation is intended for industrial uses with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or general welfare are best segregated from other uses (Municipal Code Section 20.50.010).

3.11.3 Environmental Impact Analysis

a) Would the project physically divide an established community?

The Project would not change the existing land use of the site and the facility would continue to operate as a recycling facility under the Project. No changes to the existing roadways or surrounding land uses are proposed. The Project does not propose any construction that would divide a community. Therefore, there would be **no impact** related to physically dividing an established community.

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

The Project site is zoned for industrial uses and the proposed modifications are a minor change in operations and consistent with current land use and zoning. The Project would not result in any potential impacts that would require mitigation and would be held to standard permit conditions consistent with General Plan policies adopted to avoid or mitigate environmental effects, as described in the individual resource sections of this IS. The Project would be consistent with all applicable federal, state, and local regulations that are applicable to the Project.

The proposed project is located within the SCVHP study area; however, it is not designated as a natural community area or identified as an important habitat for endangered and threatened species, and native vegetation has been cleared for residential, commercial, industrial, transportation, and recreational structures.

Since the Project would have no impact on any applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect, **no impact** would occur.

3.12 MINERAL RESOURCES

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

3.12.1 Regulatory Setting

Federal, State and Local

There are no federal, state, or local regulations or policies related to mineral resources that are relevant to the Project.

3.12.2 Environmental Setting

The vast majority of the City does not contain any mineral resources that are of regional or local importance. The Communications Hill Area, which is generally bounded by the Union Pacific Railroad, Curtner Avenue, State Route 87, and Hillsdale Avenue, was found to contain mineral deposits which are of regional significance as a source of aggregate materials used in construction (City of San José 2010). However, other than the Communications Hill area, there are no other designated mineral deposits in the City. The Project site is located approximately 0.8 mile north of the Communications Hill area.

3.12.3 Environmental Impact Analysis

a) 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?

The Project would not result in the loss of availability of a known mineral resource because there are no mineral resource areas within the Project site, and there are no mineral resources that could be impacted by implementation of the Project. The Project site would continue to operate as a recycling facility and would have **no impact** any known mineral resources.

b) 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?

As discussed above, the only known area within the City with mineral resources is the Communications Hill area, which is located over 0.8-mile from the Project site. There are no other locally-important mineral

resources sites within the City. Therefore, the Project would result in **no impact** related to the loss of availability of locally-important mineral resources.

3.13 NOISE

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

This section incorporates the analysis from the June 2020 Leo Recycling Noise Report prepared by Stantec Consulting Services Inc. (Appendix B) and the February 2018 Noise Study Report prepared by Michael Baker International.

3.13.1 Regulatory Setting

Federal and State

Generally, the federal government sets noise standards for transportation-related noise sources closely linked to interstate commerce. These include aircraft, locomotives, and trucks. No federal noise standards are directly applicable to the Project. The state government sets noise standards for transportation noise sources such as automobiles, light trucks, and motorcycles. Noise sources associated with industrial, commercial, and construction activities are generally subject to local control through noise ordinances and general plan policies. Local general plans identify general principles intended to guide and influence development plans.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating noise and vibration impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

- **Policy EC-1.1:** Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state, and city noise standards and guidelines as a part of new development review.
- **Policy EC-1.2:** Minimize the noise impacts of new development on land uses sensitive to increased noise levels by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
    - Cause the Ldn at noise sensitive receptors to increase by five (5) decibels (dB)(A) average day-night sound level (Ldn) or more where the noise levels would remain "Normally Acceptable"; or
    - Cause the Ldn at noise sensitive receptors to increase by three (3) dB(A) Ldn or more where noise levels would equal or exceed the "Normally Acceptable" level.
- **Policy EC-1.6:** Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

City of San José Municipal Code

Paragraph 20.50.300 "Performance Standards" in the City of San José Municipal Code sets criteria for fixed-source noise generated by an industrially zoned property that is received by other adjacent properties. Table 20-125 "Noise Standards" in the Municipal Code lists a maximum noise level of 55 dB(A) at the property line of all adjacent residentially zoned properties, a maximum noise level of 60 dB(A) at the property line of all commercially-zoned properties, and a maximum noise level of 70 dB(A) at all adjacent industrially-zoned properties.

Paragraph 20.50.300.B.2 states there shall be no activity on any site that causes ground vibration that is perceptible without instruments at the property line of the site.

3.13.2 Environmental Setting

Sensitive Receptors

Some land uses are more tolerant of noise than others. For example, schools, hospitals, churches, and residences are considered to be more sensitive to noise intrusion than are commercial or industrial activities. Ambient noise levels can also affect the perceived desirability or livability of a development.

The Project site is located in an industrial area and is surrounded primarily by other industrial functions, such as an auto wrecking facility and a metal fabricator, and commercial buildings, such as a bank and furniture store. The closest noise sensitive land uses near the Project site include the following:

- Mayfair Trailer Park located approximately 650 feet east of the Project.
- Sands Motel located approximately 765 feet west of the Project.

- Casa Linda Motel located approximately 1,396 feet west of the Project.
- Single family homes along Bellevue Avenue located approximately 1,768 feet northwest of the Project.
- Pepper Tree Estates Mobile Home Park located approximately 1,924 feet south of the Project.
- Old Orchard Mobile Park located approximately 3,287 feet southwest from the Project.

Existing Ambient Noise Levels

The existing noise environment in a Project area is characterized by the area's general level of development due to the high correlation between the level of development and ambient noise levels. Areas which are not urbanized are relatively quiet, while areas which are more urbanized are noisier as a result of roadway traffic, industrial activities, and other human activities.

The City is exposed to several sources of noise, including traffic on major highways, such as Interstate 280 and State Route 87, noise from traffic on busy arterial roads, such as Monterey Road, noise from railways, and noise from the Norman Y. Mineta San José International Airport. Traffic noise depends primarily on traffic speed (tire noise increases with speed), proportion of medium and large truck traffic (trucks generate engine, exhaust, and wind noise in addition to tire noise), and number of speed control devices, such as traffic lights and stop signs (accelerating and decelerating vehicles and trucks can generate more noise).

Changes in traffic volumes can also have an impact on overall traffic noise levels. For example, it takes 25 percent more traffic volume to produce an increase of only 1 dB(A) in the ambient noise level. For roads already heavy with traffic volume, an increase in traffic numbers could even reduce noise because the heavier volumes could slow down the average speed of the vehicles. A doubling of traffic volume results in a 3 dB(A) increase in noise levels.

The dominant noise sources in the area include operational noise from the industrial businesses, which includes the Project site, heavy truck and vehicle traffic on area roadways, traffic noise from State Route 82, State Route 87, Interstate 280, and US Highway 101, noise from commuter and freight rail lines, and air traffic from Norman Y. Mineta San José International Airport to the north.

As stated in the "Existing Noise Environment" section in the February 2018 Noise Study Report prepared by Michael Baker International, the environmental noise assessment prepared for the Envision San José 2040 General Plan Comprehensive Update provides existing and predicted future noise contours (Illingworth & Rodkin Inc. 2010). In the City's South Planning Area, existing and future noise ranges from Ldn 55 to 75 dBA. The Project site in located in an Ldn 60 to 65 dB contour.

Airports

There are no airports within 2 miles of the Project site. The nearest airport to the Project is the Reid-Hillview Airport, which is a Santa Clara County Airport, is located approximately 2.9 miles east of the Project site at 2500 Cunningham Avenue, San José California. The Norman Y. Mineta San José

International Airport is located over four miles north of the Project site at 1701 Airport Boulevard, San José, California 95110. The Project is not located within the Airport Influence Area of either of these airports (Santa Clara County 2016).

3.13.3 Environmental Impact Analysis

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

Noise generated from the Project would be limited to operational (i.e. permanent) noise increases since the Project does not include any construction activities (i.e. temporary noise). The analysis below includes the operational noise increases from both the increase in traffic resulting from the Project, as well as increases in on-site noise sources from the grinder and truck and vehicle activity on-site.

Exterior Traffic Noise

The Project is located on the north side of Leo Avenue west of S. 7th Street. Truck and vehicle traffic routes to and from the site are not expected to change from the existing routes. Regional access to the Project site is provided primarily by Interstate 280 and State Route 87. Local access to the Project site is primarily via Monterey Road, Tully Road, and S 7th Street. The only change to the traffic approaching the Project would include site traffic would access the local transportation network via two driveways on Leo Avenue: one entry driveway and one exit driveway under the Project. The two existing eastern driveways would be closed.

Traffic noise depends primarily on vehicle speed (tire noise increases with speed), proportion of medium and large truck traffic (trucks generate engine, exhaust, and wind noise in addition to tire noise), and number of speed control devices, such as traffic lights and stop signs (accelerating and decelerating vehicles and trucks can generate more noise).

Changes in traffic volumes can also have an impact on overall traffic noise levels. For example, it takes 25 percent more traffic volume to produce an increase of only 1 dB(A) in the ambient noise level. For roads already heavy with traffic volume, an increase in traffic numbers could even reduce noise because the heavier volumes could slow down the average speed of the vehicles. A doubling of traffic volume results in a 3 dB(A) increase in noise levels.

To describe future noise levels due to traffic added from the Project, AM and PM background peak hour traffic counts (with and without the Project) listed in the January 2021 Leo Recycling Project Transportation Analysis Report prepared by Stantec Consulting Services Inc were used to determine the percentage increase of traffic on the roads adjacent to the Project site and adjacent sensitive receivers.

Table 21 shows the peak hour counts associated with traffic on the local roadway network under the background and background plus Project traffic conditions. The last columns in the table show the overall percentage change in traffic volume and the estimated difference in peak hour noise level.

Table 21: Traffic Peak Hour Counts and Estimated Noise Increase

Intersection	Baseline Peak Hour Traffic Count		Peak Hour Traffic Count with Project		Percentage Change		Estimated dB Change	
	AM	PM	AM	PM	AM	PM	AM	PM
Monterey Road & Phelan Avenue	3,643	3,277	3,645	3,279	0.05%	0.06%	0.002	0.002
Monterey Road & Curtner Ave/Tully Road	5,441	6,518	5,443	6,520	0.04%	0.03%	0.001	0.001
S. 7th Street & Phelan Avenue	1,167	1,422	1,172	1,427	0.43%	0.35%	0.017	0.014
S. 7th Street & Tully Road	2,616	3,258	2,622	3,263	0.23%	0.15%	0.009	0.006
S. 7th Street & Leo Avenue	748	828	759	838	1.47%	1.21%	0.059	0.048
Source: Appendix C								

The Project is expected to minimally increase traffic counts along all analyzed roadways. There would essentially be no change in traffic noise (below 1 dB(A)) expected along these streets. According to the Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol (2013), doubling of traffic on a roadway would result in an increase of three dB (a barely perceptible increase) Therefore, the Project would not cause increased traffic noise levels over the baseline conditions at the neighboring sensitive receptors, and impacts would be less than significant.

Operational Noise on Site

As stated in the February 2018 Michael Baker International Noise Study, noise sources associated with operation of the recycling facility include the operation of the grinder; operation of loading equipment; heavy duty trucks entering and exiting the facility; and light duty cars and trucks entering and exiting the facility. No new sources of noise at the site will be introduced for this Project. All the current operational noise sources were analyzed in the February 2018 Michael Baker International Noise Study Report and were determined to have a less than significant impact on the community even assuming a conservative scenario of operating the grinder continuously between 8:00 AM to 11:00 PM.

With the capacity increase at the Leo Recycling facility, the operation of the grinder would not be altered as previously studied and approved in 2018. The grinder would still only operate between 8:00 AM and 11:00 PM from Monday to Saturday and the grinder would not move from the position either at the door or within the building, depending on the material processed. There would be no new sources of noise

generated from the operation of the grinder with the capacity increase. Therefore, noise from the grinder would continue to have a less than significant impact on the current noise environment.

According to the Transportation Analysis, the increased capacity of the facility would add a maximum of 11 additional vehicles and trucks to the site per peak hour. Noise from trucks and vehicles visiting the site would consist of driving to and from the site, dumping and loading activity, and potentially back up signals.

The closest residential receptor to the Project site is the Mayfair Trailer Park, approximately 650 feet to the east of the Project site across South 7th Avenue. Traffic noise contour maps in the environmental noise assessment prepared for the Envision San José 2040 General Plan Comprehensive Update indicate the closest residences to the Project, including the mobile home park, are in an area with an Ldn of 60 to 65 dB. The existing residences are therefore in an area that already exceeds the standard of Ldn 60 dB for new residential uses specified in General Plan Policy EC-1.1 and the area is identified as "conditionally acceptable" per Table EC-1 in the General Plan.

Noise from additional truck activity on the Leo Recycling site was estimated using the Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) program, Version 1.1, 2008. A conservative scenario was modeled assuming eleven pickup trucks all operating simultaneously at the edge of the Project site nearest to the closest residential receptor during all hours of the day. Using the estimate of 5 dB(A) attenuation for a single row of buildings (Bolt, Beranek, and Newman 1971) to account for shielding from the existing buildings between the Project site and the closest residential receptors, the resulting noise level at the residential property line from just the increase in truck activity was calculated using RCMN at 59.9 dB(A) Ldn. The February 2018 Michael Baker International Noise Study Report estimated a worst-case noise level of 62.4 dB(A) at the nearest residential land use "assuming an existing Ldn of 60 dB(A) in the residential area and assuming a worst case of the grinder operating continuously from 8:00 AM to 11:00 PM.". Adding the worst-case additional truck activity (59.9 dB(A) Ldn) to the worst-case operations scenario (62.4 dB(A) Ldn) results in an overall calculated noise level of 64.3 dB(A) Ldn at the closest residential receptor, or an increase of 1.9 dB(A) over the current conditions. This is less than the 3 dB(A) increase identified as significant in Policy EC-1.2 of the San José General Plan and the noise levels at the closest residential property would still be considered "conditionally acceptable". Therefore, operational changes to truck activity in conjunction with the operation of the grinder would have a **less than significant impact** to the neighboring community.

Compliance with the Municipal Code

Compliance from the operation of the facility with the City of San Jose Municipal Code was presented in the February 2018 Michael Baker International Noise Study Report. Since the capacity increase will not introduce any new sources of noise on the site, the 2018 analysis still applies and is as follows:

> *"The Lmax measured at the property line to the southeast was not substantially affected by grinding operations. The dominant noise source (of noise) was truck traffic on Leo Avenue. Therefore, grinding operations would not cause noise to exceed 70 dB(A) on the north, east, or south property lines. To the west, the Leo Recycle yard is surrounded by a 6-foot-high masonry wall. The metal recycling business across the railroad tracks is surrounded by a 12-foot-high*

masonry wall, 220 feet from the grinder when it is positioned in the doorway of the building. The attenuation due to the walls, estimated using the Kurze-Anderson Spherical Barrier Insertion Loss formula, is between 16.5 and 18.0 dB, depending on the frequency of the noise. The attenuation due to distance is 7 dB (6 dB for every doubling of distance). Using the Lmax of 94 dB from noise measurements, the resulting predicted maximum noise from the grinder at the industrial business to the west is 69.5 dB. Therefore, the predicted noise from grinding operations at adjacent industrial uses would not exceed the standards established in Municipal Code Section 20.50.300 and would be consistent with General Plan Policy EC-1.6."

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

The Project does not include any construction related noise that could produce groundborne vibrations in the area. The operational noise impacts discussed under impact 'a' above would not include any groundborne vibrations or increases in existing vibrations on-site. Therefore, there would be **no impact** related to generation of excessive groundborne vibrations.

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

There are no airports within 2 miles of the Project site. The nearest airport to the Project is the Reid-Hillview Airport, which is a Santa Clara County Airport, is located approximately 2.9 miles east of the Project site at 2500 Cunningham Avenue, San José California. The Norman Y. Mineta San José International Airport is located over four miles north of the Project site at 1701 Airport Boulevard, San José, California 95110. Additionally, the Project does not include any residential housing or any increases in employees on-site. Therefore, the Project would result in **no impacts** to exposure of people or workers to excessive noise levels.

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3.14 POPULATION AND HOUSING

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

3.14.1 Regulatory Setting

Federal, State, and Local

There are no federal, state, or local regulations or policies related to population and housing that are relevant to the Project. The General Plan Housing Element and related land use and housing policies was last updated in April 2015, however, because the Project does not include any uses for human habitation, none of these policies apply to the Project. Additionally, the Association of Bay Area Governments (ABAG) is responsible for regional housing needs to each city and county within the nine-county Bay Area, however, the goals and policies of the Regional Forecast of Jobs, Population, and Housing Plan do not apply to the Project because the Project does not include an increase in jobs or housing.

3.14.2 Environmental Setting

The current population of the City, as of January 2019, is approximately 1,043,058 and the average household size is 3.2 persons per household (California Department of Finance [DOF] 2019). Additionally, as of January 2019, there are approximately 335,887 housing units in the City. The ABAG estimates the population within the City will grow to 1,357,845 by 2040 with 3.3 persons per household (ABAG 2019).

The Project site does not contain any housing units. The nearest housing to the Project site is the Mayfair Trailer Park, which is located approximately 600 feet east of the project site.

3.14.3 Environmental Impact Analysis

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

The Project does not include any housing or extension of infrastructure. The existing recycling facility would continue to operate as such with implementation of the Project and would not result in any unplanned population growth. No utility lines (i.e., water, wastewater, electrical) would require extension or expansion as a result of the Project. Therefore, there would be **no impact** to unplanned population growth.

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

The Project would not include any housing or construction impacts that would displace substantial numbers of people. The area immediately surrounding the Project site consists of an industrial area and would not be substantially impacted by implementation of the Project. Therefore, there would be **no impact** to displacement of substantial numbers of existing people or housing.

3.15 PUBLIC SERVICES

PUBLIC SERVICES Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i. Fire protection?	☐	☐	☒	☐
ii. Police protection?	☐	☐	☒	☐
iii. Schools?	☐	☐	☐	☒
iv. Parks?	☐	☐	☐	☒
v. Other Public Facilities?	☐	☐	☐	☒

3.15.1 Regulatory Setting

Federal and State

There are no federal or state regulations or policies related to public services that are relevant to the Project.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating public services impacts from projects. The following policy is applicable to the Project (City of San José 2011a):

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

3.15.2 Environmental Setting

Fire Protection

Fire protection services within the City are provided by the San José Fire Department (SJFD) which provides fire protection, emergency medical services, and fire prevention services to residents and visitors within its approximate 200 square mile jurisdiction. The SJFD has 33 fire stations which collectively respond to over 91,000 service calls per year (SJFD 2020). There are approximately 819 authorized positions within the SJFD who operate in shifts to provide services 24-hours per day, 365-days a year. Within the 33 fire stations, there are 33 engine companies, nine truck companies, and three squad units (SJFD 2019).

The nearest fire station to the Project is Fire Station 26, which is located approximately one mile southeast of the Project site at 528 Tully Road, San José California 95111. This fire station received calls on 351 fire related incidents and 1,897 medical related incidents in 2018 and the average response time was 14 minutes and 44 seconds and 12 minutes and 23 seconds for each of these types of calls, respectively (SJFD 2018).

Police Protection

Police protection services within the City are provided by the San José Police Department (SJPD) which is comprised of 11 divisions with approximately 1,400 authorized employees (SJPD 2020). For police protection services the General Plan identifies a service goal of six minutes or less for 60 percent of all Priority 1 (i.e., emergency) calls and 11 minutes or less for 60 percent of all priority 2 (i.e., non-emergency) calls (City of San José 2011a).

There is a property and evidence police facility located a block north from the Project site, however the nearest police station to the Project site is the SJPD Station 4, located approximately 3.2 miles west from the Project site at 710 Leigh Avenue, San José, CA 95128.

Schools

The City is served by the San José Unified School District (SJUSD) which serves over 30,000 students from kindergarten through high school. The SJUSD includes 41 schools that range in location from Downtown San José in the north to Almaden Valley in the south. The SJUSD guarantees a seat in one of its schools to any child living within its boundaries (SJUSD 2020). The nearest public school to the Project is the Galarza Elementary School, which is located approximately 1.2 miles southwest of the Project site, at 1610 Bird Avenue, San José, California 95125. The nearest private school to the Project site is Downtown College Preparatory El Camino Middle School, which is located approximately 0.6-mile northwest of the Project site, at 1402 Monterey Road, San José, California 95110.

Parks

According to the General Plan, the City manages approximately 3,520 acres of parkland, community gardens, and open space lands and is planning to implement a 100-mile network of multi-use trails

throughout the City. In addition to the parklands, the City also provides 50 indoor community facilities that provide recreational opportunities to the public. Various other private entities such as the Santa Clara Valley Water District and Pacific Gas and Electric (PG&E) provide recreational opportunities and amenities within the City (San José 2011).

The nearest park to the Project site is the Bellevue Park, which is located approximately 0.4-mile northwest of the Project.

Other Public Facilities

Libraries within the City are operated and managed by the San José Public Library System. This system consists of one main library, the Dr. Martin Luther King Junior Library, which is jointly operated with the San José State University, as well as 22 branch libraries scattered through the City. The nearest library to the Project site is the Tully Community Branch Library, which is located approximately 1.25 miles east of the Project site at 880 Tully Road, San José California 95111.

3.15.3 Environmental Impact Analysis

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

Fire Protection

The demand for fire protection services is not anticipated to change with implementation of the Project. The minimal increase in truck traffic and daily operations associated with the recycling facility would be consistent with existing operations of the Project site and would not add an additional strain to the SJFD due to emergency calls. All potentially hazardous materials on-site would be handled, stored, and transported in adherence with applicable federal, state, and local regulations. The Project would not result in the creation of any new structures that would be subject to review and compliance with relevant fire and building codes. Therefore, the Project would result in a **less than significant impact** related to fire protection services.

Police Protection

Similar to fire protection services, the demand for police protection services is not anticipated to change with implementation of the Project. The additional truck traffic and hours of operation would be minimal and would be consistent with the ongoing operations that already occur on the Project site. Consistent with current operations, the exterior gates providing access to the site from Leo Avenue would be closed and locked during hours that the facility is not open to the general public, which would limit potential vandalism and burglaries at the site. Further, the staff would utilize interior and exterior lights during maintenance activities during the nighttime hours which would further hinder potential criminal activities

from occurring on the site. This would limit the need for police services from SJPD on site. Therefore, the Project would result in a **less than significant impact** related to police protection services.

Schools

The Project does not include any housing that would generate new students to the area. The site would continue to operate as a recycling facility and would therefore have **no impact** to schools within the City.

Parks

The Project would not include residential uses or add new employees to the Project site. The site would continue to operate as a recycling facility and would have **no impact** to parks within the City.

Other public facilities

The Project would not include residential uses or add new employees to the Project area. The site would continue to operate as a recycling facility and would have **no impact** to libraries within the City.

3.16 RECREATION

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

3.16.1 Regulatory Setting

Federal, State and Local

There are no federal, state, or local regulations or policies related to recreation that are relevant to the Project.

3.16.2 Environmental Setting

According to the General Plan, the City manages approximately 3,520 acres of parkland, community gardens, and open space lands and is planning to implement a 100-mile network of multi-use trails throughout the City. In addition to the parklands, the City also provides 50 indoor community facilities that provide recreational opportunities to the public. Various other private entities such as the Santa Clara Valley Water District and PG&E provide recreational opportunities and amenities within the City (San José 2011).

The nearest park to the Project site is the Bellevue Park, which is located approximately 0.4-mile northwest of the Project.

3.16.3 Environmental Impact Analysis

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

The Project would not include any housing or residential uses and would not increase the number of employees on-site. Therefore, the Project would have **no impact** related to increased use of parks.

b) Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

As discussed under question ‘a’ above, the Project would not include any housing or residential uses and would not increase the number of employees on-site. Therefore, no new recreational facilities would be required as a result of implementation of the Project. There would be **no impact**.

3.17 TRANSPORTATION

TRANSPORTATION Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersection(s) or incompatible uses (e.g. farm equipment))?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☒	☐

This section incorporates the analysis from the January 2021 Leo Recycling Project Transportation Analysis Report prepared by Stantec Consulting Services Inc. (Appendix C).

3.17.1 Regulatory Setting

Federal

There are no federal regulations or policies related to transportation that are relevant to the Project.

State

Senate Bill 743

Senate Bill (SB) 743, which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. Beginning on January 1, 2020, the provisions of SB 743 apply statewide.

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, or not. Notably, projects that locate within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional Transportation Planning

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

Congestion Management Program

The relevant state legislation requires that all urbanized counties in California prepare a Congestion Management Program (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 level of service standard element; 2) a transit service and standards element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. The Santa Clara Valley Transportation Authority oversees the CMP. The Santa Clara County CMP includes the five mandated elements and three additional elements, including: a county-wide transportation model and data base element, an annual monitoring and conformance element, and a deficiency plan element.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

- **Policy TR-1.1:** Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled [VMT].
- **Policy TR-1.2:** Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
- **Policy TR-1.4:** Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Transportation Analysis Policy (City Council Policy 5-1)

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses VMT as the metric to assess transportation impacts from new development. If a project's VMT does

not meet the established thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and recommend needed transportation improvements.

Screening criteria have been established to determine which projects require a detailed VMT analysis. If a project meets the relevant screening criteria, it is considered to a have a less than significant VMT impact.

3.17.2 Environmental Setting

Regional and Local Transportation System

Regional access to the Project area is provided primarily by Interstate 280 (I-280) which is located approximately 1.25 miles north of the Project site and State Route (SR) 87 located approximately 0.85-mile west of the site. The Project is located on the north side of Leo Avenue at the western terminus of Leo Avenue west of S. 7th Street. Project traffic would access the local transportation network via two driveways on Leo Avenue—one entry driveway and one exit driveway. The two existing eastern driveways would be closed. The information below provides the existing conditions for the roadways surrounding the Project site:

- **Leo Avenue** is a two-lane local street which is one block long from South 7th Street on the east end to the railroad tracks on the west. On-street parking is allowed, and sidewalks are provided on both sides of the street with a width of approximately eight feet. There are no bicycle facilities on Leo Avenue. Curb ramps are provided at the intersection with South 7th Street, although they are not consistent with the latest Americans with Disabilities Act (ADA) guidelines.

- **South 7th Street** is classified as a Local Connector Street on the City's General Plan Transportation Network Diagram (City of San José 2011a). South 7th Street is a two-lane undivided road with on-street parking and striped bike lanes (Class II). The speed limit is posted 35 mph in the study area. Sections of South 7th Street north of Phelan Avenue and south of Leo Avenue are unimproved. Sidewalk is located on the west side of the street from Phelan Avenue to approximately 1,800 feet south of Leo Avenue and varies from approximately six to eight feet wide.

- **Phelan Avenue** is classified as a Local Connector Street on the General Plan Transportation Network (City of San José 2011a). The roadway is striped with two lanes west of South 10th Street and four lanes east of South 10th Street. Sidewalks of varying width are provided on both sides of Phelan Avenue between Monterey Road and the railroad tracks west of South 7th Street. Between the railroad tracks and South 10th Street to the east, the roadway is mostly unimproved. Class II bike lanes are striped on Phelan Avenue, with the exception of sharrows, or shared lane markings, striped on the unimproved segments at the railroad tracks and between South 7th Street and South 10th Street. Warning lights are provided at the railroad crossing. The speed limit is 25 mph west of South 7th Street and 30 mph east of South 7th Street.

- **Monterey Road** is designated as a Grand Boulevard on the General Plan Transportation Network (City of San José 2011a). Grand Boulevards require special measures within the public right-of-way, such as enhanced landscaping, additional attractive lighting, wider and comfortable sidewalks, and identification banners. Monterey Road is a six-lane divided arterial road with a raised landscaped median. Class II bike lanes are striped on Monterey Road, and on-street parking is prohibited in the Project area. The sidewalks on both sides of the street are generally eight to nine feet wide. Curb ramps are located at the intersections; however, all are not consistent with the latest ADA guidelines. The speed limit on Monterey Road is 35 mph.
- **Curtner Avenue/Tully Road** is classified as a City Connector Street on the General Plan Transportation Network (City of San José 2011a). The roadway is named Curtner Avenue west of Monterey Road and Tully Road east of Monterey Road. The roadway is a six-lane divided arterial with a raised median in the study area. Class II bike lanes are striped and on-street parking is prohibited. The speed limit is posted 40 mph. The roadway is fully improved with sidewalks on both sides of the street. Curb ramps are provided at intersections, but they are not consistent with the latest ADA guidelines.

Existing Traffic Volumes

Peak hour intersections were analyzed using information provided by City staff. Table 22 shows the existing traffic volumes at the intersections surrounding the Project site as analyzed in the Transportation Analysis Report (Appendix C)

Table 22: Existing Delay and Level of Service

Intersection	Control	AM Peak Hour		PM Peak Hour	
		Delay (sec.)	LOS	Delay (sec.)	LOS
Monterey Rd & Phelan Ave	Signal	17.7	B	23.0	C
Monterey Rd & Curtner Ave/Tully Rd	Signal	39.8	D	48.7	D
South 7th St & Phelan Ave	Signal	26.8	C	29.3	C
South 7th St & Tully Rd	Signal	40.8	D	37.3	D
South 7th St & Leo Ave	Minor Street Stop	12.1	B	13.3	B
Source: Appendix C					

3.17.3 Environmental Impact Analysis

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

The Project includes expanding the existing process capacity at the recycling facility, which would increase vehicle trips to and from the Project site, thus potentially conflicting with City programs and policies related to transit. Specifically, the Project would be subject to the City's Transportation Analysis

Policy (Council Policy 5-1) and the related Santa Clara County's Congestion Management Plan (CMP). Potential impacts would be limited to operational increased in trips only, as the Project does not include any construction-related impacts.

City Council Policy 5-1 includes screening criteria for projects that are expected to result in less than significant transportation impacts related to VMT. The City has defined Small Infill Projects as a type of project that would not result in significant transportation impacts on the transportation system and would conform to the City's General Plan and other City goals and policies. As defined in Council Policy 5-1, small infill projects which generate around 110 daily trips would not require a detailed CEQA transportation analysis. In recognition of this effect, industrial projects up to 30,000 square feet meet the City's screening criteria and do not require a detailed VMT analysis.

The Project site consists of a 50,000 square-foot industrial building, which does not meet the screening criteria for VMT analysis exemption. Therefore, a Transportation Analysis Report was prepared for the Project by Stantec Consulting Services Inc. and is provided in Appendix C). It was determined that, based on the City's VMT Evaluation Tool, the Project would generate an average of 11.44 VMT per employee, which is below the City's industrial threshold of significance of 14.37 VMT. The Project is located in an industrial zone within the central area of the City and would attract employees from the residential neighborhoods surrounding the area.

Since the Project would generate an average VMT per employee that is less than the City's threshold of significance, the Project has less than significant impact on the area VMT. The Project would, therefore, be consistent with the goals of the General Plan, the objectives of Senate Bill 743, City Council Policy 5-1, and the CMP. Therefore, the Project would result in a **less than significant impact** related to conflicting with a program, ordinance, or policy addressing the circulation system.

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

On December 28, 2018, the California Natural Resources Agency certified CEQA Guidelines Section 15064.3(b), which required, among other things, that by July 2020, all public agencies must base the determination of transportation impacts under CEQA on VMT rather than level of service (LOS). On February 27, 2018, the City Council for the City of San José adopted the VMT metric for determining level of significance (Council Policy 5-1).

City Council Policy 5-1 aligns with California SB 743 that establishes the thresholds for transportation impacts under the CEQA, removing transportation LOS based on delay and congestion and replacing it with VMT. VMT refers to the amount of and distance of automobile travel in a day attributed to a development project. VMT is measured by multiplying the total vehicle-trips generated by a development project by the average distance of those trips. In the City of San José, VMT is calculated using the Origin-Destination VMT method, which measures the full distance of vehicle travel with one end within the project. As discussed under question 'a' above, the Project would generate an average of 11.44 VMT per employee, which is below the City's industrial threshold of significance of 14.37 VMT. Since the Project would generate an average VMT per employee that is less than the City's threshold of significance, the Project has less than significant impact on the area VMT. The Project would therefore be consistent with

the CEQA Guidelines Section 15064.3 subdivision (b)(1), and the potential impact would be **less than significant.**

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

The Project does not include any construction-related impacts that could increases hazards in the area due to interaction of construction vehicles and equipment with the general public. The increase in materials process at the recycling facility would increase overall truck trips at the site, however, these truck trips would not represent a new hazard in the area since there ongoing operations with trucks entering and exiting the facility on a daily basis. The Project site is located in an existing industrial area, where these uses are common, and would not represent an incompatible use. Therefore, the Project would result in a **less than significant impact** related to increases in hazards in the area.

d) Would the project result in inadequate emergency access?

The Project would not interfere with emergency response access on adjacent public roads. The Project would not result in inadequate emergency access to the Project site itself because the project would not change emergency response's ability to access the site.

Operationally, implementation of the Project would result in an increase in trucks to and from the site to support the additional increase in materials processed on-site. As discussed in Section 2.2.4, On-site Circulation, of the Project Description, the increase in vehicle trips at the facility would be similar to the amount that is currently generated under existing conditions and would be barely perceptible compared to existing conditions. Further, as discussed under question "a" above, the Project would not result in any significant impacts related to increases in traffic on the local roadways surrounding the Project site. Emergency personnel could still have adequate ingress and egress throughout the roads surrounding the Project site including Leo Avenue, South 7th Street, Phelan Avenue, Tully Road, and Monterey Road. The increase in vehicles on-site and off-site would not result in a substantial interference in the existing traffic on these local roadways and would blend with the existing traffic conditions currently experienced in the area. Therefore, the Project would result in a **less than significant impact** related to interference with emergency access.

3.18 TRIBAL CULTURAL RESOURCES

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

3.18.1 Regulatory Setting

Federal

There are no federal regulations related to tribal resources that are applicable to the Project.

State

Assembly Bill 52

The legislature added requirements regarding tribal cultural resources for CEQA in AB 52 that took effect July 1, 2015. AB 52 requires consultation with California Native American tribes and consideration of tribal cultural resources in the CEQA process. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and tribal governments, public agencies, and Applicants would have information available early in the Project's planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review

process. To help determine whether a project may have such an effect, the PRC requires a lead agency to notify and consult with any California Native American tribe that requests consultation.

The purpose of the consultation is to determine if tribal cultural resources are present or may be impacted by a project. Tribal cultural resources are defined as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the CRHR or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. A cultural landscape that meets these criteria is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be tribal cultural resources if they meet these criteria.

At the time of the preparation of this Initial Study, two tribes have sent written requests for notification of projects to the City of San José and one verbal request has been made.

- On July 9, 2018, a representative of the Ohlone Indian Tribe, Inc., requested notification of projects in accordance with Public Resources Code Section 21080.3.1 subd. (b). In response to a more specific verbal request in a meeting with City staff and the representative on July 12, 2018, clarification was received that such notification be sent only for projects in the City of San José that involve ground disturbing activities in Downtown, and that such requests may be sent via e-mail only for future projects require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. As this project is not in Downtown, no notification was sent to the Ohlone Indian Tribe, Inc.
- On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB52 notification and the written notice received June 28, 2021, requesting notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report.

Accordingly, AB 52 notification was sent electronically and via mail to Tamien Nation on October 19, 2021. This notification is included as Appendix E of the IS.

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating tribal impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

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

3.18.2 Environmental Setting

The City was founded on November 29, 1777, making it the first town or "pueblo" (non-military settlement) in what was at that time the Spanish colony of Nueva California. It is the oldest civilian settlement in California and retains many remnants of its evolution (City of San José 2011a). The Project site is located in an urban and highly developed area. The Project site is currently consisting of entirely paved areas that are fenced within an existing active and operating recycling facility. There are no documented tribal cultural resources located on-site.

3.18.3 Environmental Impact Analysis

a) 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, or object with cultural value to the California Native American tribe and that is:

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

The Project does not include any ground disturbing activities that could potentially impact a listed or eligible tribal cultural resource. Operations of the recycling facility would continue to operate, similar to existing conditions and there would be no change to these operations that could potentially damage, disturb, or otherwise impact tribal cultural resources. In accordance with AB52 and Tamien Nation's request, notification of the Project was provided to Chairwoman Geary regarding the proposed Project, on October 19, 2021. In her response email dated October 19, 2021, Chairwoman Geary indicated that they have reviewed the documents and that they have no concern. Therefore, there would be **no impact**.

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

The Project does not include any ground disturbing activities that could potentially impact a listed or eligible tribal cultural resource as determined by the City. Operations of the recycling facility would continue to operate, similar to existing conditions and there would be no change to these operations that could potentially damage, disturb, or otherwise impact tribal cultural resources. Therefore, there would be **no impact.**

3.19 UTILITIES AND SERVICE SYSTEMS

UTILITIES and SERVICE SYSTEMS Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supply available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that is has adequate capacity to serve the 's ed demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

3.19.1 Regulatory Setting

Federal

There are no federal regulations or policies related to utilities and service systems that are relevant to the Project.

State

California Integrated Waste Management Act

To minimize the amount of solid waste that must be disposed of by transformation (i.e., recycling) and land disposal, the State Legislature passed the California Integrated Waste Management Act of 1989 (AB 939), effective January 1990. According to AB 939, all cities and counties are required to divert 25-percent of all solid waste from landfill facilities by January 1, 1995, and 50-percent by January 1, 2000. Solid waste plans are required to explain how each city's AB 939 plan will be integrated within the respective county plan.

They must promote (in order of priority) source reduction, recycling and composting, and environmentally safe transformation and land disposal. Cities and counties that do not meet this mandate are subject to $10,000–per-day fines.

Assembly Bill 341

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

Local

Envision San José 2040 General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating utilities and service systems impacts from projects. The following policies are applicable to the Project (City of San José 2011a):

- **Policy MS-6.3:** Encourage the use of locally extracted, manufactured or recycled and reused materials, including construction materials and compost.
- **Policy MS-6.5:** Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.

Zero Waste Resolution

In 2007, the City adopted a Zero Waste Resolution (No. 74077). This resolution set a goal of shifting consumption patterns to achieve 75 percent waste diversion by 2013 and a goal of zero waste by 2022 for the City. Key zero waste objectives that the City included are (City of San José 2007):

- Improving “downstream” reuse and recycling of end-of-life products and materials to ensure their highest and best use;
- Pursuing “upstream” redesign strategies to reduce the volume and toxicity of discarded products and materials while promoting less wasteful lifestyles;
- Supporting the reuse of discarded products and materials to stimulate and drive local economic workforce development; and
- Preserving land for sustainable development and green industry infrastructure.

City of San José Integrated Waste Management Zero Waste Strategic Plan/Climate Smart San José

The City’s Integrated Waste Management (IWM) Zero Waste Strategic Plan provides a comprehensive approach to achieving sustainability through new technology and innovation. The IWM Zero Waste Strategic Plan outlines policies to help the City foster a healthier community and achieve its Climate

Smart San José goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhances quality of life for San José residents and businesses (City of San José 2008a).

3.19.2 Environmental Setting

Water Service

The City has three water service providers, the San José Water Company, the City of San José Municipal Water System, and the Great Oaks Water Company, who each serve different regions of the City. Potable water service to the Project site is provided by the San José Water Company. The water provided comes from a mix of imported surface water and groundwater. Water consumption would not change as a result of the Project.

Sanitary Sewer/Wastewater Treatment

The City of San José's Environmental Services Department is the primary agency responsible for sewer facilities in the City. The City maintains approximately 2,200 miles of wastewater collection system pipeline that ranges from six to 90 inches in diameter, including 16 sewage lift stations, and the existing sanitary main along the frontage of Leo Avenue is six inches in diameter. Collected wastewater is conveyed to the San José-Santa Clara Regional Water Pollution Control Plant (WPCP) by major interceptor pipelines located in the northern portion of San José (City of San José 2011a). The Project site currently contains sewer infrastructure that connects to the City's large sewer system and no increases to flows or expansion of sewer infrastructure would be anticipated for the Project.

Stormwater

The City's stormwater drainage system flows into facilities that are owned, operated, and maintained by the Santa Clara Valley Urban Runoff Pollution Prevention Program, which is an association of thirteen cities and towns in Santa Clara Valley, the County of Santa Clara, and the Santa Clara Valley Water District. The City of San José Public Works Department operates and maintains the City's storm drain system, which has over 1,250 miles of storm drains and drainage channels. City infrastructure such as catch basins and storm drain pipes collect stormwater runoff, which is eventually discharged into the San Francisco Bay. The storm main along the frontage of Leo Avenue is 18 inches in diameter. The USACE and the Santa Clara Valley Water District jointly oversee and operate the region's flood control facilities and stream channels. In low-lying areas of the City stormwater pump stations are employed to facilitate drainage when gravity drainage is not feasible (City of San José 2011a).

Solid Waste

Solid waste within the City is collected and processed by private companies franchised by the City. The City currently generates 1.7 million tons of solid waste annually and is served by five landfills, nine recycling and transfer stations, five composting facilities, and eight processing facilities for construction and demolition debris (City of San José 2011a). The Project site itself is a recycling facility that collects recycling from the general public for processing and reuse.

Electricity, Natural Gas, and Telecommunications

Electricity and natural gas are provided to the Project site by PG&E who transmits and delivers electricity and natural gas to residents and business throughout the City. Additionally, telecommunications facilities are plentiful within the City, as the City is the 10th largest city in the nation for the installation and operation of telecommunication services (City of San José 2020b). Telecommunications to the site are currently provided by several major providers, including AT&T, Verizon and T-Mobile/Sprint. The Project would not result in an increase in electricity, natural gas, or telecommunications services on-site.

3.19.3 Environmental Impact Analysis

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

The Project includes no construction activities or the expansion of any facilities that would necessitate the need for new or expanded water, wastewater, stormwater drainage, electrical power, natural gas, or telecommunications facilities. A minimal number of new employees (approximately nine) would be added to the Project site, and the expansion of the materials process on-site would not result in the need for any new infrastructure or increase the need for new our expanded utilities on-site. Therefore, there would be **no impact** related to the relocation or construction of new or expanded wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities.

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

The Project site is currently served, and would continue to be served, by the San José Water Company for potable water needs on-site. The existing water consumption on-site would not change as a result of the Project, because there would be a minimal increase in employees on-site, and no new structures or buildings would be created that would require additional water supplies. The expansion of the materials processed on-site would not change the rate of consumption of water used on-site. Therefore, there would be **no impact** related to sufficient water supplies to serve the Project.

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

The Project site is currently served, and would continue to be served, by the City's Environmental Services Department for wastewater infrastructure and collection located on-site. Wastewater generated on-site is limited to the few restrooms for employee and customer use. A minimal increase in employees is anticipated for the Project, and no new structures or buildings would be created that would require additional wastewater infrastructure or result in increases in wastewater generated on-site. Therefore, there would be **no impact** related to wastewater capacity.

d) 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?

The Project site itself consists of a recycling facility that accepts and processes a range of recyclable products from the public. The facility currently accepts an average of 470 tpd of recyclable materials and under the Project would expand this collection to 500 tpd. This would result in additional recyclable materials being diverted from landfills, instead of being processed and reused as recyclable materials. This would further help the City comply with AB 939 and the City's Zero Waste Resolution (Resolution No. 74077). Therefore, the Project would result in **no impact** to generation of solid waste in excess to State and local standards.

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

As discussed under impact "d" above, the Project site consists of operation of a recycling facility that accepts and processes recyclable products. The increase in tpd of recyclable materials from 470 to 500 tpd on-site would further help the City meet the requirements of AB 939 and the City's Zero Waste Resolution (Resolution No. 74077). Therefore, the Project would result in **no impact** related to compliance with federal, state, and local regulations related to solid waste.

3.20 WILDFIRE

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

3.20.1 Regulatory Setting

Federal, State, and Local

There are no federal, state, or local regulations or policies related to wildfires that are relevant to the Project.

3.20.2 Environmental Setting

Climate change is expected to increase the frequency and severity of wildfires in California by altering precipitation and wind patterns, changing the timing of snowmelt, and inducing longer periods of drought. In California, responsibility for wildfire prevention and suppression is shared by federal, state, and local agencies. Federal agencies are responsible for federal lands in Federal Responsibility Areas. The State of California has determined that some non-federal lands in unincorporated areas with watershed value are of statewide interest and have classified those lands as State Responsibility Areas (SRAs), which are managed by the CAL FIRE. All incorporated areas and other unincorporated lands are classified as Local Responsibility Areas (LRAs).

While all of California is subject to some degree of wildfire hazard, there are specific features that make certain areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors (PRC 4201-4204 and Government Code 51175-89). Factors that increase an area's susceptibility to fire hazards include slope, vegetation type and condition, and atmospheric conditions. CAL FIRE has identified two types of wildland fire risk areas: 1) wildland areas that may contain substantial forest fire risks and hazards, and 2) very high fire hazard severity zones. Each risk area carries with it code requirements to reduce the potential risk of wildland fires. Under state regulations, areas within very high fire hazard risk zones must comply with specific building and vegetation management requirements intended to reduce property damage and loss of life within these areas.

There are no wildlands located within the City. According to CAL FIRE, there are not any very high fire hazard severity zones within the LRA in proximity to the Project site. Likewise, there are no moderate, high, or very high fire hazard severity zones in the SRAs in the vicinity of the Project site (CAL FIRE 2008).

3.20.3 Environmental Impact Analysis

a) Would the project Substantially impair an adopted emergency response plan or emergency evacuation plan?

The Project is not located in an SRA or a very high fire hazard severity zone (CAL FIRE 2008), and is located in an urban area surrounded by existing development, including buildings, roadways, and associated infrastructure and industrial areas. Although the area does contain some landscaping and a few street trees, this is not considered a wildland area and would not pose a significant wildfire risk. Implementation of the Project would not result in interference with any emergency evacuation or emergency response plans. Therefore, the Project would have **no impact** to any emergency response or evacuation plan.

b) 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?

The Project is not located in an SRA or a very high fire hazard severity zone (CAL FIRE 2008). The Project would not expose workers or patrons of the recycling facility to risk from wildfires. Therefore, there would be **no impact** and the Project would not exacerbate wildfire risks.

c) 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?

The Project is not located in an SRA or a very high fire hazard severity zone (CAL FIRE 2008). The Project is located in the central area of the City and is surrounded on all sides by existing development including roads, structures, and infrastructure. Therefore, the Project would result in **no impact** related to installation of maintenance of infrastructure that could exacerbate fire risk.

d) 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.

The Project is not located in an SRA or a very high fire hazard severity zone (CAL FIRE 2008). The Project would not include any uses for human habitation and is not located on slope or downstream of any waterbodies. Therefore, there would be **no impact** related to exposure of people or structures to significant risks as a result of runoff, post-fire instability, or drainage changes.

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3.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

3.21.1 Environmental Impact Analysis

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

As discussed in Sections 3.4, Biological Resources, and Section 3.5, Cultural Resources, there are no potentially significant impacts related to biological resources and cultural resources identified for the Project. The Project would not substantially reduce habitat, impact special status species, or damage or disturb and cultural resources. All potential impacts to biological resources were found to be either no impact or less than significant and there were no potential impacts identified for cultural resources. Therefore, impacts would be **less than significant**.

b) Does the project have impacts that are individually limited, but cumulative considerable? ("Cumulative 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)?

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.”

As discussed in this IS, the Project would not result in any substantial impacts to any resources, nor would any mitigation be required. Therefore, the Project would not contribute to cumulative impacts any resources. Additionally, the Project does not include any ground disturbing activities and changes in operation at the site would be limited in nature; therefore, even when analyzed incrementally, the Project would not result in any substantial impacts or contribute to any cumulative impacts from other projects in the region. Therefore, the Project would have a **less than significant impact** related to cumulative impacts.

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

No significant or potentially significant impacts were identified for the Project. All environmental effects analyzed in this IS were found to either have no impact or a less than significant impacts. Therefore, there would be a **less than significant impact** related to adverse effects on human beings.

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The analysis in this IS is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

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5.0 REPORT PREPARATION

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APPENDICES

Provided under separate cover

Appendix A AIR QUALITY AND GREENHOUSE GASES TECHNICAL REPORT

Appendix B NOISE STUDY

Appendix C TRANSPORTATION ANALYSIS

Appendix D ENERGY ANALYSIS

Appendix E TRIBAL CONSULTATION CORRESPONDENCE