INITIAL STUDY with PROPOSED MITIGATED NEGATIVE DECLARATION OFF-SITE PARKING, 1675 MONTEREY ROAD, SAN JOSE, CALIFORNIA

November 2021

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EXECUTIVE SUMMARY

Project Description

The proposed project would construct an off-site surface parking lot located at 1675 Monterey Road within the City of San Jose, in Santa Clara County, California. The proposed parking lot is planned to occupy an existing asphalt lot of approximately 277,000 square foot (SF) which previously operated as an automobile parts sales lot. The proposed project would primarily be utilized for overnight van storage. Vans would be loaded the following day at a nearby package sorting and loading facility.

Determination

Potential impacts to each resource area have been assessed and discussed in this California Environmental Quality Act (CEQA) Initial Study (IS) with Proposed Mitigated Negative Declaration (MND). The Based on the analysis conducted and discussed within, the proposed project would have **no impact** on the following resources: agriculture/forestry, cultural, energy, land use/planning, minerals, population/housing, public services, recreation, tribal, and wildfire.

The proposed project would have a **less than significant impact** on the following resources: aesthetics, air quality, geology/soils, greenhouse gas emissions, hydrology/water quality, noise, transportation, and utilities/service systems.

The proposed project would have a **less than significant impact after mitigation** for the following resources: biological and hazards/hazardous materials. The following mitigation measures would be implemented to bring impacts to less than significant:

Biological Resources

MM BIO-1: Prior to the issuance of demolition, grading, tree removal or building permits (whichever occurs first), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of breeding season (May 1st through August 31st inclusive). During this survey the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.

If an active nest is found within 250 feet of the work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two

days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

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

Hazards and Hazardous Materials

MM HAZ-1: Prior to issuance of a site grading permit the applicant will enroll in the Santa Clara County Department of Environmental Health Site Cleanup Program. The applicant will work under regulatory oversight to determine if additional investigation is needed or any additional documents are required such as a Site Management Plan, Removal Action Plan or equivalent document. The Plan, if any, and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

LIST OF APPENDICES

LIST OF ACRONYMS

°F	degrees Fahrenheit
µg/m^3	micrograms per cubic meter
AB	Assembly Bill
ADA	Americans with Disabilities Act
AEP	Association of Environmental Professionals
APN	Assessor's Parcel Number
AQMP	Air Quality Management Plan
AST	aboveground storage tank
AVL	Automatic Vehicle Location
BMP	Best Management Practice
CAAQS	California Ambient Air Quality Standards
CalGEM	California Geologic Energy Management Division
CARB	California Air Resources Board
CBC	California Building Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERS	California Environmental Reporting System
CFR	Code of Federal Regulations
CGS	California Geological Survey
CH_4	methane
CHRIS	California Historical Resources Information System
City	City of San Jose
CMP	Congestion Management Program

CMU	concrete masonry units
CNEL	Community Noise Equivalent Level
CO	carbon monoxide
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent
CPUC	California Public Utilities Commission
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
DOSD	California Division of Safety of Dams
DOT	Department of Transportation
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
ft	feet or foot
GHG	greenhouse gas
H_2S	hydrogen sulfide
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HI	Hazard Index
HMBP	Hazardous Materials Business Plan
hr	hour
HRA	Health Risk Assessment
Hz	Hertz
IGP	Industrial General Permit
In/sec	inches per second
IS	Initial Study
kWh	kilowatt-hours
lbs or lb	pounds
LID	Low Impact Development
LOS	Level of Service
LSTs	Localized Significance Thresholds
MEIR	Maximum Exposed Individual Resident
MEIW	Maximum Exposed Individual Worker
MIP	Monitoring Implementation Program
mmBtu	million British thermal units
MRZ	mineral resource zone
MT/yr	metric tonnes per year
N_2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NEC	No Exposure Certification
NO_2	nitrogen dioxide
NOI	Notice of Intent
NONA	Notice of Non-Applicability
NOx	oxides of nitrogen
NPDES	National Pollutant Discharge Elimination System
PBCE	Planning Building and Code Enforcement
PM_{10}	particulate matter with aerodynamic diameter of 10 microns or less

$PM_{2.5}$	particulate matter with aerodynamic diameter of 2.5 microns or less
POL	petroleum, oil, and lubricant
PPD	Precise Plan of Design
ppm	parts per million
PPV	peak particle velocity
PTC	Permit to Construct
PTO	Permit to Operate
QISP	Qualified Industrial Stormwater Practitioner
RCNM	Roadway Construction Noise Model
SJFD	San Jose Fire Department
RMS	root mean square
SFBAAB	San Francisco Bay Area Air Basin
SJMWS	San Jose Municipal Water System
SJPD	San Jose Police Department
SCAQMD	South Coast Air Quality Management District
SCE	Southern California Edison
SIC	Standard Industrial Classification
SMARA	Surface Mining and Reclamation Act of 1975
SMARTS	Stormwater Multiple Application and Report Tracking System
SO_2	sulfur dioxide
SOx	oxides of sulfur
SPCC	Spill Prevention, Control, and Countermeasure
SSC	species of special concern
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TACs	Toxic Air Contaminants
TIA	Traffic Impact Analysis
TMDL	Total Maximum Daily Load
tpd	tons per day
tpy	tons per year
UMWP	Urban Water Management Plan
US	United States
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
VMT	vehicle miles traveled
VOC	volatile organic compound
WQMP	Water Quality Management Plan

1.0 INTRODUCTION

The Applicant proposes to construct and utilize an off-site surface parking lot located at 1675 Monterey Road in San Jose, Santa Clara County, California. The parking facility is planned to occupy an existing approximately 277,000 square foot (SF) lot which previously operated as an automobile parts sales lot. The proposed project would primarily be used to store vans overnight to be loaded the following day at a nearby package sorting and loading facility.

Project Title:

Off-Site Parking, 1675 Monterey Road, San Jose, California

Lead Agency Name and Address:

City of San Jose (further referred to as "the City" or "City")
200 E. Santa Clara Street
San Jose, CA 95113

Contact Person:

Bethelhem Telahun
Planner
408.535.5624
Bethelhem.telahun@sanjoseca.gov

Project Sponsor's Contact:

Karen Wright
3350 Scott Boulevard, Santa Clara, CA 95054

Environmental Review File No:

CP21-018

Envision San Jose 2040 General Plan Designation:

Heavy Industrial

Council District:

District 7

Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code §21080.3.1?

On August 16, 2021, the Tamien Nation representative responded to the City's July 2021 request and requested consultation on the proposed project. The City met with the Tamien nation representative on September 20, 2021, and no concerns were expressed for the sensitivity of this site.

1.1 PROJECT SETTING

The proposed project is located at 1675 Monterey Road in the City of San Jose, in Santa Clara County, California and is identified as Assessor's Parcel Number (APN) numbers 45602021, 45602022, 45602023, 45602024, 45602025, and 45602027. The proposed site is currently vacant and consists of approximately 6.29 acres of an asphalt-paved parking lot and a one-story main warehouse building that is approximately 5,300 square feet. The proposed site is represented on the San Jose West, California and San Jose East, California, U.S. Geological Society (USGS) 7.5 Minute Quadrangles.

The proposed project site is bound by a motel and auto wrecker to the northwest; Monterey Road, followed by an office supply store, barber shop, and furniture store to the northeast; Pomona Avenue, followed by a metal supplier, seafood distributor, a parking lot, and a light fixture repair shop to the southwest; and a mobile home park and an electronic recycling company to the southeast. The proposed site is located in a heavy industrial zoning district. The site previously operated as an automobile wrecking yard from the 1950s until March 2020. The most recent tenant (Pick-n-Pull) utilized the site as a self-service automobile scrap yard. Recent Pick-n-Pull operations included sales of motor vehicle parts, storage of automobiles, recycling of used oil and oil filters, and auto glass sales.

The project site specifically lies between San Jose Avenue on the north side, Monterey Road on the east side, Phelan Avenue on the south side and Pomona Avenue on the west, Monterey Road and Pomona Avenue provide access to the project site and connections to the greater roadway network. The Almaden Expressway connects the site to areas west and south of Guadalupe Freeway (CA 87). The project site location is south of Interstate 280, west of Highway 101, east of Highway 87 and north of Highway 85.

A site vicinity map is provided as Figure 1, and the project site boundary is shown in Figure 2.

Figure 1: Site Vicinity Map

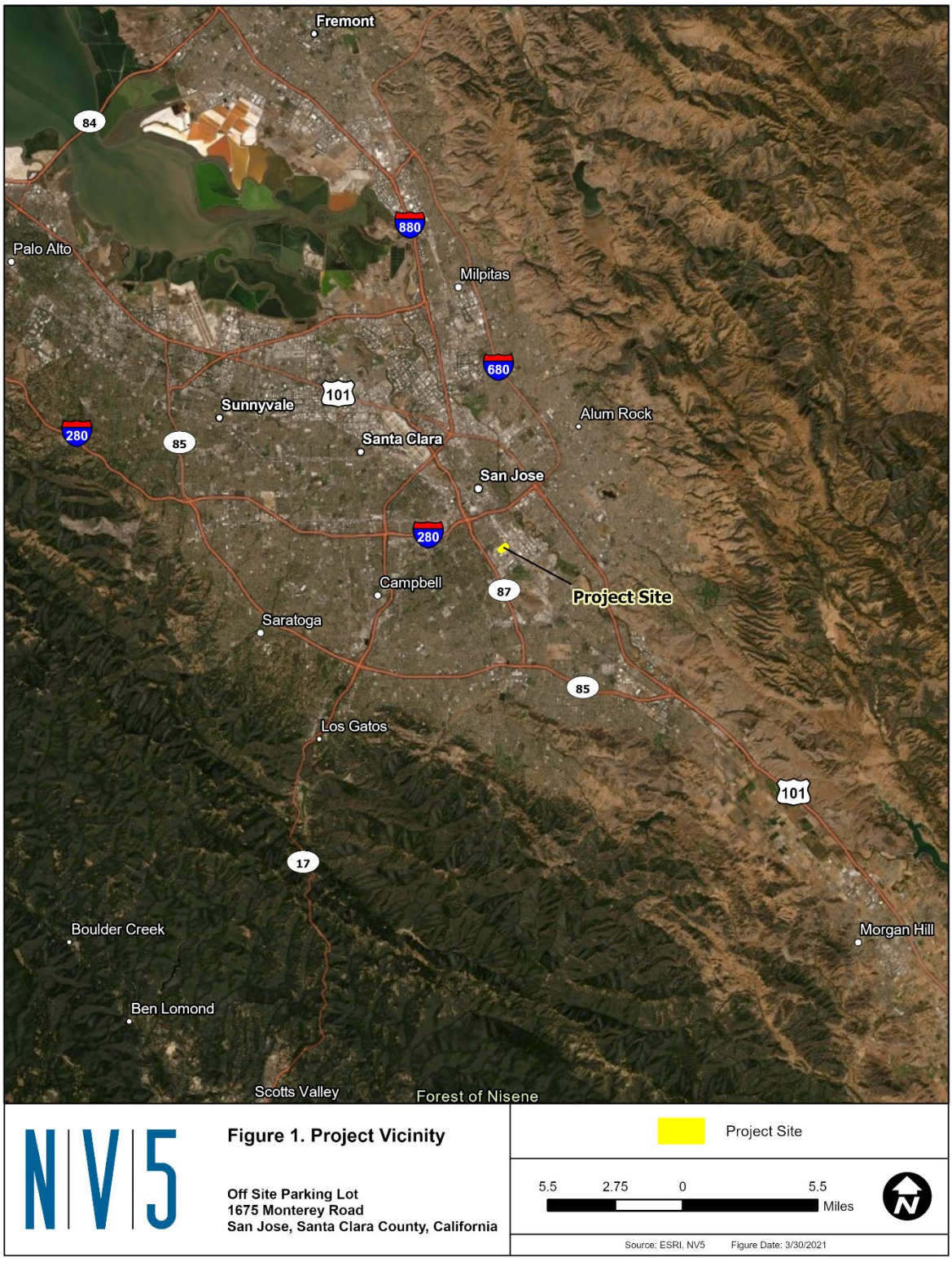


Figure 2: Project Site Boundary

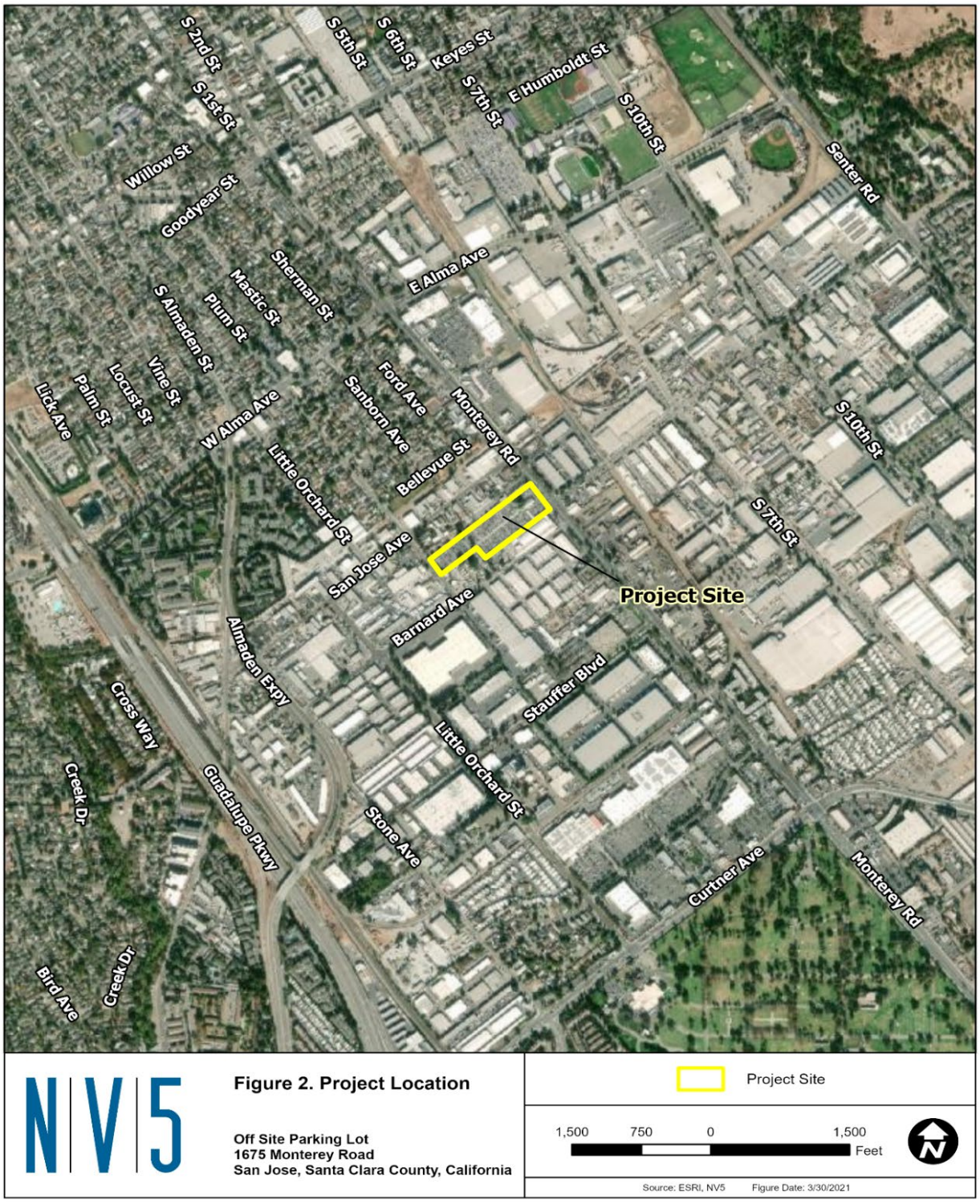
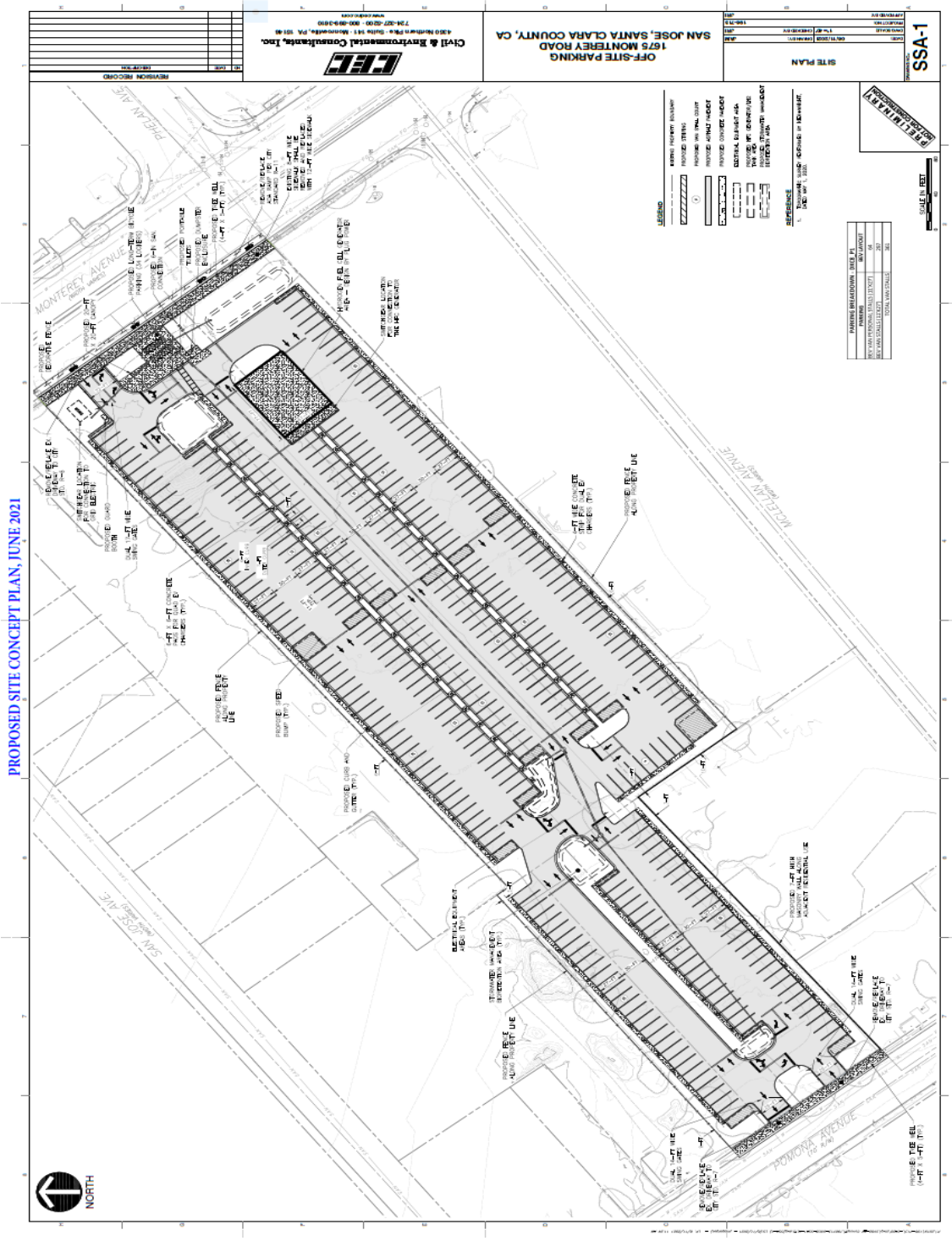


Figure 3: Project Site Concept Plan



1.2 EXISTING CONDITIONS

The proposed project site is approximately 6.35 acres and contains a one-story warehouse and an asphalt-paved parking lot. The site is currently vacant and includes a fenced in depression located behind warehouse in the northeast corner of the project site. The fenced in depression covers approximately 0.1-acre of the parcel. The proposed site also contains 46 trees that primarily occur around the perimeter of the site. The project site is currently vacant.

1.3 PROJECT DESCRIPTION

The proposed project would demolish the existing warehouse building to construct an off-site parking lot located at 1675 Monterey Road within the City of San Jose, in Santa Clara County, California to serve the facility located at Little Orchard Road and Barnard Avenue. A Site Vicinity Map is provided as Figure 1, and the Project Site Boundary Map is shown in Figure 2. A Preliminary Site Concept Plan is provided as Figure 3.

The off-site parking facility would occupy a lot approximately 277,000 square foot (SF) in size that previously operated as an automobile parts sales lot. The proposed parking facility would primarily be used to store vans overnight to be loaded the following day at a nearby package sorting and loading facility. Access to the site would be provided via three existing driveways along two roads (one driveway on Monterey Road, and two driveways on Pomona Avenue). The proposed parking lot is expected to generate a total of 604 trips per day.

At full capacity, the proposed parking facility would hold 151 delivery vans which would be stored onsite overnight. Drivers would arrive at the proposed site at approximately 9:00AM, leave their personal vehicle on-site, and depart with a delivery van at approximately 9:45AM via Pomona Avenue and travel to the property on Little Orchard Road. The delivery vans would return to the proposed project site between 7:00PM and 9:30PM. Approximately 361 parking stalls would be striped to an 11-foot width to accommodate the combination of the delivery vans, delivery drivers, and employees of the facility located at Little Orchard Road and Barnard Avenue.

The project description includes the following proposed elements as detailed in the Proposed Site Concept Plan in Figure 3:

- Site preparation such as grading and paving for construction of the off-site parking lot.
- Demolition of the existing vacant warehouse and removal of the materials.
- Installation of a guard booth and the use of portable toilets.
- The existing ADA ramp on Monterey Avenue would be removed and replaced per City standard; the existing 8-foot sidewalk would be widened to 12-feet on Monterey Avenue along the length of the property.
- Stormwater features such as storm pumps, force mains, and bubblers would be located on the proposed project site.
- Curb and gutter would be installed in addition to approximately two to three stormwater management bioretention areas. The bioretention areas may function as stormwater treatment planters.

- Tree replacement planting and landscaping. Approximately 35 trees would be removed and replaced in accordance with the City's tree replacement guidelines.
- Installation of a property fence with a kicker board; varying in height from approximately 6.7-feet to 7-feet around the property parameter. Fencing materials may consist of black wrought iron.
- Planter islands containing landscape trees and curb and gutter, and the striping of approximately 360 parking stalls throughout the proposed site along the planter islands.
- Construction of a 7-foot-high masonry wall adjacent to the Trailer Grove Cottage property.
- Speed bumps would be installed at various locations within the off-site parking lot.
- Electric vehicle (EV) charging capabilities are proposed to be installed on-site, which also proposes the following corresponding elements:
    - Hydrogen fuel cell generator (HFG) area: vertical liquid hydrogen tank, vaporizer, inverter and 10-foot ISO container, and a 1.2 MW fuel cell and 40-foot ISO container).
    - Various center island 6-foot x 6-foot concrete pad for the placement of quad EV charging abilities.
    - Switchgear location for connection to the HFC generator.
- Installing approximately 34 Long-Term bicycle lockers or similar facilities on-site.
- Access driveways on Pomona Avenue and Monterey Road to the project site would be removed and replaced to the City's standard. One driveway is proposed on Monterey Road with both ingress and egress movements, and two driveways are proposed on Pomona Avenue with separated ingress and egress.
- Decorative fencing would be installed along the Pomona Avenue frontage as well as the Monterey Road frontage, per City standards. Dual swing gates would be installed at each driveway. Final materials to be determined.
- A concrete pad would be installed to accommodate a dumpster enclosure to deter littering by the employees utilizing the off-site parking facilities. The enclosed dumpster and concrete pad would be separate from the stormwater components on-site.
- Parking lot lighting features would be installed and consistent with the City's requirements. An electrical equipment area would be installed on-site along with a switchgear location for connection to the grid electric.
- An electrical equipment area would be installed on-site in addition to switchgear locations for connection to the grid electric.

1.3.1 Location and Site Layout

The proposed project would occupy approximately 6.35 acres of land located at 1675 Monterey Road in the City of San Jose in Santa Clara County. A Site Vicinity Map is provided as Figure 1, and the Project Site Boundary is shown in Figure 2. Once operational, the project site would include the following:

Table 1-1: Guard Booth and Tent Dimensions

Project Element	Proposed Dimensions (ft)
Guard Booth	20'x20'
Tent	8'x14'

One driveway would be provided to the project site on Monterey Road and two driveways would be provided to the project site on Pomona Ave. The gates would be opened and locked manually. A Preliminary Site Concept Plan is provided in Figure 3.

1.3.2 Construction

Construction of the proposed project is anticipated to begin in Winter 2021, would take approximately 4 months to complete, and is estimated be operational in Summer 2022. As discussed in the Section 1.3, Project Description, construction activities would include site preparation, grading, demolition of the existing vacant warehouse, paving, installation of a guard post, construction of a masonry wall, installation of long-term bicycle parking, relocation of the existing driveways at the proposed site, and tree replacement planting and landscaping. Construction activities would occur between Monday through Friday, typically 7:00AM to 5:00PM. Typical construction equipment anticipated to be used during construction is summarized in Table 1-2.

Table 1-2: Construction Activity and Equipment

Activity	Expected Equipment
Site Preparation/Demo	Tractors/Loaders/backhoes, dozers
Grading	Graders, dozers, tractors/loaders/backhoes, excavators
Paving	Pavers, rollers, tractors/loaders/backhoes, cement mixers, and other paving equipment
Tree Replacement/Landscaping	Augers and water trucks
Utility Relocation	Aerial work platform (cherry picker), paver, and other utility equipment

The proposed project site would be graded and repaved using asphalt materials and may require additional soil brought to the site for compaction. Upon completion of the final plans, it will be determined whether materials will need to be imported or exported during grading. A water truck would be utilized for dust control during grading.

Construction would be staged to allow workers to park on-site. Improvements to public roadways are not included as part of the proposed project.

Once operational, the proposed project would function as an off-site parking lot with delivery van overnight storage.

The normal operating schedule for the off-site parking lot would be 7 days per week, and 52 weeks per year. Typical operating hours for the project site would be from 9:00AM to 9:30PM.

1.4 REQUIRED PERMITS

The City of San Jose is the Lead Agency under CEQA and is responsible for review and approval of this Initial Study. The City is also response for reviewing and approving the following items in Table 1-3:

Table 1-3: Permits Required

Permit/Plan Approval	Agency Approval
Site Demolition Permit	City of San Jose
Grading Permit	City of San Jose
Building Department Permit Plan	City of San Jose
Minor Improvement Permit	City of San Jose
Construction General Permit	California State Water Resources Control Board

Additional permits and/or plan approvals, such as entitlement plans, demolition plan, grading and drainage plan, and permits for new utility connections, may be required upon review of construction documents. These additional permits are considered ministerial, and thus issuance of these permits would not trigger the need to further comply with CEQA.

2.0 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The CEQA checklist identifies physical, biological, social, and economic factors that may be affected by the proposed project. Potential impact determination selections include "Significant and Unavoidable Impact", "Less Than Significant with Mitigation Incorporated", "Less Than Significant Impact", and "No Impact". Analysis of the potential environmental resources and or impacts to occur as a result of the proposed project would indicate if there anticipated impacts to a particular resource. A "No Impact" answer reflects this determination.

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Less Than Significant Impact with Mitigation Incorporated" as indicated by the checklist on the following pages. If no environmental factors are checked below, a "Less Than Significant" or No Impact" determination has been made.

☐ Aesthetics
☐ Agricultural and Forestry Resources
☐ Air Quality
☒ Biological Resources
☐ Cultural Resources
☐ Geology/Soils
☐ Greenhouse Gas Emissions
☒ Hazards and Hazardous Materials
☐ Hydrology/Water Quality
☐ Land Use/Planning
☐ Mineral Resources
☐ Noise
☐ Population/Housing
☐ Public Services
☐ Recreation
☐ Transportation/Traffic
☐ Tribal Cultural Resources
☐ Utilities/Service Systems
☐ Mandatory Findings of Significance

3.0 DETERMINATION

On the basis of this evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION would be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION would be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, (b) none of the conditions described in Guidelines Section 15162 for a Subsequent EIR or Section 15163 for a Supplemental EIR have occurred and (c) only minor technical changes or additions to the previous environmental documents are necessary.

4.0 ENVIRONMENTAL EVALUATION

This section evaluates potential environmental impacts of the proposed project. The definitions of the response column headings are as follows:

- "Potentially Significant Impact" is determine when there is substantial evidence that an effect may be significant following the implementation of feasible mitigation measures.
- "Less than Significant After Mitigation" applies where the incorporation of mitigation measure has reduced an effect from a "Potentially Significant Impact" to a "Less Than Significant Impact."
- "Less Than Significant Impact" applies where the project creates no significant impacts, only Less than Significant Impacts.
- "No Impact" applies where the project does not create an impact in that category.

4.1 AESTHETICS

Existing Settings

The site is located in an area zoned for heavy industrial use within the City of San Jose. The proposed project site is bound by a motel and auto wrecker to the northwest; Monterey Road, followed by an office supply store, barber shop, and furniture store to the northeast; Pomona Avenue, followed by a metal supplier, seafood distributor, a parking lot, and a light fixture repair shop to the southwest; and a mobile home park and an electronic recycling company to the southeast. The site previously operated as an automobile wrecking yard from the 1950s until March 2020. The most recent tenant (Pick-n-Pull) utilized the site as a self-service automobile scrap yard.

Regulatory Framework

Federal and State

The State Scenic Highways Program is under the jurisdiction of the California Department of Transportation (Caltrans) and is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment.

Local

The General Plan includes the following aesthetic policies applicable to the proposed project:

CD-1.7: Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.

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

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

The City's Council Policy 4-3 pertains to Outdoor Lighting on Private Developments. The Policy states the following:

- The use of low-pressure (LPS) sodium lighting for outdoor, unroofed areas shall be required for all private development in the City as a condition of approval on all Land Use Development Permits. Below are the parameters for such lighting:
    - No light source shall be directed skyward.
    - All light sources that produce more than 4,050 lumens shall be fully shielded (full cutoff) to prevent light aimed skyward.

- All light sources that produce less than 4,050 lumens must be at least partially shielded.
- Lighting fixtures that illuminate pedestrian walkways may use light sources other than LPS, but only when such fixtures are fully shielded.
- Seasonal decorative lighting is allowed to be unshielded only if using very low-wattage fixtures with a cumulative luminosity that does not negatively affect other properties of the night sky. The Director of Planning reserves the right to limit any lighting that adversely affects other properties or the night sky.
- All outdoor lighting fixtures, including display lighting, shall be turned off within one hour of the close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.
- Lighting Fixtures and architectural detailing that use luminous tube lighting (neon, argon, or krypton) should be limited to yellow, orange and red colors to minimize interference with the Observatory.
- When luminous tube lighting is used in signage, is subject to the provisions of the sign Ordinance.
- Properties with existing non-conforming lighting shall be required to conform to this Policy as a part of any permit for reuse, expansion of use, or change in use.

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State-designated scenic highway?	☐	☐	☐	☒
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

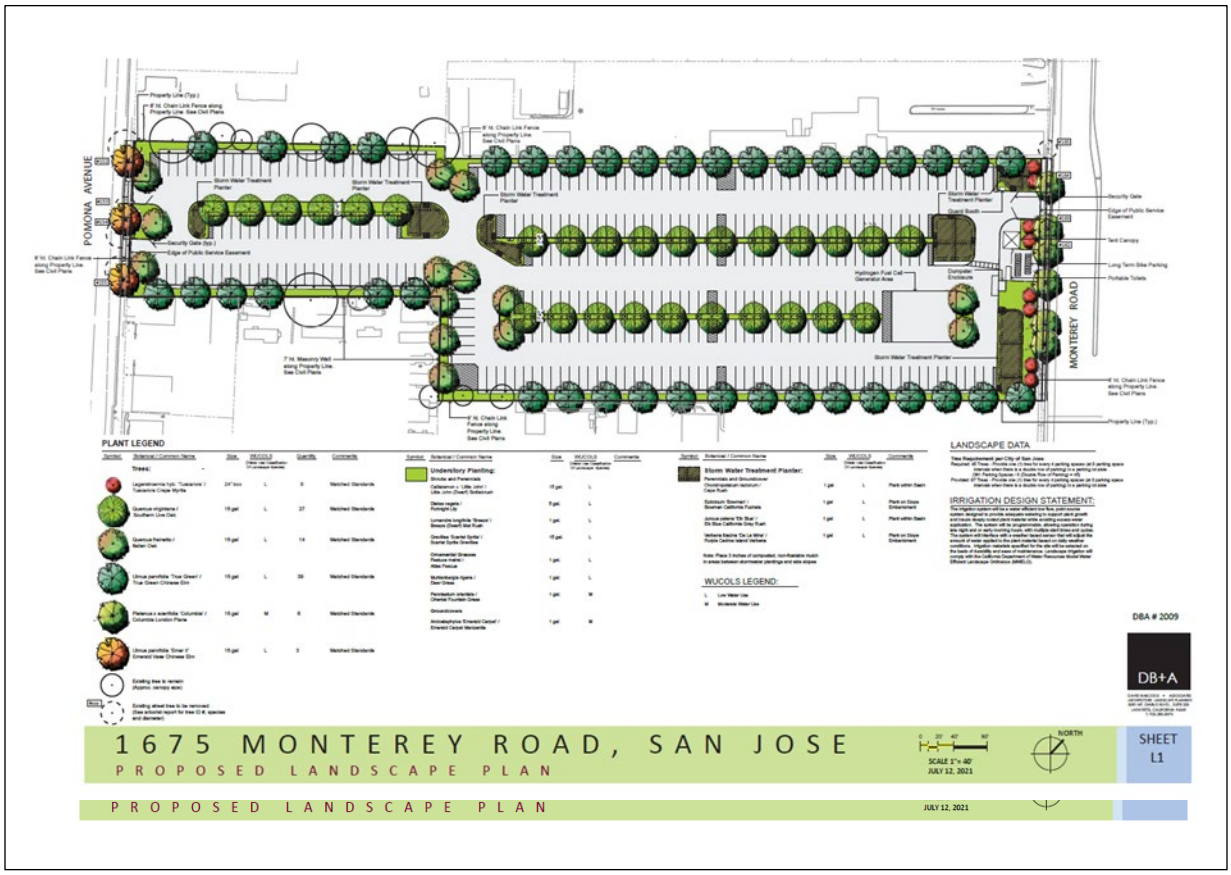
4.1.1 Discussion:

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

Less Than Significant Impact: The project site is located within an industrial area of the city which consists of mixed industrial and commercial buildings. The property previously served as a fenced-off automobile wrecking yard from the 1950s until March 2020. The most recent tenant (Pick-n-Pull) utilized the site as a self-service automobile scrap yard which included

sales of motor vehicle parts, storage of automobiles, recycling of used oil and oil filters, and auto glass sales.

The new operations would serve as an off-site parking lot and overnight commercial van parking. The proposed project would be consistent with Policy CD-1.17 and would minimize the visibility of parking areas by installing an enclosure fence, decorative entrance and exit gates, and a masonry wall immediately adjacent to a mobile home residential area to minimize the view from the public realm. A preliminary landscaping plan schematic is shown below, however a final plan would be approved by the City in addition to location of the replacement trees will be determined following the final design site plan approval.



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

No Impact: The California Department of Transportation (Caltrans) manages the State Scenic Highway Program and has the authority to officially designate scenic highways in California. According to Caltrans, there are no state scenic highways in the City of San Jose or the vicinity of the project site (Caltrans, 2020). The project site does not contain scenic resources; therefore, the proposed project would have no impact to scenic resources within a state scenic highway.

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

No Impact. The proposed project would develop a vacant asphalt-paved lot and warehouse into a parking lot. The aesthetic appearance of the completed and operational project site would align with the scale of existing, surrounding development. As a result, the visual appearance of the completed project site would be consistent with the surrounding businesses and land uses, therefore the proposed project would have no impact on the existing visual character or quality of the site and its surroundings. No mitigation is required.

d. Create a new source of substantial light or glare that would adversely affect day or night-time views in the area?

Less than Significant Impact. The proposed project will have a less than significant impact on the introduction of new sources of light or glare that would adversely affect day or night-time views in the area. Lighting features selected and installed would be appropriate anti-glare and height and would comply with the Building permit and City specifications.

4.1.2 Cumulative Impacts

Potential impacts related to scenic views and aesthetics are generally site specific. Project-related impacts to scenic vistas and the general visual character of the site are less than significant, and there are no potential impacts to on-site visual resources because there are none. Lighting and potential sources of glare are not always project specific, but the proposed project is consistent with existing, surrounding development and would be consistent with the City's applicable lighting regulations. The proposed project in addition to past, present, and reasonably foreseeable future development would not affect the appearance of the site and surrounding area.

4.2 AGRICULTURE / FORESTRY RESOURCES

Existing Setting

The project site is zoned for heavy industrial uses and most of the site is paved. No part of the parcel is considered agricultural or farmable land. The site was used as an automobile wrecking yard from the 1950s to March 2020.

Regulatory Framework

State

California 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. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The main purposes of the Williamson Act are to preserve agricultural land and to encourage open space preservation and efficient urban growth. The Williamson Act provides incentives to landowners through reduced property taxes to discourage the early conversion of agricultural and open space lands to other uses.

California Public Resources Code Section §12220(g) identifies forest land as land that can support 10 percent of native tree cover consisting of any species under natural conditions, and that also allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Impacts to timberland resources are analyzed as required by the California Timberland Productivity Act of 1982 (CA Government Code Sections 51100 et seq.), which was enacted to preserve forest resources. Similar to the Williamson Act, this program gives landowners tax incentives to keep their land in timber production. Contracts involving Timber Production Zones (TPZs) are on 10-year cycles.

Local

The General Plan includes the following land use policy applicable to the proposed project:

Policy 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.

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

4.2.1 Discussion

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?

No Impact. The proposed project is not situated on or proximate to land that is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (California Department of Conservation, 2019a). Therefore, the proposed project would have no impact on the conversion of designated agricultural land to non-agricultural use. No mitigation is required.

b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The proposed project is not zoned for agricultural use and is not under a Williamson Act contract. The project site is situated land that is designated for industrial uses. Therefore, the proposed project would not conflict and have no impact on existing zoning or the Williamson Act contract. No mitigation is required. The project area is identified as urban and built-up land on the Santa Clara County Important Farmlands Map and is not enrolled in 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 Resource Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The project site is situated on land that is not zoned for forest land, timberland, or timberland zoned Timberland Production. The area is zoned for industrial use; therefore, the proposed project would not conflict and have no impact on existing zoning. No mitigation is required.

d. Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project site is located primarily on paved land that has been cleared for industrial use and does not contain any designated forest land. Therefore, the proposed project would have no impact on conversion to non-forest use. No mitigation is required.

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?

No Impact. The project site does not consist of any land designated for forest or agricultural use. Therefore, the proposed project would have no impact on converting the existing land use. No mitigation is required.

4.2.2 Cumulative Impacts

The proposed project is zoned for industrial uses and is therefore not located on or near agricultural or forest land. The proposed project is consistent with existing, surrounding development and adheres with all applicable agricultural and forestry regulations. The proposed project, in addition to past, present, and reasonably foreseeable development would not interfere with existing zoning of agricultural or forest land. Therefore, there are no cumulative impacts expected from the proposed project plus foreseeable development on Agriculture and Forest Resources. No mitigation is required.

4.3 AIR QUALITY

Existing Setting

The site is currently a 277,000 square foot automobile parts sales lot located at 1675 Monterey Road in San Jose, California, within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The site is bounded by Monterey Road to the east, Pomona Avenue to the west, and other industrial facilities and commercial buildings to the north and south. Cottage Trailer Grove, a mobile home park, is located immediately southwest of the site. The residential neighborhood north of Bellevue Avenue are the next closest sensitive receptors. The proposed project would construct an offsite parking lot with the striping of 360 parking stalls. The HFG impacts were analyzed and were less than those identified for the project without HFG; therefore, the more conservative conclusions are being used.

Regulatory Framework

Federal, State, and Regional

At the federal and state level, the proposed project must comply with regulations set forth by the United States Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB). The project site is in the San Francisco Bay Area Air Basin (SFBAAB). At the regional level, BAAQMD which has primary regulatory authority over the nine San Francisco Bay Area counties.

Therefore, the proposed project is subject to the rules and regulations imposed by the BAAQMD, the California Ambient Air Quality Standards (CAAQS), and National AAQS (NAAQS).

The SFBAAB is currently in non-attainment of multiple NAAQS and CAAQS. Criteria pollutants for which the basin is not in attainment for include Ozone, PM10, and PM2.5, The basin's attainment status for each regulated pollutant is summarized in Table 4-1.

BAAQMD has established a set of CEQA Thresholds of Significance. If a project's emissions exceed these thresholds, then the project would have a cumulatively considerable net increase of a criteria

pollutant for which the region is in non-attainment. The BAAQMD Thresholds of Significance at the project-level are summarized in Table 4-2.

The BAAQMD CEQA Air Quality Guidelines (AQ Guidelines) published in May 2017 serves to "assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The AQ Guidelines provide recommended procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements.

The 2017 Clean Air Plan, Spare the Air, Cool the Climate (2017 Plan), adopted by the BAAQMD on April 19, 2017, provides a regional strategy to protect public health and the climate. The 2017 Plan sets out the groundwork to achieve the long-term goal of reducing Bay Area Greenhouse Gas (GHG) emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. Project compliance with and details of the air quality guidelines set forth by BAAQMD are covered in the discussion found in 4.3.1.

The BAAQMD defines sensitive receptors in the AQ Guidelines as those segments of the population most susceptible to poor air quality: children, the elderly, and those with pre-existing serious health problems affected by air quality. Examples of receptors include residences, schools and school yards, parks and playgrounds, daycare centers, nursing homes, and medical facilities. Residences can include houses, apartments, and senior living complexes. Medical facilities can include hospitals, convalescent homes, and health clinics. Playgrounds could be play areas associated with parks or community centers.

CARB adopted and implemented regulations for stationary and mobile sources to reduce emissions of diesel particulate matter (DPM) affect some medium and heavy-duty diesel trucks, which represent the majority of DPM emissions from California highways. These CARB regulations include the solid waste collection vehicle (SWCV), in-use public and utility fleets, and the heavy-duty diesel truck and bus regulations. In 2008, CARB approved to reduce emissions of DPM and nitrogen oxides from existing on-road heavy-duty diesel fueled vehicles. This new regulation requires affected vehicles to meet specific performance requirements between 2014 and 2023, with all affected diesel vehicles required to have 2010 model-year engines or equivalent by 2023. These requirements are phased in over the compliance period and depend on the model year of the vehicle.

Local

The General Plan includes the following air quality policies and goals applicable to the proposed project:

Goal MS-1.2: Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures:

> *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).

Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development:

Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement 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-10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

Policy MS-10.10: Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.

Goal MS-11: Toxic Air Contaminants. Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter:

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

Policy MS-11.3: Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.

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

Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities:

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation

measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

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

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

4.3.1 Discussion

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

Less than Significant Impact. The proposed project is located within the San Francisco Bay Area Air Basin (SFBAAB). The proposed project's total emission of CO2e will be less than the BAAQMD significance threshold and therefore will have a less than significant individual and cumulative impact for GHG emissions. The Hydrogen Fuel Cell Generator impacts were analyzed and were less than those identified for the project without HFG; therefore, the more conservative conclusions are being used. BAAQMD has established a set of CEQA Thresholds of Significance, which indicate the project-level thresholds Table 4-2. Thus, the proposed project would comply with the applicable air quality regulations, which were established to align with the applicable air quality plans. Therefore, the proposed project would not conflict with any applicable air quality plan, and impacts would be less than significant. No mitigation is required. The proposed project would be consistent with the following BAAQMD 2017 Clean Air Plan Control Measures:

2017 Clean Air Plan Control Measure	Project Consistency
Transportation Control Measures	
TR9: Bicycle and Pedestrian Access Facilities	**Consistent.** The proposed project is consistent with the City's Bike Plan Strategy 3.1 (San Jose Better Bike Plan 2025, adopted in 2020) and will approximately 34 long-term bicycle lockers at the project site to provide convenience and safety for bicyclists. Buffered Class II bike lanes are present in both directions along Monterey Road. No bike facilities are present along Pomona Avenue. The existing bicycle buffered lane along Monterey Road will stay in place, the bicycle detection loop at Monterey Road and Phelan Avenue intersection will be removed and replaced with pavement marking designation as part of construction of the project. The project will also contribute funding for the Class IV bike facility proposed on Monterey Road as part of the San Jose Better Bike Plan 2025, adopted in 2020. With the exception of San Jose Avenue and a section of Barnard Avenue south the project site, all surface streets have continuous sidewalks on at least one side and most along both sides. The existing 8-foot sidewalk along Monterey Road and Pomona Avenue will remain following the construction of the off-site parking lot. A small section of the 8-foot sidewalk along Monterey Road will be expanded to 12-foot in width for a short distance along Monterey Road in front of the off-site parking lot property. Sidewalk will be constructed to a width of 10-feet along the project frontage on Pomona Avenue.
TR10: Land Use Strategies	**Consistent.** Valley Transportation Authority operates buses along Monterey Road. The project site is approximately 155 feet from the nearest southbound stop and 120 feet from the nearest northbound stop for Routes 66 and 68. Valley Transportation Authority also operates light rail transit a

	mile walking distance from the project site along Guadalupe freeway with stops at the Tamien Station near Alma Avenue and at Curtner Avenue. These light rail stations are a mile walking distance from the project site.
TR13: Parking Policies	**Consistent.** The off-site parking facility would occupy a lot approximately 277,000 square foot (SF) in size that previously operated as an automobile parts sales lot. The proposed parking facility would primarily be used to store vans overnight to be loaded the following day at a nearby package sorting and loading facility. Approximately 360 stalls would be striped within this project site (64 personal vehicle stalls and 296 van stalls). No street parking would be required.
TR19: Medium and Heavy-Duty Trucks	**Consistent.** The use of Tier 4 construction equipment would be used during the construction phase of the project. The Hydrogen Fuel Cell truck would arrive and depart the site approximately 52 trips per year or once weekly.
TR22: Construction, Freight and Farming Equipment	**Consistent.** The project would comply through implementation of the BAAQMD standard condition. All construction equipment shall be properly maintained.

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

Less than Significant Impact. The San Francisco Bay Area Air Basin is currently in non-attainment of multiple National Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). Criteria pollutants for which the basin is not in attainment for include Ozone, PM10, and PM2.5, The basin's attainment status for each regulated pollutant is summarized in Table 4.3-1 below.

Table 4.3-1: San Francisco Bay Area Basin Attainment Status

Pollutant	Averaging Time	Attainment Status	
		CAAQS	NAAQS
Ozone	8-Hour	Nonattainment	Nonattainment
	1-Hour	Nonattainment	-
CO	8-Hour	Attainment	Attainment
	1-Hour	Attainment	Attainment
NO_2	1-Hour	Attainment	-
	Annual Arithmetic Mean	-	Attainment
SO2	24-Hour	Attainment	-
	1-Hour	Attainment	-
	Annual Arithmetic Mean	-	-
PM_{10}	Annual Arithmetic Mean	Nonattainment	-
	24-Hour	Nonattainment	Unclassified
$PM_{2.5}$	Annual Arithmetic Mean	Nonattainment	Unclassified/Attainment
	24-Hour	-	Nonattainment
Lead	30 Day Average	-	Attainment
	Calendar Quarter	-	Attainment
	Rolling 3 Month Average	-	-
H_2S	1-Hour	Unclassified	-
Sulfates	24-Hour	Attainment	-
Vinyl Chloride	24-Hour	N/A	-
Visibility Reducing Particles	8-Hour	Unclassified	-

1. *Source: https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality-standards-and-attainment-status#five*
2. *CO = carbon monoxide, NO2 = nitrogen dioxide, SO2 = sulfur dioxide, PM10 = particulate matter with aerodynamic diameter of 10 microns or less, PM2.5 = particulate matter with aerodynamic diameter of 2.5 microns or less, H2S = hydrogen sulfide*

BAAQMD has established a set of CEQA Thresholds of Significance. If a project's emissions exceed these thresholds, then the project would have a cumulatively considerable net increase of a criteria pollutant for which the region is in non-attainment. The BAAQMD Thresholds of Significance at the project-level are summarized in Table 4.3-2.

Table 4.3-2: BAAQMD Threshold of Significance

Criteria Pollutant Thresholds			
Criteria Pollutant	**Construction Average Daily Emissions** (lbs/day)	**Operation Average Daily Emissions** (lbs/day)	**Operational Max Annual Emissions** (tons/year)
VOC	54	54	10
NOx	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
PM_{10} / $PM_{2.5}$ (fugitive dust)	Best Management Practices	None	None
Local CO	None	9.0 ppm (8-hour average) 2.0 ppm (1-hour average)	
Risk and Hazards Thresholds – Construction and Operations			
Risk and Hazards	**Individual Project**	**Cumulative Threshold**	
Cancer Risk	10 in a million	100 in a million	
Chronic or Acute Risk	1.0 hazard index	10.0 hazard index	
PM 2.5	0.3 µg/m³	0.8 µg/m³	
Greenhouse Gas Threshold – Operational Only			
Greenhouse Gases	**Projects other than Stationary Sources**	**Stationary Sources**	
GHG Emissions (including CO_2, CH_4, N_2O, HFCs, PFCs, SF_6)	Compliance with Qualified GHG Reduction Plan or 1,100 MT CO2e per year or 4.6 MT CO2e per service population per year	10,000 MT per year	
Other			
Pollutant	**Construction-Related**	**Operational-Related**	
Accidental Release of Acutely Hazardous Air Pollutants	None	Storage or use of acutely hazardous materials locating near receptors or new receptors locating near stored or used acutely hazardous materials considered significant.	
Odours	None	5 confirmed complaints per year averaged over three years	

1. *Source: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/tools/ceqa-guidelines-may-2017-thresholds-table-pdf.pdf?la=en*
2. *NOx = oxides of nitrogen, VOC = volatile organic compounds, SOx = oxides of sulfur, GHG = greenhouse gases*
3. *Lbs/day = pounds per day*

The BAAQMD CEQA Air Quality Guidelines (AQ Guidelines) published in May 2017 serves to "assist lead agencies in evaluating air quality impacts of projects and plans proposed in the SFBAAB. The AQ Guidelines provide recommended procedures for evaluating potential air quality impacts during the environmental review process consistent with CEQA requirements."

Project-specific information was gathered and compared with screening criteria, at which point the proposed project did not meet all the screening criteria. Therefore, an Air Quality Study and Health Risk Assessment were performed and completed (see Appendix A). Emission calculations generated by construction and operation of the proposed project were estimated using the California Air Pollution Control Officers Association (CAPCOA) California Emissions Estimator Model (CalEEMod).

Emissions during construction and operation as a result of the proposed project were calculated using project specific information, engineering assumptions, and established emissions calculation methodology. A thorough air quality analysis is presented in Appendix A.

Construction emissions for the proposed project would be generated by construction equipment, vehicle traffic, and fugitive dust. Construction emissions are summarized in Table 4.3-3.

Table 4.3-3: Construction Emissions Summary (lb/day)

	CO	VOC	NOX	SOX	PM10	PM2.5
Maximum Daily Emissions	25.38	9.72	35.05	0.13	7.25	3.98
BAAQMD Significance Thresholds	N/A	54	54	N/A	82	54
Exceedance?	**N/A**	**No**	**No**	**N/A**	**No**	**No**

Daily emissions of Criteria Pollutants from the construction phase of the proposed project would not exceed any of the BAAQMD significance thresholds. Note: the BAAQMD does not have significance thresholds for annual emissions of Criteria Pollutants from the construction phase.

Table 4.3-4: Construction Emissions – Greenhouse Gas (GHG) Summary

Pollutant	Emissions (MT)
Carbon Dioxide Equivalent (CO2e)	91

MT = metric tons
1 ton = 0.9072 metric tons

Table 4.3-5: Construction Emissions - Toxic Air Contaminant (TAC) Summary

Pollutant	On-Site (tpy)	Off-Site (tpy)	Total (tpy)
Diesel PM (DPM)*	0.0008	0.0004	0.0012

*: All exhaust PM_{10} assumed to be DPM

Operation emissions of the proposed project would primarily be generated by the operation of delivery vans and personnel vehicles. The vehicle emissions also include particulate

emissions generated from brake and tire wear as well as fugitive emissions from road dust. Maximum operation emissions of criteria pollutants are summarized in the following table.

Table 4.3-6: Criteria Pollutant Operational Maximum Emissions Summary (lb/day)

	CO	VOC	NO_x	SO_x	PM_{10}	$PM_{2.5}$
Vans	2.09	0.06	0.21	0.01	1.08	0.28
Employees	10.43	0.17	0.72	0.04	0.02	0.02
Proposed Project Total	**12.52**	**0.23**	**0.93**	**0.05**	**1.11**	**0.30**
BAAQMD Threshold	N/A	54	54	N/A	82	54
Exceedance?	**N/A**	**No**	**No**	**N/A**	**No**	**No**

Annual operation emissions of criteria pollutants are summarized in Table 4.3-7.

Table 4.3-7: Criteria Pollutant Operational Annual Emissions Summary (tpy)

	CO	VOC	NO_x	SO_x	PM_{10}	$PM_{2.5}$
Vans	0.38	0.01	0.04	0.00	0.20	0.05
Employees	1.90	0.03	0.13	0.01	0.30	0.09
Proposed Project Total	**2.28**	**0.04**	**0.17**	**0.01**	**0.50**	**0.15**
BAAQMD Threshold	N/A	10	10	N/A	15	10
Exceedance?	**N/A**	**No**	**No**	**N/A**	**No**	**No**

As shown in the Tables 4.3-6 and 4.3-7, daily and annual emissions of criteria pollutants from the operations of the proposed project would not exceed any of the BAAQMD thresholds of significance.

Based on the analysis presented above, emissions from the proposed project are below the thresholds of significance. Therefore, the proposed project would not result in a cumulatively considerable net increase on any criteria pollutant for which the project region is non-attainment under CAAQS or NAAQS. No mitigation is required.

The use of Tier 4 construction equipment along with the following measures shall be implemented during all phases of construction to control dust and exhaust at the project site:

Standard Permit Conditions

i. Water active construction areas at least twice daily or as often as needed to control dust emissions.
ii. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
iii. Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
iv. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
v. Pave new or improved roadways, driveways, and sidewalks as soon as possible.

vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
vii. Replant vegetation in disturbed areas as quickly as possible.
viii. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
ix. Minimize idling times either by shutting off equipment when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
x. Maintain and property tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
xi. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

c. Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. Cottage Trailer Grove, a mobile home park, is located immediately southwest of the site (about 10 feet from the site boundary). The residential neighborhood north of Bellevue Avenue approximately 660 feet from the north boundary of the site are the next closest sensitive receptors. The proposed project would expose sensitive receptors to substantial pollutant concentrations if/when the proposed project would result in health risks in excess of the Significance Thresholds listed in Table 4.3-2. A Health Risk Assessment (HRA) for the proposed project was performed and methodology and results are presented in Appendix A. The primary TAC generated by both construction and operation of the proposed project is diesel particulate matter (DPM). Details on TAC emissions can be found in Appendix A.

Results of the HRA analysis found that daily construction emissions would not exceed the BAAQMD significance thresholds for criteria pollutants during the two-month construction phase and therefore no mitigation measure is required. Cancer risk associated with construction activities is expected to be below 10 in one million, and non-cancer health effects are expected to be below 1.0 for the Maximum Exposed Individual Resident (MEIR) and the Maximum Exposed Individual Worker (MEIW). Tables 4.3-8 and 4.3-9 summarize the potential cancer risks and non-cancer chronic Health Index (HI) from construction emissions for the MEIR and MEIW, respectively.

Table-4.3-8 Construction Risk Impacts at the Offsite Residential MEI

Source	Cancer Risk (per million)	Hazard Index
Project Construction		
Unmitigated	0.24	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>1.0*
Exceed Threshold?		
Unmitigated	No	No

Table-4.3-9 Construction Risk Impacts at the Offsite Worker MEIW

Source	Cancer Risk (per million)	Hazard Index
Project Construction		
Unmitigated	0.01	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>1.0*
Exceed Threshold?		
Unmitigated	No	No

Similarly, operation emissions would not result in an exceedance of any of the BAAQMD significance thresholds for criteria pollutants and therefore no mitigation is required. Cancer risks associated with emissions generated due to the operation of the proposed project are below 10 in one million and non-cancer HIs are below 1.0 for the MEIR and MEIW. Tables 4.3-10 and 4.3-11 summarize the potential cancer risks and non-cancer chronic Health Index (HI) from operational emissions for the MEIR and MEIW, respectively.

Table-4.3-10 Operation Risk Impacts at the Offsite Residential MEI

Source	Cancer Risk (per million)	Hazard Index
Project Construction		
Unmitigated	0.2	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>1.0*
Exceed Threshold?		
Unmitigated	No	No

Table-4.3-11 Operation Risk Impacts at the Offsite Worker MEIW

Source	Cancer Risk (per million)	Hazard Index
Project Construction		
Unmitigated	0.03	<0.01
BAAQMD Single-Source Threshold	*>10.0*	*>1.0*
Exceed Threshold?		
Unmitigated	No	No

The proposed project's total emission of CO2e would be less than the BAAQMD significance threshold and therefore would have a less than significant individual and cumulative impact for GHG emissions.

Health effects associated with emissions generated by the proposed project would be less than BAAQMD thresholds of significance. Therefore, impacts would be less than significant. No mitigation is required.

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

Less than Significant Impact. Table 3-3 in the BAAQMD's 2017 CEQA Guidelines lists provide screening distances for land uses that have the potential to generate substantial odor complaints. These uses include wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined animal facilities, food manufacturing, smelting plants, and chemical plants (BAAQMD 2017b). None of these uses would occur within the project site.

During the construction phase, heavy equipment and vehicles would emit odors associated with vehicle and engine exhaust both during normal use and when idling. However, these odors would be temporary and would cease upon completion of construction. Therefore, the proposed project would not generate objectionable odors affecting a substantial number of people during operation. Therefore, impacts would be less than significant. No mitigation required.

4.3.2 Cumulative Impacts

Analysis of emissions generated through construction and operation of the proposed project found that the proposed project is below all thresholds of significance established by BAAQMD. In addition, there are no additional foreseeable projects in the direct vicinity of the projects that would have a cumulative impact to nearby receptors. Therefore, cumulative impacts of the proposed project when considered with foreseeable past, present, and future development are less than significant. No mitigation is required.

4.4 BIOLOGICAL RESOURCES

Existing Setting

The project site is currently vacant and contains mostly paved surfaces and some gravel areas. There are currently 46 trees representing 11 species at the project site. The majority of trees were identified as being in poor condition. Approximately 90 percent (%) of the Project Site is currently paved or has a gravel surface. A fenced in depression is located behind a main building in the northeast corner of the project site. The fenced in depression covers approximately 0.1-acre of the 6.4-acre project site.

Regulatory Framework

Federal and State

Special Status Species
Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered 'special-status species.' Federal and state "endangered species" legislation has provided the USFWS and the CDFW with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the "take" of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill," said species. "Take" is more broadly defined by the Federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern."

Migratory Bird Treaty Act
The Migratory Bird Treaty Act makes it illegal to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid Federal permit (USFWS 1998).

Sensitive Habitats
Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable Federal, State, and local regulations, and are generally subject to regulation, protection, or consideration by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the Federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter- Cologne Water Quality Control Act. U.S. EPA regulations, called for under Section 402 of the Clean Water Act, also include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge into waters of the United States (e.g., streams, lakes, bays, etc.).

Waters and Wetlands
he Rivers and Harbors Act of 1899 prohibits the discharge of any material into navigable waters of the United States, or tributaries thereof, without a permit. The act also makes it a misdemeanor to excavate, fill, or alter the course, condition, or capacity of any port, harbor, or channel, or to dam navigable streams without a permit. Many activities originally covered by the Rivers and Harbors Act are now regulated under the Clean Water Act (CWA) of 1972. The 1899 Act retains relevance and created the structure under which the United States Army Corps of Engineers (USACE) oversees permitting under Section 404 of the CWA. The USACE is authorized to regulate any activity that would result in the discharge of dredged or fill material into Waters of the U.S., including wetlands and those waters listed in U.S Code 33 CFR 328.3. The USACE, with oversight from the U.S. Environmental Protection Agency (EPA), has the principal authority to issue CWA Section 404

permits. A water quality certification or waiver pursuant to Section 401 of the CWA is required for all Section 404 permitted actions.

The National Pollutant Discharge Elimination System (NPDES) General Construction Permit regulates discharge of pollutants into surface Waters of the U.S. under Section 402 of the CWA. This permit regulates storm water discharge caused from construction related activities such as clearing/grubbing, demolition and excavation and typically requires a Storm Water Pollution Prevention Plan (SWPPP).

The Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.) provides for statewide coordination of water quality regulations through establishment of the State Water Resources Control Board (SWRCB), which serves as the statewide authority. The SWRCB is the primary agency responsible for protecting water quality in California. The SWRCB regulates discharges to surface waters under the CWA and is responsible for administering the Porter-Cologne Water Quality Control Act. Pursuant to the Porter-Cologne Water Quality Control Act, the state is given authority to regulate waters of the state, which are defined as any surface water or groundwater, including saline waters. As such, any person proposing to discharge waste into a water body must first file a Report of Waste Discharge, if the discharge could affect the water quality of the water body in question. In these instances, Section 404 of the CWA is not applicable. Waste is partially defined as any substance associated with human habitation, including fill material discharged into water bodies.

In California, nine Regional Water Quality Control Boards (RWQCBs), divisions of the SWRCB, provide oversight of the CWA 401 permit process and water quality on a day-to-day basis. The RWQCBs are required to provide certification that there is reasonable assurance that an activity that may result in the discharge to waters of the United States will not violate water quality standards. Water Quality Certification must be based on the finding that a proposed discharge will comply with applicable water quality standards.

Local

The 2020 Santa Clara Valley Habitat Plan provides a long-term, coordinated program for habitat restoration and conservation. The Habitat Plan's goal is to enhance viability of threatened and endangered species throughout the Santa Clara Valley (Santa Clara County 2020). The Santa Clara Valley Habitat Agency implements the Habitat Plan and reports compliance to the wildlife agencies (Santa Clara County 2020).

The Santa Clara Valley Habitat Plan provides a framework for promoting the protection and recovery of natural resources, including endangered species, while streamlining the permitting process for planned development, infrastructure, and maintenance activities (Santa Clara County 2013). The Santa Clara Valley Habitat Plan was adopted by the City of San Jose on January 29, 2013 (City of San Jose 2021).

The City of San Jose Department of Planning, Building and Code Enforcement (PBCE) regulates tree removal on private property. For removal of tree(s) on private property the Municipal Code Section 13.32.105 defines a tree as any perennial, woody plant species or cultivar that reaches a height exceeding six feet at maturity, whether planted singly or as a hedge, and having secondary branches supported on a main stem or stems (City of San Jose 2013). The 2018 revised City of San Jose

Ordinance Municipal Code Section 13.32.20.1 defines an ordinance sized tree as having a main stem or trunk thirty-eight inches or more in circumference 12-inch diameter at a height measured fifty-four inches above natural grade slope (City of San Jose 2018). Multi-trunk trees shall be considered a single tree and measurement of that tree shall include the sum of the circumference of the trunks of that tree at a height of twenty-four inches above natural grade slope. "Tree" shall include the plural of that term. For multi-stem trees, all stems must be measured at fifty-four inches above ground (City of San Jose 2013). The ordinance protects both native and non-native tree species. A tree removal permit is required from the PBCE (City of San Jose 2013). An applicant must include the Assessor's Parcel Number, Plot Plan, type, size, condition of trees to be removed, and reference other existing trees on the property along with the locations for replacement trees, photographs of the trees, evidence for why it is being removed and include a Certified Arborist Report, if requested, and indicate if any nesting birds or animals are present at the location.

The General Plan includes the following biological resources policies and goals applicable to the proposed project:

> *Policy MS-21.6*: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies, or guidelines.
>
> *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 CD-1.22*: Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.
>
> *Policy CD-1.23*: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (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 the 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 Habit Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

4.4.1 Discussion

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

Less Than Significant Impact after Mitigation. The Biological Resources Report located in Appendix B documents existing conditions within a proposed project site and includes data compiled on plant and animal species, evaluates the potential for special-status biological resources to occur within or adjacent to the project site and determined that protocol-level

surveys were not required address results gathered from the general biological survey. No additional buffer area was surveyed.

The project site is in an area where warehouses and other businesses are present and is approximately 90 percent paved or has a gravel surface. A fenced-in depression area is located behind the existing warehouse and is approximately 0.1 acres in size.

Special Status Wildlife Species
No habitats or species identified as a candidate, sensitive, wildlife special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service occur on-site. There is no impact, therefore no mitigation is required.

No evidence of animal activity (i.e., owl pellets, nests, bat activity) was observed on any of the buildings or related structures in the project site. Photographs of the project site are included in Appendix B. During the survey, noise from the surrounding roadways, construction activities outside the project site and other machinery was heard. Wildlife observations were generally minimal during the survey. Avian species observed during the survey included Anna's hummingbird (*Calypte anna*), black phoebe (*Sayornis nigricans*), California gull (*Larus californicus*), dark-eyed junco (*Junco hyemalis*), house finch (*Haemorhous mexicanus*), northern mockingbird (*Mimus polyglottos*), rock pigeon (*Columba livia),* ruby-crowned kinglet (*Regulus calendula*) and a flock of yellow-rumped warblers (*Setophaga coronata*).

An active Anna's hummingbird nest was occupied in a Siberian elm (*Ulmus pumila*) at the southwest edge of the fenced in depression in the northeast corner of the project site (Figure 5 in the Biology Study). A female Anna's hummingbird was observed incubating one to two eggs in the nest (Photograph 7, in the Biology Study). Two small inactive squirrel middens were spotted at the tops of the trees within the depression A blue gum (*Eucalyptus globulus*) south of the center of the project site contained an inactive raptor nest. For a list of all species observed in the project site see Appendix D of the Biology Study located in Appendix B for this Initial Study.

Special Status Plant Species
One special-status tree species, Northern California black walnut was observed during the general biological survey. Northern California black walnut has a CNPS Rank of 1B.1. Two individual California black walnut trees (*Juglans hindsii*) were observed in the southwest and southeast corners of the project site in the paved areas and three individuals were in adjacent properties with overhanging canopies into the project site. The condition of these five trees in total were all determined to be poor, with poor structure resulting from codominant or multiple attachments at one point on the trunk. No other special-status plant species were detected during the general biological surveys. The California Black walnut trees would be protected through preservation guidelines outlined in the Tree Protection Standards. Therefore, the project impact is less than significant.

Tree Protection Standards. The applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the applicant to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.

Plant/Tree Species (Non-Special Status)
The edges of the site consisted of scattered plants around the perimeter such as common sow thistle (*Sonchus oleraceus*) fescue (*Fescue sp.*), miner's lettuce (*Claytonia perfoliata*) and yucca (*Yucca sp.).* Trees occur mainly along the perimeter fence include a California bay (Umbellularia californica), Siberian elm, tree of heaven (*Ailanthus altissima)* and branches from other trees in adjacent lots hang over the perimeter fence. Twenty-five of the 46 trees documented in the Preliminary Arborist Report are located within the fenced depression in the northeast corner of the project site (HortScience Bartlett Tree Company 2021). Species in the depression include arroyo willow (*Salix lasiolepis*) in poor condition (HortScience, Bartlett Tree Company 2021), Fremont cottonwoods (*Populus freemontii*) in poor to fair condition (HortScience, Bartlett Tree Company 2021), multi-stemmed shrub form glossy privets (*Ligustrum lucidum*) in poor condition (HortScience, Bartlett Tree Company 2021), Siberian elm and tree of heaven. There were no signs of animals, reptiles, or amphibians during the general biological survey. No insects were encountered during the general biological survey. Replacement planting will occur for construction of the project for trees removed. Therefore, this impact is less than significant.

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

No Impact. A literature review was completed prior to conducting the general biological survey. The following resources were reviewed for this project:

- California Native Plant Society (CNPS) Rare Plant Program Database (CNPS 2021)
- CDFW Database (2021)
- California Natural Diversity Database (CNDDB 2021)
- Google Earth aerial photographs of the project site
- NWI (USFWS 2021a)
- Information for Planning for Consultation (IPaC) Federal Species List (USWFS 2021b)
- NHD (USGS 2021)
- Preliminary Arborist Report (HortScience, Bartlett Consulting 2021)
- Soil Report (Web Soil Survey, NRCS, USDA 2021)

The proposed project is not located on or adjacent to a riparian habitat or other identified sensitive natural community. Construction and operation of the proposed project would not result in adverse effects on riparian habitat. Therefore, there would be no impacts, and no mitigation is required.

c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

No Impact. A review of the USFWS National Wetland Inventory (NWI) [2021a] and the National Hydrography Dataset (NHD) [2021] indicates there are no federal jurisdictional waterways or wetlands present in the project site (Figure 4, Appendix B). A fenced in depression within the project site is apparent on Google Earth; however, this depression is not listed on the NHD or NWI databases (USFWS 2021a and USGS 2021). No water resources connect to the site or fall within the project area vicinity.

The proposed project is not located on or adjacent to federally protected wetlands or other identified sensitive natural community. Construction and operation of the proposed project would not result adverse effects on any riparian habitat. Therefore, there would be no impact, and no mitigation is required.

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 the native wildlife nursery sites?*

Less than Significant After Mitigation. During the February 2021 Biological Resources Study, one hummingbird nest was identified at the project site. The project would also comply with the following mitigation measure in order to minimize impacts on nesting birds in and around the project site.

MM BIO-1

Prior to the issuance of demolition, grading, tree removal or building permits (whichever occurs first), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).

If it is not possible to schedule demolition and construction between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.

If an active nest is found within 250 feet of the work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.

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

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

Less than Significant. Forty-six (46) trees representing 11 species were evaluated (Table 4-10). For all species combined, the majority of the trees (33) were in poor condition (about 72 percent of the population), 12 trees were in fair condition (approximately 26 percent of the population), and one tree was in good condition. The following represents the trees species, number, and condition of each tree that occur on the project site (as shown in Appendix B).

The City of San Jose defines an Ordinance Sized Tree as "*any live or dead woody perennial plant…having a main stem or trunk 38 inches or more in circumference (12 inches diameter) at a height measured 54 inches above natural grade slope"* (SJMC 13.32.20.I. Updated February2018). For multi-stem trees, all stems must be measured at 54 inches above the ground; the sum of all these measurements equals the diameter of the tree for ordinance and mitigation purposes. Twenty-nine (29) trees met this criterion; however, the City may require that all trees removed would be replaced. The City of San Jose also has a list of designated Heritage Trees. No Heritage trees were present at this site.

Forty-six (46) trees representing 11 species were evaluated (Table 4-10). For all species combined, the majority of the trees (33) were in poor condition (about 72 percent of the population), 12 trees were in fair condition (approximately 26 percent of the population), and one tree was in good condition. The following represents the trees species, number, and condition of each tree that occur on the project site (as shown in Appendix B).

The project will implement the Tree Protection Standards to preserve the special status California Walnut trees.

Tree Protection Standard

The applicant shall maintain the trees and other vegetation shown to be retained in this project and as noted on the Approved Plan Set. Maintenance shall include pruning and watering as necessary and protection from construction damage. Prior to the removal of any tree on the site, all trees to be preserved shall be permanently identified by metal numbered tags. Prior to issuance of the Grading Permit or removal of any tree, all trees to be saved shall be protected by chain link fencing, or other fencing type approved by the Director of

Planning. Said fencing shall be installed at the dripline of the tree in all cases and shall remain during construction. No storage of construction materials, landscape materials, vehicles or construction activities shall occur within the fenced tree protection area. Any root pruning required for construction purposes shall receive prior review and approval and shall be supervised by the consulting licensed arborist. Fencing and signage shall be maintained by the applicant to prevent disturbances during the full length of the construction period that could potentially disrupt the habitat or trees.

Common Name	Scientific Name	Condition			Total
		Poor (1-2)	Fair (3)	Good (4-5)	
Tree of heaven	*Ailanthus altissima*	9	1	1	**11**
River red gum	*Eucalyptus camaldulensis*	-	1	-	**1**
Blue gum	*Eucalyptus globulus*	1	1	-	**2**
California black walnut	*Juglans hindsii*	5	-	-	**5**
Glossy privet	*Ligustrum lucidum*	2	1	-	**3**
Mulberry	*Morus* sp.	1	2	-	**3**
London plane	*Platanus x hispanica*	-	4	-	**4**
Fremont cottonwood	*Populus fremontii*	5	1	-	**6**
Arroyo willow	*Salix lasiolepis*	8	-	-	**8**
Siberian elm	*Ulmus pumila*	2	-	-	**2**
California bay	*Umbellularia californica*	-	1	-	**1**
Total		**33**	**12**	**1**	**46**

The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 4.4-1 below, as amended.

Standard Permit Condition

Table 4.4-1: Tree Replacement Ratios

Circumference of Tree to be Removed	Type of Tree to be removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1	4:1	3:1	15-gallon container
19 up to 38 inches	3:1	2:1	None	15-gallon container
Less than 19 inches	1:1	1:1	None	15 gallons container
x:x = tree replacement to tree loss ratio				

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

Since 35 trees onsite would be removed, 1 tree would be replaced at a 5:1 ratio, 1 tree would be replaced at a 4:1 ratio, 5 trees would be replaced at a 3:1 ratio, 2 trees would be replaced at a 2:1 ratio, and the remaining trees would be replaced at a 1:1 ratio. The total number of replacement trees required to be planted would be 55 trees. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

In the event the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.

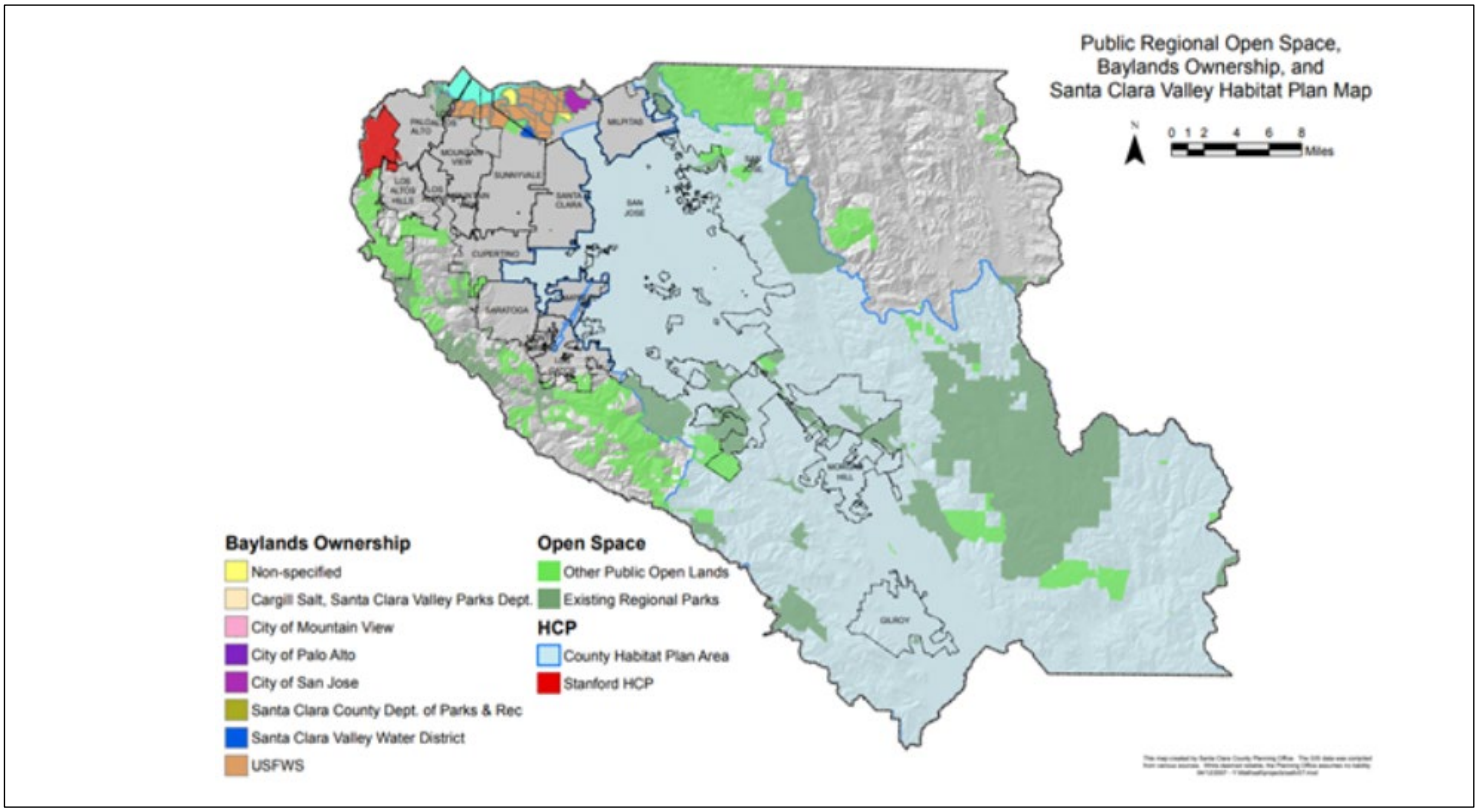
- Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance with the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

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

No Impact. The proposed project is located within the Santa Clara Valley Habitat Conservation Plan (SCVHP) identified in the map below. The biological goals and objectives of the Habitat Conservation Plan (HCP) are to "to sustain and restore those species and their habitats… necessary to maintain the continued viability of… biological communities impacted by human changes to the landscape" and "to conserve, protect, restore, and enhance natural communities." The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits and will comply with the following City standard permit condition.

Standard Permit Condition
The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatagency.org.

The Biological Resources Report also details that the 2020 Santa Clara Valley Habitat Plan provides a long-term, coordinated program for habitat restoration and conservation. The Habitat Plan's goal is to enhance viability of threatened and endangered species throughout the Santa Clara Valley (Santa Clara County 2020). The Santa Clara Valley Habitat Agency implements the Habitat Plan and reports compliance to the wildlife agencies. The proposed project site is an existing asphalt lot and vacant warehouse and is located in an industrial/commercial area. Therefore, the impacts of the proposed project within the Santa Clara Valley HCP are less than significant and no mitigation is required.



Source: Santa Clara Valley Habitat Map, accessed March 2021

4.4.2 Cumulative Impacts

The cumulative impacts of the proposed project plus foreseeable past, present, and future development are less than significant after mitigation. No additional mitigation required.

4.5 CULTURAL RESOURCES

Existing Setting

The proposed project site elements consist of a paved/gravel base, a warehouse structure, and various trees within the existing parking lot area. The site previously operated as an automobile "Pick-U-Haul" business and storage facility for non-operating vehicles. The warehouse structure is composed of metal and was determined by the City to be approximately 30 years of age. The site operated as the automobile wrecking yard from 1956 until the year 2020.

Regulatory Framework

Federal and State

The National Historic Preservation Act of 1966 (54 USC 300202 et seq.) enabled the U.S. Department of the Interior's National Park Service (NPS) to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological places. The NPS is responsible for the designation, documentation, and physical preservation of historic sites.

The California Register of Historic Places, under the Office of Historic Preservation (OHP), is the State's authoritative guide to significant historical and archeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act. Archaeological resources and historical sites are protected by a wide variety of State policies and regulations under the California Public Resources Code Section 21083.2(g)) which are defined as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

CEQA Guidelines Section 15064.5 outlines a method to determine the significant of impacts to archaeological and historical resources. The section defines the term "historical resource" any resource that is listed or determined eligible for listing in the California Register of Historical Resources (CRHR), included in a local register of historical resources, or is determined by a lead agency to be a historical resource. Eligibility criteria for the CRHR are the same as those for the National Register of Historic Places as defined by 36 Code of Federal Regulations (CFR) 60.4.

Section 15064.5(b)(1) describes substantial adverse change in the significance of a historical resource as "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." Construction and operation of the proposed project does not involve the physical demolition, destruction, relocation, or alteration of any historical resource, including the proposed site and its immediate surroundings.

Local

The General Plan includes the following cultural resources policies and goals applicable to the proposed project:

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

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

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 prehistoric resources.

Policy IP-12.3: Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological, and cultural resources

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…				
a. Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	☐	☐	☒	☐
c. Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☒	☐

4.5.1 Discussion

a. *Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5?*

No Impact. The warehouse structure located on the project site was determined to be 30 years old by the City of San Jose's historian(s), therefore no further analysis was required. No impact to eligible or listed historic resources would occur. No mitigation is required.

b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?*

Less than Significant Impact. Record searches did not indicate that archaeological sensitive resources are anticipated to occur at the project site, nor was the site considered a sensitive area historically or of cultural significance. Construction of the project would include the removal of the existing vacant warehouse and grading and repaving of the existing asphalt parking lot onsite The project would comply with the City standard permit condition related to

subsurface cultural resources The proposed project would not cause a substantial adverse change in an archaeological resource. No mitigation required.

Standard Permit Condition

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

c. Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant Impact. The proposed project site is currently an asphalt-paved lot containing a vacant warehouse. Section 15065.5(e) states procedures to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. The project will comply with the City's standard permit condition for discoveries of human remains. These protocols would result in less-than-significant impacts, and no mitigation is required.

Standard Permit Condition

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

xii. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
xiii. The MLD identified fails to make a recommendation; or

xiv. The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

4.5.2 Cumulative Impacts

The proposed project would have no impact to historical, known archaeological or paleontological resources, or known human remains. The chances of cumulative impacts occurring as a result of the proposed project plus reasonably foreseeable past, present, and future development in the region is not likely since other projects would be subject to individual project-level environmental review. Due to existing laws and regulations in place to protect cultural resources and prevent significant impact to paleontological resources and less-than-significant project-level impacts, the potential incremental effects of the proposed project would not be cumulatively considerable.

4.6 ENERGY

Existing Conditions

The proposed site is currently vacant and consists of approximately 6.29 acres of an asphalt-paved parking lot and a one-story main warehouse building that is approximately 5,300 square feet.

Regulatory Framework

Federal, State, and Regional

CARB's Scoping Plan
California Air Resources Board (CARB) developed the 2008 Scoping Plan in accordance with Assembly Bill (AB) 32, to outline the State's strategy to return to the State's Greenhouse Gas (GHG) emissions inventory to 1990 levels by year 2020. In September 2016, Senate Bill (SB) 32 was issued, requiring the state's GHG emissions to return to 40 percent below 1990 levels by 2030. Executive Order B-30-15 and SB 32 required CARB to prepare another update to the Scoping Plan to address the 2030 target for the state. The 2017 Climate Change Scoping Plan Update was released in November 2017 to address the new interim GHG emissions target under SB 32. Although, the CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities, counties, or individual projects, it has been used to develop performance- and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts. Statewide strategies to reduce GHG emissions include the Low Carbon Fuel Standard (LCFS), California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the Corporate Average Fuel Economy (CAFE) standards, and other early action measures as necessary to ensure the state is on target to achieve the GHG emissions reduction goals of AB 32. In addition, new buildings are required to comply with the most recent Building Energy Efficiency Standards and California Green Building Code (CALGreen).

California Code of Regulations
At the state level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (CCR), promote efficient energy use

in new buildings constructed in California. The standards regulate energy consumed for heating, cooling, ventilation, water heating, and lighting.

California Green Building Standards Code
The California Green Building Standards Code (CALGreen) establishes mandatory green building standards for new construction (new buildings and expansions) in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include a mandatory set of minimum guidelines, as well as more rigorous voluntary measures, for new construction to achieve specific green building performance levels. Building Energy Efficiency Standards and CALGreen standards are enforced through the local building permit process.

California Public Utilities Commission's California Long Term Energy Efficiency Strategic Plan
The California Public Utilities Commission's (CPUC's) Long Term Energy Efficiency Strategic Plan presents a single roadmap to achieve maximum energy savings across all major groups and sectors in California. This comprehensive Plan for 2009 to 2020 is the state's first integrated framework of goals and strategies for saving energy, covering government, utility, and private sector actions, and holds energy efficiency to its role as the highest priority resource in meeting California's energy needs.

California Renewable Portfolio Standard
The state's electricity grid is transitioning to renewable energy (ex. wind, small hydropower, solar, geothermal, biomass, and biogas) under California's Renewable Energy Program. Electricity production from renewable sources is generally considered carbon neutral. Executive Order S-14-08, signed in November 2008, expanded the state's Renewable Portfolios Standard (RPS) to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). Senate Bill (SB) 350 (de Leon) was signed into law September 2015 and establishes tiered increases to the RPS—40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. SB 350 also set a new goal to double the energy-efficiency savings in electricity and natural gas through energy efficiency and conservation measures. On September 10, 2018, SB 100 was signed and raised California's RPS requirements to 60 percent by 2030, with interim targets, and 100 percent by 2045. The bill also established a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under SB 100, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

Bay Area MTC's/ABAG Plan
As required by the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) have developed a Sustainable Communities Strategy (SCS) as a component of Plan Bay Area 2070 (MTC and ABAG 2017). This plan seeks to reduce GHG and other mobile source emissions through coordinated transportation and land use planning to reduce vehicle miles traveled (VMT).

Local
The General Plan includes the following energy policies and goals applicable to the proposed project:

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.
>
> *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 percent 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 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 Jose 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) to foster practices to minimize the use and waste of energy, water and other resources in the City Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10), and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

Climate Smart San Jose
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. The Climate Smart San José plan includes three "pillars" or goals to:

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

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

4.6.1 Discussion

a. ***Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***

No Impact. Construction tasks will include demolition, site preparation, grading, paving, and architectural coating. This project will result in the demolition of the existing 5,500 square foot building on the 6.4-acre project site. The construction phase of the proposed project will be a brief activity (approximately 12 weeks) requiring limited amount of construction equipment and will not result in the wasteful or unnecessary consumption of energy resources. Construction of the proposed project would consume energy resources at an amount consistent with projects of a similar size. Transportation energy is used for construction workers commute, haul trucks, and vendor trips. The use of energy resources by these vehicles and off-road construction equipment will vary from phase to phase and will be limited to the construction phase only. Construction of the proposed project would not be wasteful and inefficient with regards to energy consumption and would not consume unnecessary energy.

Once operational, the proposed project would not consume unnecessary energy resources. Since the proposed site will be a parking facility occupying an existing automobile parts sales lot, the energy consumption of the proposed facility will be similar to the existing site. The proposed project would prioritize efficiency and minimize wasteful and inefficient energy consumption, such as lighting.

b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The proposed site is a parking lot and will not consist of a building and therefore the condes/standards related to buildings are not applicable. The statewide RPS goal is not directly applicable to individual development projects, but to utilities and energy providers, which is the utility that will provide all of electricity needs for the proposed project. Compliance of utility companies in meeting the RPS goals will ensure the State is meeting its objective in transitioning to renewable energy. Additionally, the proposed site will not generate new delivery vehicles miles traveled in the. Thus, the proposed project will be in compliance with the 2017 MTC and ABAG Plan. Furthermore, the proposed project will be in compliance with the applicable goals and policies pertinent to the energy by implementing the applicable energy efficiency measures outlined in the City's Municipal Code and General Plan. The proposed project would have a less than significant impact on state or local plans for renewable energy or energy efficiency. No mitigation is required.

4.6.2 Cumulative Impacts

The proposed project would not be wasteful or inefficient with regards to energy consumption and would have a less than significant environmental impact during project construction and operation.

There are no state or local plans for renewable energy or energy efficiency on or within the vicinity of the project site. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy. Therefore, energy impacts are not expected to be cumulatively considerable, and impacts would be less than significant. No mitigation is required.

4.7 GEOLOGY / SOILS

Existing Setting

The project is located in Northern California, a region known for frequent occurrences of seismic activity as a result of the numerous fault lines in the area. Desktop review of the site found that the project itself is not located within an Earthquake Fault Zone. The closest fault line to the project site is the Evergreen Fault, approximately 5.6 miles east of the project site. The project site is located approximately 6.6 miles west of the closest point on the Hayward Fault and approximately 11 miles east of the closest point on the San Andreas Fault. An environmental site assessment conducted found that soil at the site has some expansion potential and desktop review determined that all or a portion of the project site lies within a liquefaction zone. As there will be no built structures on the project site, this is not a concern. At present, the site has existing pavement and gravel along with one built structure on the east side of the property along Monterey Road.

A Soils Report for the project site indicates that two soil types are present (Web Soil Survey NRCS, USDA 2021). Urbanland-Still Complex, 0 to 2% slopes is found in 26.3% of the project site and Urbanland-Campbell Complex, 0 to 2% slopes, protected, is found in 73.7% of the project site. Parent material for Urbanland-Still Complex soil is comprised of human and transported material and alluvium derived from metamorphic and sedimentary rock and/or alluvium derived from metavolcanics. This soil type is typically found on alluvial fans and floodplains, its profile is comprised of fine sandy loam, sandy loam, silt loam and loam and it is well drained. The soil's restrictive layer is more than 80-inches and it is not hydric (Web Soil Survey, NRCS 2021).

Parent material for Urban land-Campbell Complex, 0 to 2% slopes, protected, is comprised of human and transported material and alluvium derived from metamorphic and sedimentary rock and/or alluvium derived from metavolcanics. This soil type is typically found on alluvial fans and basins, its profile is comprised of clay loam, silty clay and silty clay loam and is moderately well drained. The soil's restrictive layer is more than 80-inches and it is not hydric (Web Soil Survey NRCS 2021).

Regulatory Framework

Federal and State

California Building Code

The California Building Code provides the standards for building design by providing the minimum design criteria for building with respect to seismic safety. The California Division of Occupational Safety and Health (Cal/OSHA) regulations specify additional safety standards for excavation, shoring, and trenching (Title 8 of the California Code of Regulations).

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Regulation of development projects within the zones is the responsibility of the local agencies (California Department of Conservation 2018b).

Seismic Hazards Mapping Act
The Seismic Hazards Mapping Act of 1990 requires that seismic hazard zones be identified and mapped in order to assist cities and counties in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction, landslides, or other ground failure and other seismic hazards caused by earthquakes

Local
The General Plan includes the following geology and soil policies and goals applicable to the proposed project:

Goal EC-3: Seismic Hazards. Minimize the risk of injury, loss of life, property damage, and community disruption from seismic shaking, fault rupture, ground failure (liquefaction and lateral spreading), earthquake-induced landslides, and other earthquake-induced ground deformation:

> *Policy EC-3.1*: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City, including provisions regarding lateral forces.
>
> *Policy EC-3.2*: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

Goal EC-4: Geologic and Soil Hazards. Minimize the risk of injury, loss of life, and property damage from soil and slope instability including landslides, differential settlement, and accelerated erosion:

> *Policy EC-4.1*: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City, including provisions for expansive soil, and grading and storm water controls.
>
> *Policy EC-4.2*: Approve development in areas subject to soils and geologic hazards, including non-engineered fill and weak soils and landslide-prone areas, only when the severity of hazards has been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
>
> *Policy EC-4.4*: Require all new development to conform to the City Geologic Hazard Ordinance.
>
> *Policy EC-4.5*: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by

designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.

Policy EC-4.11: Require the preparation of geotechnical and geological investigation.

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…				
a. Expose people or structure to 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 the other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)	☐	☐	☒	☐
ii. Strong Seismic ground shaking?	☐	☐	☒	☐
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv. Landslides?	☐	☐	☐	☒
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c. Be located on a geologic unit or soil that is unstable, or that would be 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 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e. Having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature? are not available for the disposal of wastewater?	☐	☐	☐	☒

4.7.1 Discussion

a. Expose people or structure to 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 the other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42)

Less than Significant Impact. The Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act) was passed in 1972 as a response to the devastating 1971 San Fernando earthquake that caused severe structural damages and resulted in over 60 deaths. The Alquist-Priolo Act aims to "reduce losses from surface fault rupture" by prohibiting "the location of developments and structures for human occupancy across the trace of active faults" (California Department of Conservation, 2019b) (California Legislative Information). An active fault is defined as a fault that has ruptured within the last 11,000 years. In active fault zones, "a structure for human occupancy cannot be placed over the fault and must be a minimum distance from the fault (generally fifty feet)" (California Department of Conservation, 2019b).

The California Department of Conservation developed the California Earthquake Hazards Zone Application (EQ Zapp), an online map that allows users to determine if a land parcel or property is located within an earthquake hazard zone (California Department of Conservation, 2019c). The information is provided by the California Geological Survey (CGS), the authority on California's geologic information and resources. According to EQ Zapp, the project site is not within an Earthquake Fault Zone. The closest fault line to the project site is the Evergreen Fault, approximately 5.6 miles east of the project site. The project site is located approximately 6.6 miles west of the closest point on the Hayward Fault and approximately 11 miles east of the closest point on the San Andreas Fault.

In addition, the proposed project would not consist of any built structures therefore any effects resulting from the rupture of a known earthquake fault would be minimal. No mitigation is required.

The Contractor shall rebuild, repair, restore, and make good all injuries, losses, or damages to any portion of the work or the materials occasioned by any cause before its completion and acceptance and shall bear the expense thereof, except as otherwise expressly provided in Section 7-1.165, "Damage by Storm, Flood, Tidal Wave or Earthquake.

ii. Strong ground shaking?

Less than Significant Impact. The proposed project would not consist of any built structures therefore any effects resulting from the rupture of a known earthquake

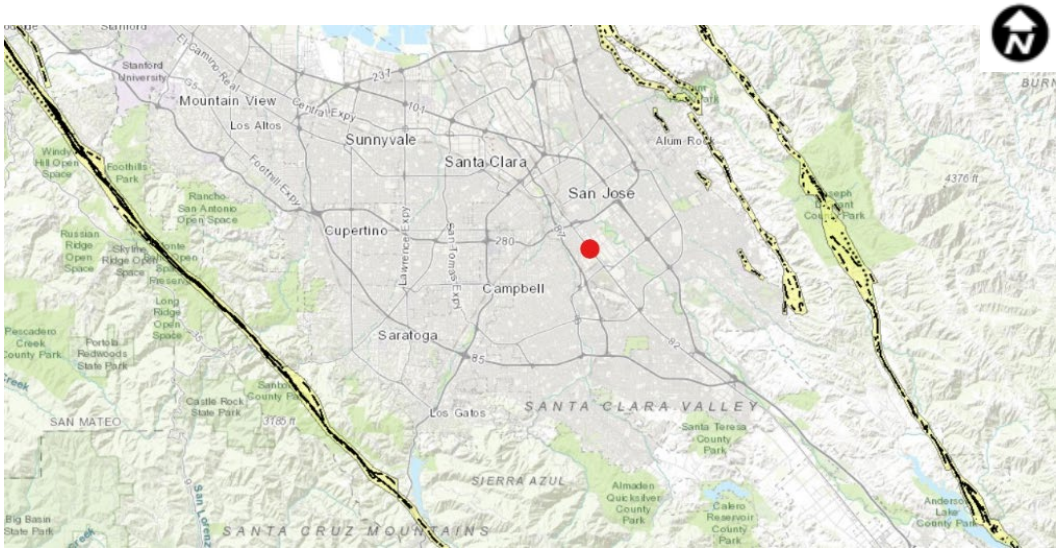
fault would be minimal. In addition, the project will comply with City standard permit conditions. No mitigation is required.

Standard Permit Condition

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

iii. Seismic-related ground failure, including liquefaction?

Less than Significant Impact. The project site is located in Northern California, a region known to have frequent occurrences of seismic activity as a result of the numerous fault lines in the area. The map below, from California Department of Conservation's EQ Zapp, illustrates the fault lines in the vicinity of the project site, signified by the red circle.



Source: Santa Clara County GIS Soils Mapper, accessed March 2021

As stated in 4.7.1.a.i., the closest fault line to the project site is the Evergreen Fault, located approximately 5.6 miles east from the approximate center of the project site. Additional faults within vicinity of the project site include the Hayward Fault located approximately 6.6 miles to the east as well as the San Andreas Fault approximately 11 miles to the east. Seismic tremors from these and other faults in the area may

lead to ground shaking at the project site. Construction of the proposed project would comply with CBC including the 2019 updates, City of San Jose regulations as well as any other applicable requirements. There would be no built structures at the Proposed Site. Complying with construction standards for areas with high risk for seismic shaking would reduce the probability of exposing people or structures to potential substantial adverse effects involving the strong seismic ground shaking to a less than significant level. No mitigation is required.

iv. Landslides?

No Impact. The U.S. Geological Survey (USGS) defines landslides as the mass movement of rock debris, or earth down a slope. The project site would not consist of any built structures and is relatively flat. Therefore, landslides have no impact on exposing people or structures to potential substantial adverse effects at the project site. No mitigation is required.

b. Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The project site has existing pavement and gravel. Construction of the proposed project would involve excavation and/or removal of material which may result in a temporary increase in erosion. The proposed project would implement City standard permit conditions as well as those identified in Section 4.10 Hydrology and Water Quality to minimize erosion. Therefore, project would have a less than significant impact on soil erosion or loss of topsoils. No mitigation is required.

Standard Permit Conditions

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

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

Less than Significant Impact. According to EQ Zapp, all or a portion of the project site lies

within a liquefaction zone. There would be no built structures on the project site, therefore impacts on soil stability are less than significant. No mitigation is required.

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

Less than Significant Impact. The Hazardous Materials Memorandum (Appendix E) found that soil at the site consists primarily of fill materials underlain by native clays and sands, with some silts which may have some expansion potential. However, the project site would not consist of any built structures and therefore the hazards associated with expansive soil would be minimal and the proposed project would have a less than significant impact. No mitigation is required.

e. Having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The proposed project would not utilize septic tanks or alternative wastewater disposal systems. The proposed project would have no impact and therefore no mitigation is required.

f. Directly or Indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact. No paleontological sensitive resources are anticipated to occur at the proposed project site. Record searches and soil data did not indicate the area comprises of a sensitive area. Construction activities would include the removal of an existing vacant warehouse and the grading and repaving of an existing asphalt vacant parking lot. The project will comply with City standard permit conditions for discoveries of paleontological resources. No mitigation measures are required.

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

4.7.2 Cumulative Impacts

Potential impacts related to geology and soils are generally site specific. The desktop geological analysis performed in conjunction with information from the Phase I and Phase II Environmental Site Assessments concluded that the proposed project would not result in any significant impacts related to seismic activity, soil erosion, or soil integrity. The design of the proposed project complies with

local and state regulations to protect people and structures to potential substantial adverse effects related to pertinent geological risks. The existing regulations ensure past, present, and reasonably foreseeable future development do not have significant soil and geological impact in the City of San Jose.

The proposed project in addition to past, present, and reasonably foreseeable future development would have limited impacts on the geology and soil composition of the area. Therefore, the hazards associated with the geology and soil of the project site are not expected to be cumulatively considerable and impacts would be less than significant. No mitigation is required.

4.8 GREENHOUSE GAS EMISIONS

Existing Setting

The site is currently a 277,000 square foot automobile parts sales lot located at 1675 Monterey Road in San Jose, California, within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The site is bounded by Monterey Road to the east, Pomona Avenue to the west, and other industrial facilities and commercial buildings to the north and south. Cottage Trailer Grove, a mobile home park, is located immediately southwest of the site. The residential neighborhood north of Bellevue Avenue are the next closest sensitive receptor. The proposed project would construct an offsite parking lot with the striping of 360 parking stalls. The HFG impacts were analyzed and were less than those identified for the project without HFG; therefore, the more conservative conclusions are being used.

Regulatory Framework

Federal and State

The U.S. Environmental Protection Agency (EPA) is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court in its 2007 decision in Massachusetts et al. v. Environmental Protection Agency et al. ruled that carbon dioxide (CO2) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

Executive Order S-3-05
In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (California Environmental Protection Agency [CalEPA] 2006). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the “2006 CAT Report”). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of

idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc. In April 2015, the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

Assembly Bill 32
California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 limit of 427 million metric tons CO2e. The Scoping Plan was approved by CARB on December 11, 2008, and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan update defines CARB's climate change priorities for the next five years and sets the groundwork to reach post-2020 statewide goals. The update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan, and evaluates how to align as for water, waste, natural resources, clean energy and transportation, and land use align.

Senate Bill 32
On September 8, 2016, the governor signed SB 32 into law, extending AB 32 by requiring the further reduction of GHGs statewide to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap and- Trade Program, as well as implementation of recently adopted policies and policies, such as SB 350 and SB 1383 (see below). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally appropriate quantitative thresholds consistent with a statewide per capita goal of six metric tons (MT) CO2e by 2030 and two MT CO2e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level), but not for specific individual projects because they include all emissions sectors in the State.

Executive Order B-55-18
On September 10, 2018, the governor issued Executive Order B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

Local
BAAQMD regulations are covered in Section 4.3 Air Quality.

City of San José Greenhouse Gas Reduction Strategy
The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Air Quality Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies. The Envision San José 2040 General Plan includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings.

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 re-adopted the City's GHG Reduction Strategy in the General Plan. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD. Projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies are considered consistent with the City's GHG Reduction Strategy through 2020.

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy; land use and transportation; and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures can be incorporated as mitigation measures for proposed projects, at the City's discretion. Below is a listing of the mandatory criteria utilized to evaluate project conformance with the GHG Reduction Strategy:
1. Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies: IP-1, LU-10)

2. Implementation of Green Building Measures (General Plan Goals: MS-1, MS-2, MS-14)
    a) Solar Site Orientation
    b) Site Design
    c) Architectural Design
    d) Construction Techniques
    e) Consistency with the City Green Building Ordinance and Policies
    f) Consistency with GHG Reduction Strategy Policies: MS-1.1, MS0-1.2, MC-2.3, MS-11, and MS-14.4.

3. Pedestrian/Bicycle Site Design Measures
    a) Consistency with Zoning Ordinance
    b) Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-3.2, CD-3.3, CD-4, CD-3.6, CD-3.8, CD-3.10, CD-5.1, LU-5.5, LU-9.1, TR-2.8, TR-2.11, TR-2.18, TR-3.3, TR-6.7.

4. Salvage building materials and architectural elements from historic structures to be demolished to allow re-use (General Plan Policy LU-16.4), if applicable.

5. Complete an evaluation of operational energy efficiency and design measures for energy intensive industries (e.g., data centers) (General Plan Policy MS-2.8), if applicable.

6. Preparation and implementation of the Transportation Demand Management (TDM) Program at large employers (General Plan Policy TR-7.1), if applicable; and

7. Limits on drive-through and vehicle serving uses; all new uses that serve the occupants of vehicles (e.g., drive-through windows, car washes, service stations) must not disrupt pedestrian flow. (General Plan Policy LU-3.6), if applicable.

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

4.8.1 Discussion

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

Less than Significant Impact. No mitigation required. The Intergovernmental Panel on Climate Change (IPCC) developed the global warming potential (GWP) concept to compare the ability of each Greenhouse Gas (GHG) to trap heat in the atmosphere relative to another gas. The GWP of a GHG is defined as the ratio of the time-integrated radiative forcing from the instantaneous release of 1 kilogram of a trace substance relative to that of 1 kilogram of a reference gas (IPCC 2014). The reference gas used is CO2; therefore, GWP-weighted emissions are measured in metric tons of CO2 equivalent (MT CO2e). CO2e is calculated by summing the products of each pollutant multiplied by each pollutant's respective GWP. The GWPs for CO2, CH4, and N2O are 1, 25, and 298, respectively (USEPA, 2018). The current version of CalEEMod uses the same GWPs and therefore these values were applied to the project.

For the purposes of determining if GHG emissions from affected projects are significant, project emissions would include direct, indirect, and, to the extent information is available, life cycle emissions during construction and operation. The BAAQMD does not have an adopted threshold of significance for construction related GHG emissions. However, since GHG emissions are cumulative and construction emissions are short lived, the BAAQMD recommends quantifying the total GHGs for the construction activities and amortizing over the life of the project, defined as 30 years, and then adding it to the operational emissions. The total is then compared to the applicable GHG significance threshold.

Construction Emissions. The total construction CO2e emissions are 91 MT CO2e per year. Amortized over 30 years the annual rate is approximately 3 MT CO2e per year.

Operational Emissions. Operational activities associated with the proposed project that would result in GHG emissions include vehicle operation, on-site energy use, and facility

maintenance (landscape and other maintenance operations). The majority of the proposed project related operational GHG emissions are from the vehicles (vans and employee commuting).

GHGs are emitted as a result of activities for which electricity is used as energy source. These emissions are considered direct emissions. GHGs are also emitted during the generation of electricity from off-site power plants. These emissions are considered to be indirect emissions. GHG emissions from energy consumption in this analysis were determined using CalEEMod values for the proposed parking lot.

Landscape maintenance equipment would generate GHG emissions from fuel combustion and evaporation of unburned fuel. The emissions associated with landscape maintenance equipment were calculated using the CalEEMod defaults.

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

Less than Significant Impact. The BAAQMD GHG threshold emissions for land use development projects, which includes residential, commercial, industrial, and public land uses and facilities, is 1,100 metric tons per year (MT/yr) of CO2e; or 4.6 MT CO2e/Service Population/yr (residents + employees). This includes construction emissions amortized over 30 years and added to the annual operational GHG emissions. As shown, the proposed project would generate approximately 800 MT of CO2e per year, which is less than the applicable threshold of 1,100 MTCO2e per year, and therefore less than significant and no mitigation required.

Project GHG emissions are summarized in the Table 4.8-1:

Table 4.8-1: GHG Emissions Summary

Source	CO_2 (tpy)	CH_4 (tpy)	N_2O (tpy)	CO_{2eq} (MT)
Vans	140	0	0	128
Employee Commute	702	0	0	641
Energy Consumption	31	0	0	28
Maintenance Operations	0	0	0	0
Amortized Construction Emissions				3
			Total	**800**
			Significance Threshold	1,100
			Exceedance?	No

Table A: General Plan Consistency

Development Type: ☐ Commercial ☐ Residential ☐ Office ☒ Other: [Industrial]

1) CONSISTENCY WITH THE LAND USE/TRANSPORTATION DIAGRAM (LAND USE AND DENSITY)	
Is the proposed Project consistent with the Land Use/Transportation Diagram? *If not, and the proposed project includes a General Plan Amendment, does the proposed amendment decrease GHG emissions (in absolute terms or per capita, per employee, per service population) below the level assumed in the GHGRS based on the existing planned land use? (The project could have a higher density, mix of uses, or other features that would reduce GHG emissions compared to the planned land use).* *If not, would the proposed project and the General Plan Amendment increase GHG emissions (in absolute terms or per capita, per employee, per service population)? Project is not consistent with GHGRS, and further modeling will be required to determine if additional mitigation measures are necessary.*	**Consistent.** The proposed Project is consistent with the Land Use/Transportation Diagram. As further discussed in Section 4.11, Land Use/Planning, the project site and the surrounding areas are located within the Heavy Industrial land use zoning in the City of San Jose. The proposed project would not alter or restrict access of existing travel routes or physically divide an established community.
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 proposed off-site parking will not consist of a building and therefore MS-2.2 does not apply.
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 off-site parking will not consist of a building and therefore MS-2.2 does not apply.
MS-2.7: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.	**Not Applicable.** The proposed off-site parking will not consist of a building and therefore MS-2.2 does not apply.
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	**Not Applicable.** The proposed off-site parking will not consist of a building and therefore MS-2.2 does not apply.

architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).	
MS-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 off-site parking will not consist of a building and therefore MS-2.2 does not apply.
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. *a) Design the street network for its safe shared use by pedestrians, bicyclists, and vehicles. Include elements that increase driver awareness.* *b) Create a comfortable and safe pedestrian environment by implementing wider sidewalks, shade structures, attractive street furniture, street trees, reduced traffic speeds, pedestrian-oriented lighting, mid-block pedestrian crossings, pedestrian- activated crossing lights, bulb-outs and curb extensions at intersections, and on- street parking that buffers pedestrians from vehicles.* *c) Consider support for reduced parking requirements, alternative parking arrangements, and Transportation Demand Management strategies to reduce area dedicated to parking and increase area dedicated to employment, housing, parks, public art, or other amenities. Encourage de-coupled parking to ensure that the value and cost of parking are considered in real estate and business transactions.*	**Not Applicable**. The proposed project is not a roadway project and therefore would not significantly alter existing street, pedestrian walkways or bike lanes. However, in coordination with the City, the project proposes to include Long-term bicycle facilities onsite, as well as a proposed flexible delineator in front on the project location on Monterey Road.
CD-2.5: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.	**Consistent.** The proposed project would include landscaping and shading of the parking areas and walkways. Additionally, 11 percent of the site would be pervious. However, the proposed off-site parking will not consist of a building and therefore Green Building Goals and Policies are not applicable.
CD-2.11: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram	**Not Applicable**. The proposed project is not located within the Downtown or Urban Village Overlay areas.

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.	
CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.	**Consistent.** As discussed above, the proposed project would include bicycle parking spaces as well as access for bicyclists and pedestrian to access the site. The proposed project would not remove 8-foot sidewalk along Pomona Avenue, and the 8-foot sidewalk along Monterey Road would remain with proposed widening to 12-foot at a small section. This would promote safety and encourage employees to use alternative sources of transportation.
LU-3.5: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.	**Consistent.** The proposed project would include bicycle parking spaces and promote bicyclist and pedestrian safety onsite. As discussed above, the proposed Project is not located within the Downtown or Urban Village Overlay areas.
TR-2.8: Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.	**Consistent.** The proposed project would include approximately 33 Long-term bicycle lockers at the project site. Final schematics and location will be determined in coordination with the City of San Jose.
TR-7.1: Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees' using shuttles, provision for car- sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.	**Not Applicable.** The proposed project will be a private parking lot facility.
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 will be a private parking lot facility.
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 and developer-installed residential development unless for recreation needs or other area functions.	**Not Applicable.** The proposed off-site parking will not consist of a building and therefore Green Building Goals and Policies are not applicable.
MS-3.2: Promote the use of green building technology or techniques that can help reduce	**Not Applicable.** The proposed off-site parking will not consist of a building and therefore Green

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.	Building Goals and Policies are not applicable.
MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.	**Not Applicable.** The proposed off-site parking will not consist of a building and therefore the use of water will be minimal. The only operation that is expected to consume water is landscaping. Per the City's website, recycled water would not be used for landscaping when feasible. Stormwater will be captured using pump and bubbler and stored in the treatment pond.
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.** Trees will be planted inside and around the boundary of the proposed site. Species that have low water requirements and are well adapted to its Mediterranean climate will be selected and planted.
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.	**Consistent.** Trees will be planted inside and around the boundary of the proposed site in accordance with the applicable City laws, policies or guidelines. The final location of replacement trees will be coordinated with the City of San Jose.
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.** A Stormwater pump and bubbler would be installed at the proposed site and an approximate 4,332 square feet treatment pond. The proposed project would operate under Standard Industrial Classification (SIC) Code 4225 - General Warehousing and Storage. Transportation facilities operating with industrial SIC Codes, including 4225, require coverage under State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) Order 2014-0057-DWQ as amended in 2015 and 2018 (effective July 1, 2020), referred to as the California Industrial General Stormwater Permit (IGP).

Table B: 2030 Greenhouse Gas Reduction Strategy Compliance

GHGRS Strategy and Consistency Options	Proposed Project Measure or Not Applicable
PART 1: RESIDENTIAL PROJECTS ONLY	
Zero Net Carbon Residential Construction	**Not Applicable.** The proposed project will be a private parking lot facility.
PART 2: RESIDENTIAL AND NON-RESIDENTIAL PROJECTS	
Renewable Energy Development	**Not Applicable.** The proposed project will be a private parking lot facility.
Building Retrofits – Natural Gas	**Not Applicable.** The proposed project will be a private parking lot facility
Zero Waste Goal	**Consistent.** The proposed site is a parking lot and will not consist of a building. A closed trash receptacle (i.e., dumpster) will be placed in the parking lot on a concrete pad to deter employee littering. Any waste generated would be collected and processed by Republic Services.
Caltrain Modernization	**Not Applicable.** The proposed project is not located within ½ mile of a Caltrain station. Therefore, this strategy is not applicable to the project.
Water Conservation	**Not Applicable.** The project would comply with the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code). The proposed parking will not consist of a building and therefore the California Green Building Standards Code are not applicable.

Table C: Applicant Proposed Greenhouse Gas Reduction Measures

Description of GHG Reduction Estimate	Proposed Measure Implementation
As described in Table 4.8-1, the GHG emissions for the proposed project (800MT) do not exceed the significance threshold for the BAAQMD set significance threshold of 1,100MT.	**None Required.**

4.8.2 Cumulative Impacts

The proposed project's total emission of CO2e would be less than the BAAQMD significance threshold and therefore would have a less than significant individual and cumulative impact for GHG

emissions. Since the proposed site would be a parking facility for the delivery vehicles for the delivery station, the trips could be considered as trips that would otherwise exclusively go to the delivery station, and therefore the impacts of the proposed parking to intersections would be less than significant.

4.9 HAZARDS AND HAZARDOUS MATERIALS

Existing Setting

The Site is approximately 6.29-acres and currently consists of a vacant warehouse and asphalt parking lot. The 5,300-quare feet (sf), one story main warehouse building, constructed by 1956, consists of a series of connected sheds that together form an L-shape to the south of the warehouse which were constructed by 2006. The remaining area is a vacant asphalt-paved parking lot. The Site previously operated as an automobile wrecking yard from the 1950s until March 2020. The most recent tenant (Pick-n-Pull) utilized the Site as a self-service automobile scrap yard. Recent Pick-n-Pull operations included sales of motor vehicle parts, storage of automobiles, recycling of used oil and oil filters, and auto glass sales. An additional historical use in the southwestern portion of the Site in the 1960s was fiberglass products manufacturing.

According to the Santa Clara County Office of the Assessor, the owner of Site Parcel 45602025 is "McRay, Barry B Trustee Et Al" and the owner of the remaining Site parcels is "Pampalone, Anthony L Et Al." The Site is bound by a motel and auto wrecker to the northwest; Monterey Road, followed by an office supply store, barber shop, and furniture store to the northeast; Pomona Avenue, followed by a metal supplier, seafood distributor, a parking lot, and a light fixture repair shop to the southwest; and a trailer park and an electronic recycling company to the southeast. The Site is located in the heavy industrial zoning district, which is intended for industrial uses with nuisance or hazardous characteristics.

The Site was utilized as an automobile wrecking yard from the 1950s until March 2020. According to a 2019 Hazardous Material Business Plan (HMBP) for Pick-n-Pull, diesel fuel was used for equipment, oils were drained from customer vehicles and cores and then hauled off the Site and recycled by vendor, batteries were removed from cars and hauled off the Site for recycling by a vendor, and oily absorbent/dirt was hauled off the Site by a vendor for recycling. The most recent inspection by the San Jose Fire Department (SJFD) on August 26, 2019, resulted in violations related to various spills and leaks that were observed throughout the Site. The leaks were documented as appearing to be from heavy equipment and were believed to be oil. Similar violations were reported from 2002, 2003, 2005, and 2010. SJFD records indicate that a spill of 15 gallons of hydraulic occurred in 1991 that was reportedly cleaned up, but no regulatory closure information is available. A 2010 inspection noted the presence of a 4,500- to 5,000- gallon oil/water separator at the Site; the location was not provided. According to SJFD records, inspections from 1984 to 1988 for Valley Auto Wreckers (previous Site tenant) indicated this previous tenant was observed to be storing combustible materials, flammable liquid, welding and cutting, waste, oxygen, propane, diesel, waste oil, and waste gas in above ground storage containers. Spills or releases of regulated substances associated with historical automobile wrecking operations have likely impacted soil, groundwater, and/or soil gas conditions at the Site.

Historical and current operations/uses on adjacent and surrounding properties has included automobile and truck repair, electronics scrap recycling, manufacturing, machine shops, and gasoline filling stations. One or more of these properties is located in the inferred hydraulically-up-gradient direction of the Site and have documented releases of regulated substances and histories of violations. Releases of regulated substances at these surrounding properties have likely impacted groundwater and/or soil gas conditions at the Site.

Regulatory Framework

Federal and State

The Federal Toxic Substances Control Act and the Resource Conservation Recovery Act

The Federal Toxic Substances Control Act and the Resource Conservation Recovery Act (RCRA) were administered by the United States Environmental Protection Agency (EPA) in 1976 to streamline regulations pertaining to the generation, transportation, treatment, storage and disposal of hazardous waste.

The Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country.

Hazardous Materials Transportation Act

Under the Hazardous Materials Act (HMTA), the transportation of hazardous materials is regulated by the Secretary of the Department of Transportation (DOT). In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property. The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials.

The Department of Toxic Substances Control

The Department of Toxic Substances Control (DTSC) is a department operating under the EPA that is responsible for regulating hazardous waste in California. Management and staff of the DTSC protect Californians and their environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. The department takes enforcement action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products.

Regional Water Quality Control Board

The RWQCB oversees cases involving groundwater contamination within the San Francisco Bay Area from Spills, Leaks, Incidents and Clean-up (SLIC) cases while the County of Santa Clara's Department of Environmental Health would oversee most leaking underground storage tank (LUST) cases. In the incidence of a spill at a project site, the applicant would notify the County of Santa Clara and a lead regulator (County, RWQCB or DTSC) would be determined.

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

Local
City of 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 (EOC). The EOP provides guidance for City response to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations—both war and peacetime.

The General Plan includes the following hazards and hazardous materials policies and goals applicable to the proposed project:

> *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.
>
> *Policy EC-7.1*: For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
>
> *Policy EC-7.1*: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human

health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.

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

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

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

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

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…				
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	☐	☐	☒	☐
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 material sites complied 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 the safety hazard 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 to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	☐	☐	☐	☒

4.9.1 Discussion

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

Less than Significant Impact. A Hazardous Materials Memorandum was prepared in June 2020 for the proposed project and is located in Appendix E. A hazardous material is defined as any item or agent (biological, chemical, radiological, and/or physical) which has the potential to cause harm to humans, animals, or the environment, either by itself or through interaction with other factors (University of Pittsburgh, 2020). In California, hazardous materials are regulated by the USEPA, DOT, the Department of Toxic Substances and Controls (DTSC), and local CUPAs.

Quantities of diesel present on site would be minimal and temporary. Once operational, the proposed project would not involve the routine transport, use, or disposal of hazardous materials. There may be small quantities of household cleaning supplies and other chemicals. Any such chemicals would be stored appropriately according to manufacturer specifications. Therefore, the proposed project would have no impact on creating a significant hazard to the public or the environment through routine transport, use or disposal of hazardous materials. No mitigation is required.

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

Less than Significant After Mitigation. The General Plan states the following goal with regards to Environmental Contamination:

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

The General Plan states the following policies pertinent to the proposed project with regards to environmental contamination:

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

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

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

A Phase I Environmental Site Assessment (ESA) was prepared for the proposed project on April 21, 2020, to identify any recognized environmental conditions (RECs). The Phase I ESA identified two RECs related to historical operations at the project site as well as historical and current operations at adjacent and surrounding facilities. Historical site operations resulted in violations related to various spills and leaks throughout the project site and further states that "spills and releases of regulated substances have likely impacted soil, groundwater, and/or soil gas conditions at the (Project) Site." In addition, "one or more of the adjacent and surrounding properties is located in the inferred hydraulically-up-gradient direction of the Site and have documented releases of regulated substances and histories of violations. Releases of regulated substances at these surrounding properties have likely impacted groundwater and/or soil gas conditions at the (Project) Site."

A Phase II ESA was prepared for the proposed project on May 22, 2020, to evaluate and document soil quality at the project site relative to the RECs identified in the Phase I ESA. Eighteen (18) soil samples were collected from twelve (12) soil borings, including a shallow near surface sample from 11 of the borings, and a deeper sample from seven of the borings. The samples were analysis for total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs). The shallowest sample at each boring were additionally analyzed for semi-volatile organic compounds (SVOCs) and California Assessment Manual (CAM17) heavy metals.

Soil sample analytical results were screened against the San Francisco Regional Water Quality Board (RWQCB) residential and commercial/industrial Environmental Screening Levels (ESLs). Analysis found no TPH, VOCs, or SVOCs at concentrations in excess of screening levels. Analysis did find concentrations of arsenic and lead exceeding screening levels in select samples. Concentrations of arsenic were between 3.76 mg/kg and 5.31 mg/kg, all of which are above the ESL of 0.31 mg/kg. Lead was detected in several soil

samples with two samples exceeding the ESL of 320 mg/kg at 351 mg/kg and 558 mg/kg. These two samples were "sited proximal to the former automotive battery storage facility."

A hazardous building materials survey completed on May 14, 2020, and a limited asbestos containing materials (ACM) and lead-based paint (LBP) survey memorandum (Appendix H of the Initial Study Appendix E) was prepared on June 2, 2020. Twenty-one (21) bulk samples of suspect ACM were collected and analyzed for asbestos. ACM was not detected in any of the samples. The survey also found no areas of suspect lead-based paint and no areas of paint deterioration. Three (3) paint samples were collected and tested for lead. None of the three samples contained detectable amounts of lead.

The Phase I ESA, Phase II ESA, and hazardous building materials survey serve to ensure the proposed project is in compliance with the policies regarding environmental contamination set forth in the General Plan. As stated in part a., the proposed project would not transport, use, or dispose of hazardous materials. Along with the findings of the ESAs and survey, it is clear that the proposed project is unlikely to create significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The applicant has begun the coordination process with the Santa Clara County Department of Environmental Health Site Cleanup Program for the Voluntary Clean Up Program. Therefore, the proposed project would have a less than significant impact after the following mitigation measure is implemented:

MM HAZ-1: Prior to issuance of a site grading permit the applicant will enroll in the Santa Clara County Department of Environmental Health Site Cleanup Program. The applicant will work under regulatory oversight to determine if additional investigation is needed or any additional documents are required such as a Site Management Plan, Removal Action Plan or equivalent document. The Plan, if any, and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

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

No Impact. The nearest school, Rocketship Alma Academy at 98 Alma Avenue, San Jose, CA, is located approximately 0.54 miles to the north of the project site. There are no proposed schools within the vicinity of the proposed project. Therefore, the proposed project would have no impact. No mitigation is required.

d. *Be located on a site which is included on a list of hazardous material sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

No Impact. Government Code Section 65962.5 requires the compilation of the Hazardous Waste and Substances Sites (Cortese) List, a planning document that provides information regarding the location of hazardous materials release sites (DTSC, 2021). The project site is not located on the Cortese List; therefore, the proposed project would have no impact on creating a significant hazard to the public or the environment from an existing hazardous materials site. No mitigation is required. No mitigation is required.

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

No Impact. The project site is not located within an airport land use plan. Furthermore, the project site is located approximately 3.6 miles southeast of Norman Y. Mineta San Jose International Airport and approximately 3.0 miles southwest of Reid-Hilllview Airport. No mitigation is required.

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

No Impact. The proposed project would not impair implement of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Construction and operation of the proposed project would not interfere with access on major roads in the vicinity, including Monterey Road. No mitigation is required.

g. Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?

No Impact. The proposed project is in an urban area. The project site along with the neighboring parcels have been developed and is not located adjacent to any wild lands that pose fire risks. No mitigation is required.

4.9.2 Cumulative Impacts

Potential impacts related to hazards and hazardous materials are generally site specific. All hazardous materials stored and used at the facility would be handled in compliance to applicable regulations. With safe handling procedures in place, project-related impacts to the transport, use, and disposal of hazardous materials are less than significant. The proposed project would not result in impacts that in addition to past, present, and reasonably foreseeable future development would cause significant adverse effects with regards to hazards and hazardous materials. would affect the appearance of the site and surrounding area. Therefore, hazards and hazardous materials impacts are not expected to be cumulatively considerable and impacts would be less than significant. No mitigation is required

4.10 HYDROLOGY / WATER QUALITY

Existing Setting

The proposed project Vicinity is located in San Jose, California, and is represented on the San Jose West, California and San Jose East, California, U.S. Geological Society (USGS) 7.5 Minute Quadrangles. The surrounding area consists of warehouses and other businesses similar in land use and zoning. The site specifically lies between San Jose Avenue on the north side, Monterey Road on the east side, Phelan Avenue on the south side and Pamona Avenue on the west, in San Jose,

California. Approximately 90 percent (%) of the site is currently paved or has a gravel surface. A fenced in depression is located behind a main building in the northeast corner of the site.

Historic climate data was collected from 1893 to 2016 from the weather station (047821) in San Jose, California. The average annual maximum temperature is 70.8 degrees Fahrenheit (°F), the average minimum temperature is 48.9 °F and the average annual precipitation is 14.58 inches (Western Regional Climate Center 2021). The topography is relatively flat with the exception of the fenced in depression in the northeast corner of the site and the elevation is approximately 100 feet above mean sea level.

A review of the USFWS National Wetland Inventory (NWI) [2021a] and the National Hydrography Dataset (NHD) [2021] indicates there are no federal jurisdictional waterways or wetlands present in the project site (Figure 4, Appendix B). A fenced in depression within the project site is apparent on Google Earth; however, this depression is not listed on the NHD or NWI databases (USFWS 2021a and USGS 2021).

Regulatory Framework

Federal and State

Clean Water Act
The EPA implements pollution control programs through the Clean Water Act (CWA). The CWA was officially recognized by congress in 1972 and made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's NPDES permit program controls discharges with the main goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters.

State Water Resources Control Board Construction General Permit
Any construction or demolition activity that results in land disturbance equal to or greater than 1 acre must comply with the Construction General Permit (CGP), administered by the State Water Resources Control Board (SWRCB). The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized. The project would require CGP coverage since it would disturb more than 1 acre of land.

Local

Grading Ordinance
All development projects, regardless of whether they are subject to the CGP, must comply with the City Grading Ordinance per Section 17.04.310 of the City's Municipal Code, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to the issuance of a permit for grading activity occurring during the rainy season, the project would submit an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants to the City Director of Public Works.

Municipal Stormwater National Pollution Discharge Elimination System Permit
The City is required to operate under a NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. The San Francisco Bay RWQCB has adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities,

including the City. The MRP (NPDES Permit No. CAS612008) mandates that the City use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface.
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to include Low Impact Development (LID) practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained. The project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP.

Post Construction Urban Runoff Management Policy and Hydromodification Management Policy
The City has developed policies that implement Provision C.3, consistent with the MRP. The City's Post-Construction Urban Runoff Management Policy (City Council Policy 6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The City's Post-Construction Hydromodification Management Policy (City Council Policy 8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects.

The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace 1 acre or more of impervious surface and are located in a sub watershed or catchment that is less than 65 percent impervious must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations. Based on the project site's location in a sub watershed or catchment with greater than or equal to 65 percent impervious area (SCVURPPP 2009), the project would not be required to comply with the hydromodification requirements of Provision C.3.

The General Plan includes the following hydrology and water quality policies and goals applicable to the proposed project:

> *Policy IN-3.7:* Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties.
>
> *Policy IN-3.9*: Require developers to prepare drainage plans for proposed developments that define needed drainage improvements per City standards.
>
> *Policy MS-3.4:* Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Goal ER-8: Stormwater. Minimize the adverse effects on ground and surface water quality and protect property and natural resources from stormwater runoff generated in the City of San Jose:

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

Policy ER-8.2: Coordinate with regional and local agencies and private landowners to plan, finance, construct, and maintain regional stormwater management facilities.

Policy ER-8.3: Ensure that private development in San José includes adequate measure treat stormwater runoff.

Policy ER-8.4: Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.

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

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

Goal EC-5: Flooding Hazards. Protect the community from flooding and inundation and preserve the natural attributes of local floodplains and floodways:

Policy EC-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.

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

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
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, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
i. Result in a substantial erosion or siltation on- or off site.	☐	☐	☒	☐
ii. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.	☐	☐	☒	☐
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
iv. Impede or redirect flood flows?	☐	☐	☐	☒
e. In flood hazard, tsunamic, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
f. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

4.10.1 Discussion

a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact. The proposed project is planned for development in the City of San Jose, in Santa Clara County, California. Potential stormwater discharges from the facility discharge to the Guadalupe River, and ultimately discharge to the San Francisco Bay, which is shown in the following figure.

Table 4.10-1 summarizes the Clean Water Act (CWA) 303(d) listed impairments for water bodies downstream of the project site.

Table 4.10–1: 2016 Clean Water Act Section 303(d) Impaired Waters

Relevant Water Body	Impairments/ TMDL	First Year Listed	Pollutant	Potential Industrial Contribution from the Proposed Project?
Guadalupe River	303(d)	2010	Trash	No
Guadalupe River	303(d)	1988	Mercury	No
Guadalupe River	303(d)	1998	Diazinon	No

The proposed project would operate under Standard Industrial Classification (SIC) Code 4225 – General Warehousing and Storage. Transportation facilities operating with industrial SIC Codes, including 4225, require coverage under State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) Order 2014-0057-DWQ as amended in 2015 and 2018 (effective July 1, 2020), referred to as the California Industrial General Stormwater Permit (IGP). Dischargers applying for coverage under the IGP have two options for Permit coverage. The first option is a No Exposure Certification (NEC) if a facility can demonstrate they have no exposure of industrial activities and materials to storm water discharges. The second option is a Notice of Intent (NOI) for Permit coverage for dischargers that discharge storm water associated with industrial activity to waters of the United States and are required to meet all applicable requirements of the IGP. The facility has potential exposure of pollutants associated with vehicle maintenance and the potential to discharge to waters of the U.S. and would require a NOI for Permit coverage.

The proposed project would develop a facility specific Storm Water Pollution Prevention Plan (SWPPP) that addresses potential impacts of the industrial activities on water quality. While no impacts on water quality are anticipated as part of the proposed operations, the following SWPPP conditions would be implemented

- All minimum Best Management Practices (BMPs) required by the IGP would be implemented, including good housekeeping practices, preventative maintenance, spill and leak prevention and response, proper material handling and waste management, and erosion and sediment control.
- Implement a sampling and monitoring program in compliance with the IGP, which would include submitting annual reports to the SWRCB via SMARTS.
- The site would be resurfaced to ensure that oil, hydraulic fluid, and other chemicals related to the truck parking and maintenance areas do not negatively affect water quality.

There are no industrial activity-related Total Maximum Daily Loads (TMDLs) in the Guadalupe River downstream of the project site location. It is not anticipated that the proposed project has any industrial sources related to the downstream impairments. The implementation of

the aforementioned conditions and the City standard permit conditions would ensure that the potential water quality impacts are reduced to levels that are less than significant.

Standard Permit Condition

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

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

Less than Significant Impact. The proposed project would not decrease or otherwise affect groundwater supplies such that the project would impede sustainable groundwater management of the basin, since it does not propose major excavation and would not access groundwater. In addition, the project would not deplete or otherwise affect groundwater recharge, since the project is not located within a groundwater recharge area.

c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

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

Less than Significant Impact. The current condition of the project site is a mostly flat and partially paved. Construction of the project would require demolition and grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size and flatness of the site. The proposed project would not significantly alter the elevation or topography of the project site. The proposed project would not alter the course of any rivers or streams as

there are none located on the project site. Post-construction, the site would be largely paved, and the proposed project would not result in substantial erosion.

Construction Impacts

Prior to the commencement of any clearing, grading or excavation, the project is required to comply with the SWRCB's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit (CGP) for construction activities disturbing more than one (1) acre. The applicant would develop, implement and maintain a construction SWPPP to control the discharge of stormwater pollutants including sediments associated with construction activities. This stormwater permit would be administered by the SWRCB. Prior to construction grading, the project proponent would file an NOI to comply with the CGP and prepare a SWPPP that includes measures to minimize and control construction runoff. The SWPPP shall be posted at the project site and would be updated to reflect current site conditions.

The project shall incorporate BMPs into the project to control the discharge of stormwater pollutants including sediments associated with construction activities. Examples of BMPs are contained in the *Clean Bay Blueprint* as well as the California Stormwater Quality Association's (CASQA) *Stormwater Best Management Practices Online Handbook: Construction*. BMPs may include but are not limited to preventing spills and leaks, cleaning up spills immediately after they happen, storing materials under cover, and covering and maintaining dumpsters. Prior to the issuance of a grading permit, the applicant may be required to submit an Erosion Control Plan to the City.

When construction is complete, a Notice of Termination (NOT) for the General Permit for Construction shall be filed with the SWRCB. The NOT shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

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

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

Less than Significant Impact. The City is required to operate under a Municipal Stormwater NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. On October 14, 2009, the San Francisco Bay Regional Water Quality Control Board adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City. The Municipal Regional Permit mandates the City use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface.
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the site's natural hydrologic functions, source control measures to prevent stormwater from pollution, and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

Approximately 90 percent of the 6.4-acre project site is currently paved or has a gravel surface. The proposed project includes demolition of two existing building, paving gravel areas, and replacing existing pavement. As described above, the project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP due to the creation or replacement of 10,000 square feet or more of impervious surface. The project proposes to implement a stormwater quality control plan to control runoff. The stormwater plan includes LID measures including nine (9) storm water treatment planters to be located in landscape islands dispersed across the site. Details of specific measures demonstrating compliance with Provision C.3 of the MRP would be included in the project design to the satisfaction of the Director of Planning, Building and Code Enforcement. Therefore, the proposed project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding. Through implementation of the proposal LID measure, impacts are expected to be less than significant.

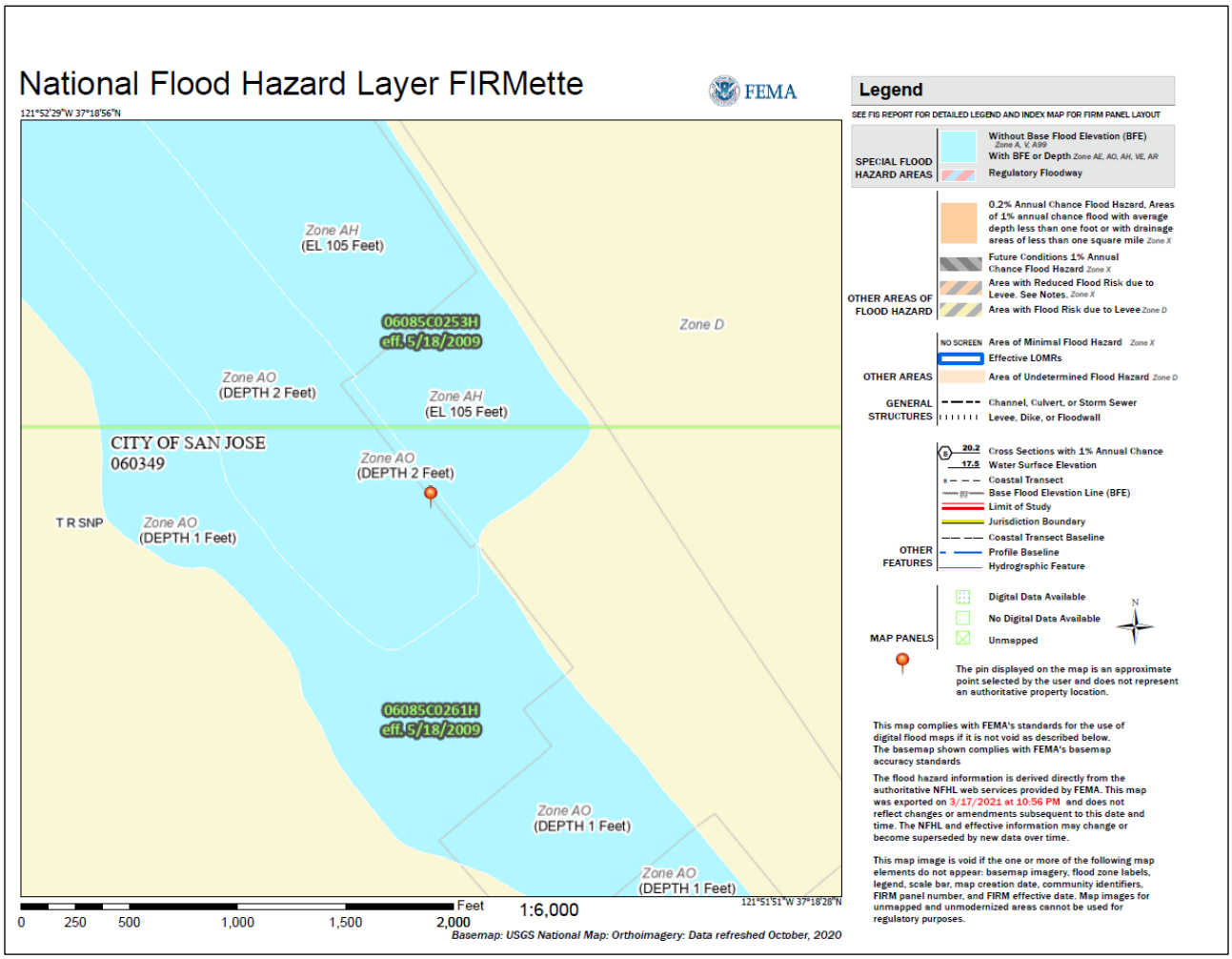
iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact. While the project would result in an increase in impervious surface area on the project would be required to implement LID treatment controls on site to capture and treat runoff, in accordance with Provision C.3 of the MRP. For this reason, the project would not create a significant new source of stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system or contribute substantial amounts of polluted runoff. The project is not expected to contribute runoff that would exceed the capacity of existing or planned stormwater drainage systems or result in substantial additional sources of polluted runoff. See also Section c.ii above. Implementation of BMPs in accordance with the IGP would also minimize potential sources of polluted runoff. Therefore, the project's impact on stormwater drainage would be less than significant.

iv. Impede or redirect flood flows?

Less than Significant Impact. A portion of the project site is located within Zone AO and is located within a 100-year floodplain as mapped by the Federal Emergency Management Agency (FEMA) with base flood elevations determined. The southwestern most portion of the site is located in Zone D and outside of the 100-year floodplain. The proposed project does not include housing or structures on the project site. Therefore, no structures are to be placed within a 100-year flood hazard area. Project construction would not significantly alter the grading of the project site, and therefore would

not impede or redirect flood flows. Mandatory flood insurance purchase requirements and floodplain management standards apply for properties in Zone AO.



Source: FEMA Firmette, accessed March 2021

The project site is within the inundation area of the Anderson Dam. The California Division of Safety of Dams (DSOD) is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. The General Plan EIR concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death. Consequently, impacts related to flooding at the site as a result of failure of a levee or dam would be less than significant.

d. In flood hazard, tsunamic, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. The proposed project is located outside of the tsunami inundation zone. The project site is located more than 10 miles away from the San Francisco

Bay, with no other large bodies of water, such as lakes, nearby. Therefore, it is not anticipated that the project site would be affected by a tsunami or seiche.

As described above, a portion of the project site is located within Zone AO and is located within a 100-year floodplain as mapped by FEMA. However, no structures are proposed within the 100-year floodplain so the risk of the proposed project releasing pollutants due to project inundation are less than significant.

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

Less than Significant Impact. The project consists of development on an approximately 6.4-acre infill site. As described above, the project would not result in significant water quality or groundwater quality impacts that would conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan because the proposed project would be required to comply with comply with the City of San Jose Grading Ordinance, LID design requirements, and compliance with standard BMPs under the CGP and IGP during construction and operation, respectively.

4.10.2 Cumulative Impacts

The San Francisco Bay Regional Water Quality Control Board and the City of San Jose take a regional approach to water quality and hydrology through development and implementation of the MRP. One of the purposes of these programs is to provide requirements and guidelines for individual projects. Compliance by each individual project within the covered region ensures regional planning initiatives are met. The proposed project would comply with site specific requirements relating to hydrology and water quality. Therefore, cumulative impacts of the proposed project plus past, present, and foreseeable future development would be less than significant.

4.11 LAND USE / PLANNING

Existing Setting

The project site is zoned for heavy industrial uses. The site currently contains one built structure with the majority of the site having paved with asphalt or gravel. The site was used as an automobile wrecking yard from the 1950s until March 2020. The site was most recently used as a self-service automobile scrap yard operated by Pick-n-Pull. Pick-n-Pull operations included sales of motor vehicle parts, storage of automobiles, recycling of used oil and oil filters, and auto glass sales.

Regulatory Framework

Local
The General Plan includes the following land use policies and goals applicable to the proposed project:

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

Policy LU-6.1: Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses. Within the Five Wounds BART Station and 24th Street Neighborhood Urban Village areas, phased land use changes, tied to the completion of the planned BART station, may include the conversion of lands designated for Light Industrial, Heavy Industrial or other employment uses to non-employment use provided that the Urban Village areas maintain capacity for the overall total number of existing and planned jobs.

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

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

Policy LU-6.6: Monitor the absorption and availability of industrial land, particularly land identified for light and heavy industrial uses, to ensure a balanced supply of available land for all sectors, including industrial suppliers and services.

Checklist Item		Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…					
a.	Physically divide an established community?	☐	☐	☐	☒
b.	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒

4.11.1 Discussion

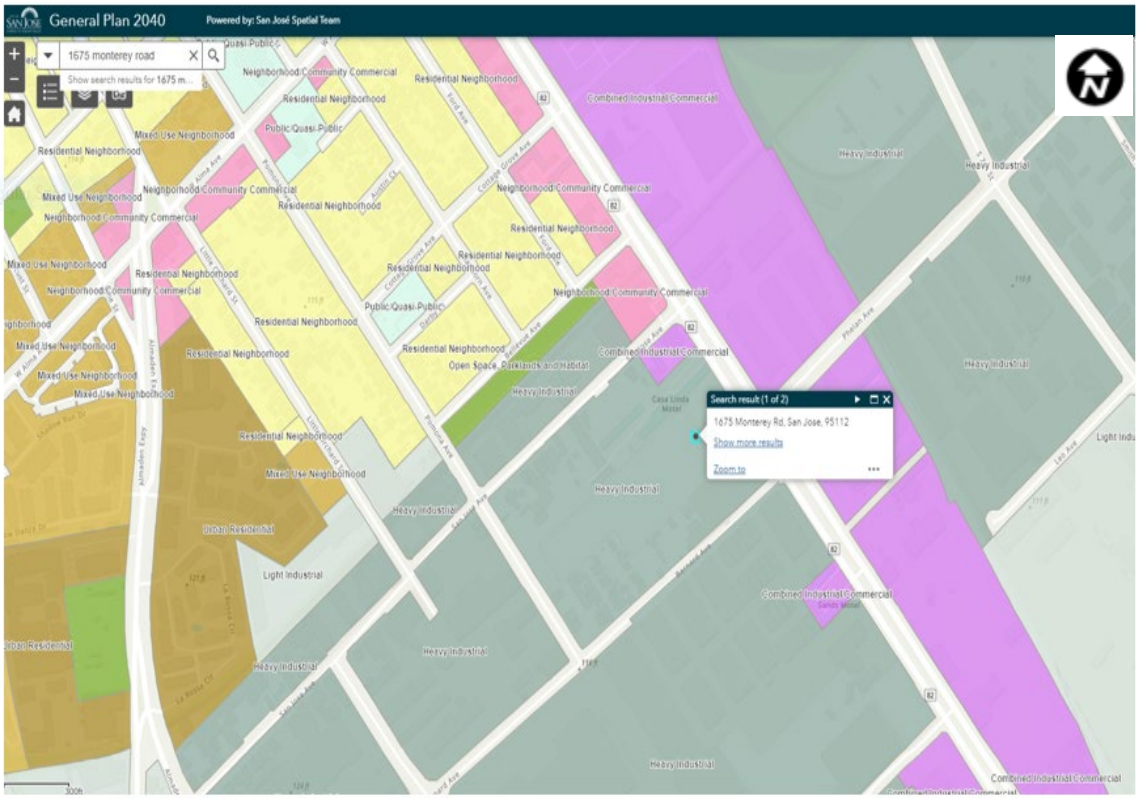
a. Physically divide an established community?

No Impact. The project site and the surrounding areas are located within the Heavy Industrial land use zoning in the City of San Jose. The proposed project would not alter or restrict

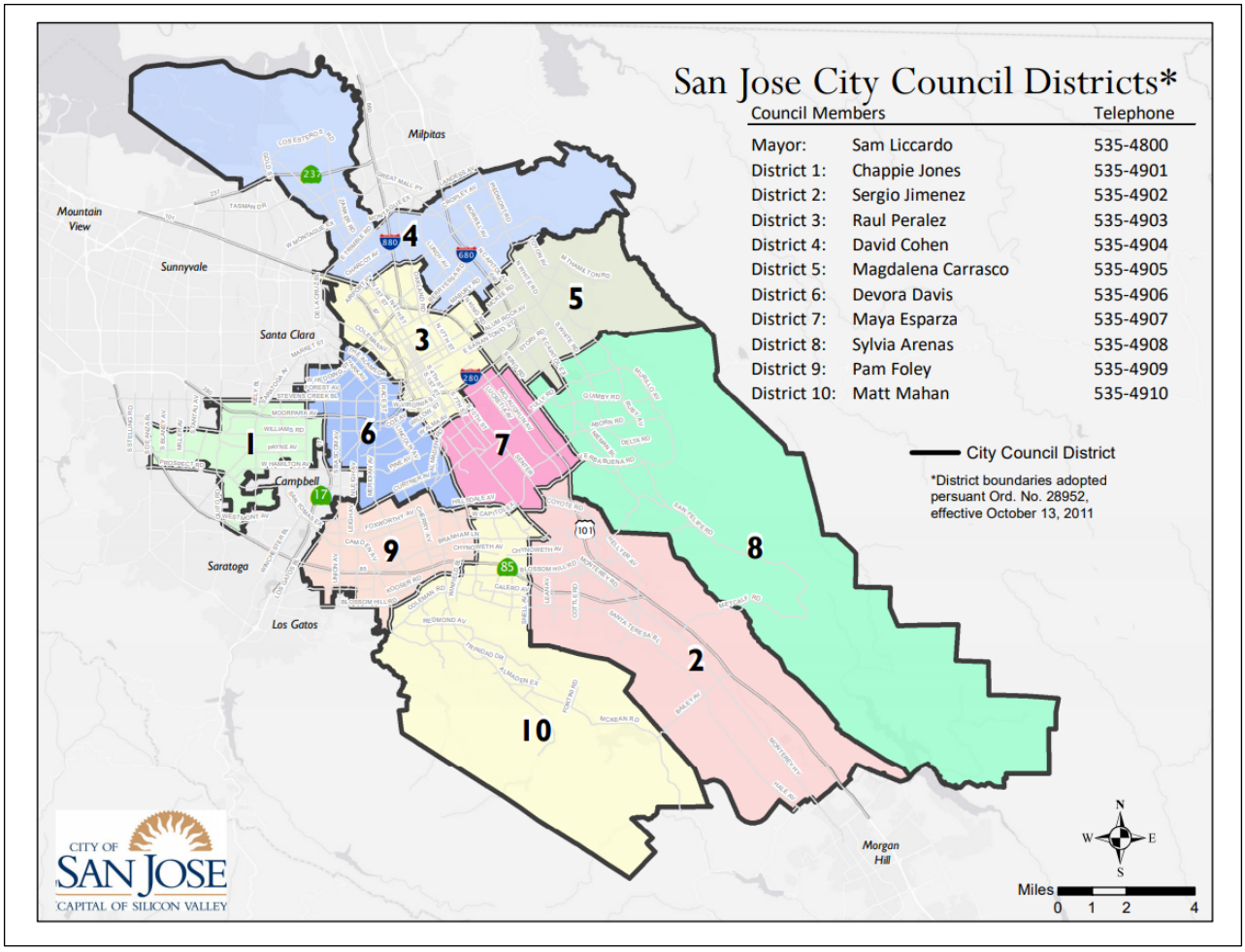
access of existing travel routes or physically divide an established community. No mitigation is required.

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?

No Impact. The proposed project is consistent with the land use designation. The proposed project would not cause any environmental impacts due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigation an environmental effect. No mitigation is required.



Source: San Jose General Plan, accessed March 2021



Source: City of San Jose, accessed March 2021

4.11.2 Cumulative Impacts

The proposed project would have no impact with regards to Land Use/Planning. The operations of the proposed project would align with both land use designations and do not conflict with any applicable land use regulations, land use policies, or land use planning documents. In conjunction with past, present, and reasonably foreseeable projects, impacts are not considered cumulatively considerable. No mitigation is required.

4.12 MINERAL RESOURCES

Existing Setting

There is no historical evidence of mining at the project site. The site does not contain any known mineral resources. The project site has operated as an automobile wrecking yard/pick-and-haul commercial business since the 1950's and is currently mostly paved or covered in gravel.

Regulatory Framework

Local

The General Plan includes the following mineral resources policies and goals applicable to the proposed project:

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

> *Policy ER-11.1:* When urban development is proposed on lands which have been identified as containing commercially usable extractive resources, consider the value of those resources.
>
> *Policy ER-11.2:* Encourage the conservation and development of SMARA designated mineral deposits wherever economically feasible.
>
> *Policy ER-11.3:* When making land use decisions involving areas which have a SMARA designation of regional significance, balance mineral values against alternative land uses and consider the importance of these minerals to their market region as a whole and not just their importance to San José.
>
> *Policy ER-11.4:* Carefully regulate the quarrying of commercially usable resources, including sand and gravel, to mitigate potential environmental effects such as dust, noise and erosion.
>
> *Policy ER-11.5*: When approving quarrying operations, require the preparation and implementation of reclamation plans for the contouring and revegetation of sites after quarrying activities cease.

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…				
a. Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

4.12.1 Discussion

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

No Impact. The California Surface Mining and Reclamation Act of 1975 (SMARA) regulates surface mining operations to minimize adverse environmental impacts associated with mining as well as promotes the production, conservation, and protection of mineral resources. SMARA requires all cities to address significant aggregate resources identified by the State Geologist and designated by the State Mining and Geology Board in their General Plans.

Other than the Communications Hill area, the City does not have mineral deposits subject to SMARA. The project is not located within the Communications Hill area. No mitigation is required.

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?

No Impact. The proposed project is not located on land delineated by the City General Plan as a locally important mineral resource recovery site. The AMSP does not identify locally important mineral resource recovery sites. Therefore, the proposed project would have no impact on the loss of availability of a locally important mineral resource recovery site. No mitigation is required.

4.12.2 Cumulative Impacts

The proposed project would have no impact related to mineral resources in the region. There is no known history of mineral resource extraction at the project site and the proposed project would have no direct or indirect, permanent, or temporary, impact on the extraction of mineral resources in the region. Therefore, the proposed project would not result in any cumulative effects to the loss of mineral resources that could be compounded with past, present, and reasonably foreseeable projects. No mitigation is required.

4.13 NOISE

Existing Settings

Ambient Noise or background levels are the all-encompassing noises associated with a given environment at a specific time, usually a composite of sound from many sources from many directions, near and far without any dominant sound. The primary existing noise sources in the proposed off-site parking lot area are manufacturing noises from surrounding properties, traffic noises from surrounding roads, and animal noises. The proposed project would construct an offsite parking lot with the striping of 360 parking stalls. The HFG impacts were analyzed and were less than those identified for the project without HFG; therefore, the more conservative conclusions are being used.

Ambient noise level measurements were taken at three locations near and within the boundary of the site as shown in Table 4.13-1 below. Short-term (10 and 30 minutes) measurements were made during daytime and evening hours on March 16, 2021. The noise measurements were taken at times when vans would be active at the property once the off-site parking would be active.

Location #1 was the southwestern portion of the proposed site (which at the time of sampling was unpaved open space), north of the Cottage Trailer Grove mobile home park. Location #2 was another location in the southwestern portion of the proposed site, but more eastern compared with Location #1, northwest of Glencore Recycling. Location #3 was south of the Cottage Trailer Grove mobile home park near Barnard Avenue.

Measurements taken at Locations #1 and #3 are representative of the ambient noise levels at the mobile home park. Location #2 measurements are most representative of ambient noise levels at Casa Linda Hotel (located north of the proposed site).

Table 4.13-1: Summary of Short-Term Noise Measurements (dBA)

ID	Sample Location	Sampling Date	Sample Time	Description	Leq (dBA)	LSmax (dBA)
1	1675 Monterey Road, San Jose, CA 95112 (NW of the mobile homes)	3/16/2021	10:02 a.m.-10:32 a.m.	Noise from birds, dogs, airplanes, trucks, automobiles, motorcycles, machinery/industrial equipment, loudspeakers	57.5	72.7
		3/16/2021	7:00 p.m. - 7:30 p.m.	Noise from birds, dogs, airplanes, trucks, automobiles, motorcycles, machinery/industrial equipment	55.5	73.0
2	1675 Monterey Road, San Jose, CA 95112 (NE of the mobile homes)	3/16/2021	10:42 a.m. - 11:12 a.m.	Noise from birds, airplanes, trucks, automobiles, machinery/industrial equipment	60.7	75.4
3	111 Barnard Ave, San Jose, CA 95112	3/16/2021	11:35 a.m. - 11:45 a.m.	Noise from birds, airplanes, trucks, automobiles, pedestrians, machinery/industrial equipment	61.5	74.8

dBA = A-weighted decibels
Leq = equivalent continuous level over a period of 10 or 30 minutes
LS max = maximum level and slow time constant over a period of 10 or 30 minutes

Regulatory Framework

Local

The General Plan includes the following noise policies and goals applicable to the proposed project:

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

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. Applicable standards and guidelines for land uses in San José include:

- Interior Noise Levels: The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan.
- Exterior Noise Levels: The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:
    - For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments,
    - For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:

- Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable": or

- Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.

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.

Policy EC-1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

Policy EC-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.

Policy EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and were warranted by a technical study by a qualified professional that verifies that there will be virtually

no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

City of San Jose Zoning Ordinance
Noise requirements for Industrial Zoning Districts, for the City of San Jose, are included inChapter 20-50. Relevant requirements from the ordinance are as follows:

- 20.50.300 (Performance Standards): The sound pressure level generated by any use or combination of uses shall not exceed the decibel level at any property line except upon issuance and in compliance with a special use permit. Maximum noise levels in decibels(dB) at property lines are as follows:
    - Industrial use adjacent to a property used or zoned for residential purposes: 55 dB
    - Industrial use adjacent to a property used or zoned for commercial purposes: 60 dB
    - Industrial use adjacent to a property used or zoned for industrial or use other thancommercial or residential purposes: 70 dB

Noise Significance Thresholds
The proposed project would have a significant impact related to operational noise if:

- The DNL at noise sensitive receptors is increased by five dBA DNL or more where thenoise levels would remain "Normally Acceptable": or
- The DNL at noise sensitive receptors is increased by three dBA DNL or more wherenoise levels would equal or exceed the "Normally Acceptable" level
- New nonresidential land uses cause noise levels to be above 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residentialand public/quasi-public land uses.
- Industrial property adjacent to a property used or zoned for residential purposescauses noise levels to be above 55 dBA.

The zoning ordinance noise limits are defined in dB. However, dBA is the more common unitof measurement for noise because it reflects the normal hearing sensitivity range of the human ear. Therefore, noise significance thresholds are advised in dBA.

City of San Jose Municipal Code
Per San Jose Municipal Code (20.100.450) "unless otherwise expressly allowed in a development permit or other planning approval, no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within 500 feet of a residential unitbefore 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends."

City of San Jose Zoning Ordinance
Noise requirements for Industrial Zoning Districts, for the City of San Jose, are included inChapter 20-50. Relevant requirements from the ordinance are as follows:

- 20.50.300 (Performance Standards): The sound pressure level generated by any use or combination of uses shall not exceed the decibel level at any property line except upon issuance and in compliance with a special use permit. Maximum noise levels in decibels(dB) at property lines are as follows:
    - Industrial use adjacent to a property used or zoned for residential purposes: 55 dB
    - Industrial use adjacent to a property used or zoned for commercial purposes: 60 dB
    - Industrial use adjacent to a property used or zoned for industrial or use other thancommercial or residential purposes: 70 dB

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project result in…				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
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?	☐	☐	☐	☒

4.13.1 Discussion

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

Less Than Significant. Construction Noise. The City does not provide noise level limits for construction noise levels, therefore the noise levels below the 80 dBA threshold is derived from the Federal Transit Administration (FTA).

Noise Significance Thresholds The proposed project would have a significant impact related to construction noise if:

- The project construction last more than 12 months.
- Any construction activity on a site located within 500 feet of a residential unit is happening before 7 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.
- Construction of the proposed project is anticipated to begin in Winter 2021 and take approximately 4 months to complete and would be operational in Spring 2022. The deconstruction of the building is about 550 feet from the closest residential properties. The construction would be scheduled within 7am and 7pm during Monday through Friday. Therefore, the impact from construction noise on the closest residence would be less than significant.

Noise impacts form the construction activities were evaluated by estimating the typical noise levels for each type of construction equipment using the Federal Highway Administration (FHWA) roadway construction model (RCNM) and comparing the Leq at the nearest sensitive receptors as depicted in Table 4.13-2.

Table 4.13-2: Predicted Construction Noise Levels at Nearest Sensitive Receptors

Activity	Expected Equipment	Daytime Ambient Noise Levels (Leq; dBA)	Leq at Sensitive Receptors (200 feet[1]) (dBA)	Significant Impact
Site Preparation/Demo	Tractors/Loaders/backhoes, dozers	57.5	71.3	No
Grading	Graders, dozers, tractors/loaders/backhoes, excavators	57.5	71.6	No
Paving	Pavers, rollers, tractors/loaders/backhoes, cement mixers, and other paving equipment	57.5	74	No
Tree Replacement/Landscaping	Augers and water trucks	57.5	66.2	No
Utility Relocation	Aerial work platform (cherry picker), paver, and other utility equipment	57.5	70.6	No

[1] *Distance between Casa Linda Motel and Mobile Home Park and the center of the construction site*

As described in Table 4.13-2, the highest predicted noise level from construction activities is 74.0 dBA measured at R2 during the grading phase. The City does not provide any noise level limits for construction noise levels. The noise levels are expected to be below the 80 dBA threshold from the Federal Transit Administration (FTA).

City standard permit conditions for construction noise minimization will be implemented. Therefore, the impact from construction noise on the closest residence would be less than significant during all construction phases.

Standard Permit Conditions

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

Less Than Significant. Operational Noise. The ambient noise levels (Leq) were measured to be 57.5 dBA during daytime. A full noise analysis was performed to calculate predicted noise levels and can be found in Appendix C. The predicted noise levels for the Casa Linda Motel are expected to be between 33.5 and 39.4dBA during the day. The predicted noise levels for the residential receivers are expected to be between 49.7 and 51.2 dBA during the day when vans and cars are parking at the parking lot with a 7ft wall between the site and the residential properties (about 530 feet long, see Appendix C for the location of the wall). This wall is required by the City due to the parking lot being adjacent to a residential property.

Table EC-1: Land Use Compatibility Guidelines for Community Noise in San José

LAND USE CATEGORY	EXTERIOR NOISE EXPOSURE (DNL IN DECIBELS (DBA)) 55 60 65 70 75 80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]	
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	
3. Schools, Libraries, Museums, Meeting Halls, Churches	
4. Office Buildings, Business Commercial, and Professional Offices	
5. Sports Arena, Outdoor Spectator Sports	
6. Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters	

[1]Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.

Normally Acceptable:

- Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:

- Specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design.

Unacceptable:

- New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.

The ambient noise levels (Leq) were measured to be 57.5 dBA during daytime. A full noise analysis was performed to calculate predicted noise levels and can be found in Appendix C. The predicted noise levels for the Casa Linda Motel are expected to be between 33.5 and 39.4dBA during the day. The predicted noise levels for the residential receivers are expected to be between 49.7 and 51.2 dBA during the day when vans and cars are parking at the lot with a 7-foot wall between the site and the residential properties (about 530 feet long, see Appendix C for the location of the wall). This wall is required by the city due to the parking lot being adjacent to a residential property.

One area source was placed over the entire parking lot to represent the noise from vans. The vans departure and arrival will be staggered within three hours. The van drivers' car parking was represented by a parking area over the entire parking lot. The noises associated with parking of vehicles that are accounted for in the model include engine ignition, vehicle doors opening and closing. The traffic volume of the parking lot is entered with the number of moves per parking bay (in and out are each considered a single move), the hour (for the time slices day and night) and the number of parking bays. The model predicted the maximum noise levels produced by the vans and car activities using expected noise sources from vans, and cars. The sources were modeled as operating at the same time to represent the worst-case scenario.

Sensitive receivers that may be affected by the proposed off-site parking are the mobile homes south of the site and the Casa Linda Motel located northeast of the site. A total of four (4) receivers were modeled to evaluate the proposed project's operational noise impact. The location of these receivers is denoted by yellow and green dots on Exhibit F. Receiver 1 and 2 are receivers located at the Casa Linda Motel. Receiver 3 is a mobile home located at the southeast border between the site and the mobile home park and Receiver 4 was placed at a mobile home located at the southwest border between the site and the mobile home park.

Table 4.13-3: Receiver Predicted Noise Levels

During the Day							
No.	**Receiver Name**	**Floor**	**Ambient Noise Levels (dBA) Day**	**Predicted Noise levels (dBA) Day**	**Combined Noise levels (dBA) Day**	**Difference Between Ambient and Combined (dB) Day**	**Ambient Noise Levels Greater Than the Predicted Noise Levels?**
1	Casa Linda Motel - NE	GF	57.5	33.5	57.5	0.0	Yes
2	Casa Linda Motel - SW	GF	57.5	39.4	57.6	0.1	Yes
3	Mobile Home Park - SE	GF	57.5	51.0	58.4	0.9	Yes
4	Mobile Home Park - SW	GF	57.5	49.5	58.1	0.6	Yes

Source: Ambient Noise Levels are based on the noise measurements taken by NV5 on March 16, 2021. The measurements were 10 and 30min Leq measurements. Combined noise levels are ambient noise levels combined with predicted noise levels. It represents the noise levels that would be measured once the noise sources are operational.

Since predicted noise levels are below ambient noise levels, the proposed project's activities are not expected to increase the existing noise levels by more than 3dB. In addition, the predicted noise levels are expected to be below 55dBA at the mobile home park property line. Therefore, the acoustical impact from the proposed project's stationary sources would be less than significant. No mitigation is required.

b. *Generation of excessive groundborne vibration or groundborne noise levels?*

Less Than Significant. The San Jose General Plan require new development to minimize

continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) would be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV would be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to excavation equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 12 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there would be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there would be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

Ground-borne Vibration During Construction: Because construction activity is short-term and equipment moves around a project site, the primary concern regarding construction vibration relates to building damage. Activities that can result in damage include demolition and site preparation in close proximity to sensitive structures. This project site is expected to do demolition of one building located about 100 feet from the closest off-site building.

Vibration is a localized event and attenuates rapidly with distance and at this distance vibration damage would not occur. Based on the guidance document published by the Caltrans Vibration Guidance Manual (April 2020), a large bulldozer would generate vibration levels of 0.089 in/sec at 25 feet. Table 4.13-4 shows the vibration amplitudes for construction equipment during all phases of construction.

Table 4.13-4: Vibration Amplitudes for Construction Equipment

Equipment Reference	PPVref at 25 ft. (in/sec)	PPV at 100 ft[1]. (in/sec)	PPV at 200 ft[2]. (in/sec)
Vibratory roller	0.21	0.026	0.009
Large bulldozer	0.089	0.011	0.004
Caisson drilling	0.089	0.011	0.004
Loaded trucks	0.076	0.010	0.003
Jackhammer	0.035	0.004	0.002
Small bulldozer	0.003	0.000	0.000

[1] *Distance between Casa Linda Motel and closest construction equipment creating vibrations.*
[2] *Distance between Casa Linda Motel and Mobile Home Park and the center of the construction site*

Building deconstruction equipment would not operate within 100 feet of an existing, off-site building. The maximum vibration level at 100 feet would be 0.011 inches per second. Therefore, the proposed project would result in a less than significant impact related to building damage from construction vibration.

Ground-borne Vibration During Operations: The proposed project is not expected to operate heavy-duty industrial equipment. Vans and cars are not expected to generate any perceptible vibration levels outside of the right-of-way. There are no operational sources of vibration that would generate vibration levels that exceed 0.08 in/sec. Therefore, the proposed project would result in a less than significant impact related to operational vibration, and no mitigation is required.

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?***

No Impact. The proposed project is not located within an airport land use plan, nor is it located within two miles of a public airport or public use airport. The nearest airport, Norman Y Mineta San Jose International Airport, is located approximately 3.5 miles to the northwest of the project site. Therefore, the proposed project would not result in a safety hazard for people residing or working in the project area. No impact would occur, and no mitigation is required.

4.13.2 Cumulative Impacts

A full noise analysis was performed for the proposed project to evaluate the impacts of construction and long-term operation of the proposed project on the surrounding areas by comparing the existing noise environment with the projected noise levels from the proposed project. As discussed above, the full noise analysis determined that the cumulative impacts relative to temporary and permanent noise generation associated with construction and operation of the proposed project would not be cumulatively considerable. The proposed project, in conjunction with past, present, and foreseeable future projects would be less than significant.

4.14 POPULATION / HOUSING

Existing Setting

The proposed site is an off-site parking northeast of a delivery station that will serve as a parking lot for delivery vehicles. The off-site parking lot is located at 1675 Monterey Road, San Jose, CA 95112 and under the jurisdiction of the city of San Jose, CA. The site is located in a Heavy Industrial zoning district and surrounded by other like properties as well as commercial and residential properties. The site is bounded by commercial and residential properties to the north and south, Monterey Road to the east, and Pomona Avenue to the west. Barnard Avenue and San Jose Avenue are located approximately 170-270 feet south and north of the site,

respectively. Approximately 2,800 feet east are train tracks and Highway 87 (Guadalupe Freeway).

Land use surrounding the property is mixed. There are similar industrial and commercial businesses located north, south, east, and west of the site. Cottage Trailer Grove mobile home park, Sands Motel, Casa Linda Hotel, and California Motel are located southwest, south, north, southeast of the site, respectively. There are single-family homes approximately 630 feet north of the site. The closest sensitive receptors are the mobile home park and Casa Linda Hotel, which both share a property boundary line with the proposed site.

Regulatory Framework

State

Under the California Environmental Quality Act (CEQA), an economic or social change by itself is not to be considered a significant effect on the environment. However, if a social or economic change is related to a physical change, then social or economic change may be considered in determining whether the physical change is significant. Since this project would result in physical change to the environment, it is appropriate to consider changes to community character and cohesion in assessing the significance of the project's effects.

The California Environmental Quality Act (CEQA) also requires the analysis of a project's potential to induce growth. The CEQA guidelines (Section 15126.2[d]) require that environmental documents "...discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment..."

Local

The General Plan includes the following noise policies and goals applicable to the proposed project: Chapter 4, Quality of Life, in the City's General Plan addresses how quality of life will be advanced as the City promotes economic development and continues to grow a safe, diverse, and thriving community with employment opportunities, well maintained infrastructure, urban services, and cultural and entertainment options.

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

4.14.1 Discussion

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)?

No Impact. The proposed project does not propose new housing or businesses. The proposed off-site parking lot will service the needs of the facility on Little Orchard, and the parking facilities including the on-site bike storage lockers will not be open to the public or surrounding businesses to utilize. No mitigation is required.

b. Displace substantial numbers of existing people or housing necessitating the construction of replacement housing elsewhere?

No Impact. The project site is zoned for Heavy Industrial use by the City of San Jose General Plan. The project site does not contain any housing and construction of the proposed project would not require relocation and/or displacements. The proposed project will have no impact on housing displacement. No mitigation is required.

4.14.2 Cumulative Impacts

The proposed project would construct and operate a new off-site parking lot for delivery drivers. The project site does not contain housing structures and construction of the proposed project would not relocate and/or displace residence or businesses in the area of the project site. Construction and operation of the proposed project would not result in substantial unplanned population growth in any area, either directly or indirectly. Therefore, the proposed project would not result in any cumulative effects with regards to population and housing that could be compounded with past, present, and reasonably foreseeable projects and impacts are considered less than significant. No mitigation is required.

4.15 PUBLIC SERVICES

Existing Setting

Fire Department
There are three San Jose Fire Department stations within close proximity of the proposed site: Station 6 is location at 1386 Cherry Avenue and is approximately 2.3 miles from the project site, Station 3 is located at 98 Martha Street and is approximately 1.3 miles from the project site, and Station 30 is located at 454 Auzerais Avenue and is approximately 2.6 miles from the project site.

Police Department
The nearest police department to the project site is located at the San Jose University at the address 1 Washington Square, which is approximately 2.3 miles from the proposed parking lot.

Hospital Services
There are approximately 12 emergency care service locations (Community Emergency Response Teams (CERT USA)) that serve the surrounding project site area, the closest being approximately 2.1

miles to the project site, and two urgent care facilities (Concentra Urgent Care) located approximately 0.03 miles and 0.05 miles from the project location on Monterey Road. Santa Clara Valley Medical Center serves as the closest general hospital for the project area and is located at 751 S. Bascom Avenue, approximately 3.22 miles from the project site location.

Schools
There are several schools in the surrounding project area, the closest being the Rocketship Alma Academy Charter School at 198 W Alma Ave and DCP El Primero High School located at 1402 Monterey Road, approximately 0.54 miles from the proposed parking lot, and Franklin Elementary School, approximately 1.27 miles for the project site, located at 420 Tully Road.

Parks
Bellevue Park, located on Bellevue and Pomona Avenue, is approximately 0.23 miles from the proposed parking lot site, while Roberto Antonio Balermino Park is 0.97 miles from the proposed parking site and is located at 1555 Almaden Road.

Local Transit
The local bus transportation network has an established bus stop at the Monterey Road and Phelan Avenue intersection, where Buses 66 (North Milpitas) and 68 (San Jose Diridon Station) would serve as the closest bus stop near the project site:

Bus 66 (North Milpitas Station)		
Weekday (Monday-Friday)	Saturday	Sunday and Holidays
5:09AM-11:39PM	5:39AM-11:37PM	5:39AM-10:38PM
Bus 68 (San Jose Diridon Station)		
Weekday (Monday-Friday)	Saturday	Sunday and Holidays
4:42AM-11:32PM	5:24AM-11:41PM	5:29AM-11:42PM

Regulatory Framework

State

The Park Preservation Act (California Public Resources Code Sections 5400-5409) prohibits local and state agencies from acquiring any property which is in use as a public park at the time of acquisition unless the acquiring agency pays sufficient compensation or land, or both, to enable the operator of the park to replace the park land and any park facilities on that land.

Local

The General Plan includes goals and policies related to education, libraries, law enforcement and fire protection, and parks.

The following are policies and goals pertinent to education applicable to the proposed project:

Goal ES-1: Education. Promote the operation of high-quality educational facilities throughout San Jose as a vital element to advance the City's Vision and goals for community building, economic development, social equity, and environmental leadership:

> *Policy ES-1.2:* Encourage school districts, the City, and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably preceding land acquisition.
>
> *Policy ES-1.5:* Cooperate with school districts in identifying and evaluating the impacts of population and demographic changes that may lead to the need for new schools, school closures, re-opening of closed schools, or the decision that existing school sites should be preserved for meeting future needs.
>
> *Policy ES-1.9:* Provide all pertinent information on General Plan amendments, rezoning and other development proposals to all affected school districts in a timely manner.

The following are policies and goals pertinent to law enforcement and fire protection applicable to the proposed project:

> *Goal ES-3:* Law Enforcement and Fire Protection. Provide high-quality law enforcement and fire protection services to the San José community to protect life, property and the environment through fire and crime prevention and response. Utilize land use planning, urban design and site development measures and partnerships with the community and other public agencies to support long-term community health, safety and well-being.
>
> Policy ES-3.2: Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.
>
> *Policy ES-3.20:* Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.
>
> - Action ES-3.23: Engage public safety personnel in the land use entitlement process for new development projects.

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

4.15.1 Discussion

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 objective for any of the public services:

i. Fire protection?

No Impact. The proposed project site would be serviced by the City of San Jose Fire Department (SJFD). Fire Station 3 and Station 6 are nearest to the project site. The proposed project is not expected to increase demand for Fire Protection services to the extent of requiring an additional station or facilities. Impacts on service ratios, response times, and other applicable performance objectives for fire response as a result of the proposed project is not expected to be discernable. The proposed project would have a less than significant impact on Fire Protection services. No mitigation is required.

ii. Police protection?

No Impact. The proposed project is not expected to create a need for additional San Jose law enforcement. Construction and operation of the proposed project would not disrupt acceptable service ratios, response times, or other performative objective for Police protection. Therefore, the proposed project would have less than significant impacts associated with Police protection in the City of San Jose and the surrounding area. No mitigation is required.

iii. Schools?

No Impact. The proposed project is located in an area zoned for industrial use. There are no schools are adjacent to the project site. Construction and operation of the proposed project would not result in adverse physical impacts on the San Jose School District or any other schools in the general vicinity of the proposed project. The nearest school, Rocketship Alma Academy at 198 Alma Avenue, San Jose, CA, is located approximately 0.54 miles to the north of the project site.

The proposed project would not lead to a discernable increase in the number of families with school-age children in the area. Therefore, it is unlikely that construction and operation of the proposed project would impact performance objectives for schools in the area. Driver trips would occur during the peak morning and peak afternoon travel times. No mitigation is required.

iv. Parks?

No Impact. The proposed project is not expected to increase demand for parks or other recreational areas in the vicinity the project site. The proposed project would not lead to a discernable change in the population of the area and would not generate in increase in demand for parks. The proposed project would have no impact on parks.

v. Other public facilities?

No Impact. The proposed project does not contain any residential components that would have a direct effect on the use of public facilities. Furthermore, the proposed project is not expected to have a discernable impact on population of the surrounding area. Therefore, the proposed project would have no impact on other public facilities.

4.15.2 Cumulative Impacts

The proposed project is not expected to result in substantial adverse physical impacts associated public services in the surrounding area. The proposed project would not lead to the need for new or physically altered governmental facilities to maintain performance objectives for different public services, including fire protection, police protection, schools, parks, and libraries. The proposed project is would not result in incremental effects to public services that in conjunction with past, present, and reasonably foreseeable projects, would result in adverse significant impacts. Therefore, the proposed project would not result in cumulatively considerable impacts to public services or facilities.

4.16 RECREATION

Existing Setting

The proposed parking lot would be located on a parcel that is currently a vacant lot and largely paved with asphalt. Bellevue Park, located on Bellevue and Pomona Avenue, is approximately 0.23 miles from the proposed parking lot site, while Roberto Antonio Balermino Park is 0.97 miles from the proposed parking site and is located at 1555 Almaden Road.

Regulatory Framework

See Section 4.15 Public Services.

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…				
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

4.16.1 Discussion

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?

No Impact. The proposed project is located in an area designated for industrial uses and is not directly adjacent to any parks or recreation areas. The closest parks are approximately 0.2-miles (Bellevue Park) and 0.54-miles (Robert Antonio Balermino Park) away from the project site. Drivers utilizing the project site would be in route on deliveries, therefore no increased use of recreational facilities near the project are anticipated.

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

No Impact. The proposed project does not include recreations facilities or require the construction or expansion of recreational facilities. Therefore, the proposed project would have no impact regarding physical effects on the environmental related to recreation. No mitigation is required.

4.16.2 Cumulative Impacts

The proposed project is located in an area designated for industrial use. The closest recreational facilities are approximately 0.2-miles and 0.54-miles from the site; however, drivers would not be on the site property or near the closest recreational facilities. The proposed project would not increase the use of existing neighborhood and regional parks such that substantial physical deterioration of the facility would occur or be accelerated. Furthermore, the proposed project does not include recreational facilities or require the construction or expansion of recreational facilities. The proposed project, in conjunction with past, present, and reasonably foreseeable projects, would have no cumulative impact on recreation. No mitigation is required.

4.17 TRANSPORTATION

Existing Setting

The site is a proposed off-site surface parking lot located on Monterey Road in San Jose, California. The facility is planned to occupy an existing approximately 277,000 square foot automobile parts sales lot. The proposed lot will be primarily used to store vans overnight to be loaded the following day at a nearby package sorting and loading facility. Access to the site will be provided via three existing driveways, one on Monterey Road and two on Pomona Avenue.

The transportation network within a half mile of the project vicinity features a combination of local roads, collectors, arterials, and freeway facilities. Monterey Road and Pomona Avenue provide access to the site and connections to the greater roadway network. Pomona Avenue provides a connection to the associative delivery station located at the corner of Barnard Avenue and Little Orchard Street. Curtner Avenue/Tully Road provide access to points southeast and southwest as well as access to Guadalupe Freeway (SR 87). Guadalupe Freeway connects to I-280. San Jose Avenue and Alma Avenue provide alternative access to Guadalupe Freeway. The Almaden Expressway connects the site to areas west and south of Guadalupe Freeway.

Regulatory

State

Senate Bill 743 (2013) amended CEQA to allow the Governor's Office of Planning and Research to develop new guidelines under CEQA establishing alternative metrics to levels of service (LOS) for the analysis of transportation impacts. The Office of Administrative Law approved the amendments to the CEQA Guidelines on December 28, 2018, including changes related to Senate Bill 743. The amended CEQA Guidelines added a new section on determining the significance of transportation impacts, and generally specify vehicle miles traveled (VMT) as metric to transportation impacts.

Local

VMT is the total miles of travel by personal motorized vehicles a project is expected to generate in a day. VMT measures the full distance of personal motorized vehicle-trips with one end within the project. Typically, development projects that are farther from other, complementary land uses (such

as a business park far from housing) and in areas without transit or active transportation infrastructure (bike lanes, sidewalks, etc.) generate more driving than development near complementary land uses with more robust transportation options. Therefore, developments located in a central business district with high density and diversity of complementary land uses and frequent transit services are expected to internalize trips and generate shorter and fewer vehicle trips than developments located in a suburban area with low density of residential developments and no transit service in the project vicinity.

The City of San Jose Department of Public Works established a Transportation Analysis Policy procedure for determining project specific VMT impacts based on project description, characteristics, and/or location. The City's Council Policy 5-1 pertains to Transportation Analysis and establishes:

1. VMT as the metric to measure transportation environmental impacts in conformance with CEQA.

2. The Transportation Analysis framework for proposed developments, land use plans, transportation projects, and any other plans or developments ("Projects") in the City.

3. Reporting requirements necessary to demonstrate conformance with multimodal transportation strategies, goals, and policies in the General Plan and address adverse effects to the transportation system.

The 2020 City of San Jose Bike Plan 2020 was adopted in 2009 and contains policies for guiding the development and maintenance of bicycle and trail facilities within the City. The following goals are described in the Plan regarding the improvement of bicycle access and connectivity: 1) complete 500 miles of bikeways, 2) achieve a 5 percent bike mode share, 3) reduce bicycle collision rates by 50 percent, 4) add 5,000 bicycle parking spaces, and 5) achieve Gold-Level Bicycle Friendly Community status. The Bike Plan expands on a 500-mile network of bikeways that focuses on connecting off-street bikeways with on-street bikeways.

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

4.17.1 Discussion

A Local Transportation Analysis (LTA) was prepared in November 2021 to address the traffic-related impacts of the proposed project regarding the signalized intersection of Monterey Road and Phelan Avenue per the City of San Jose's Transportation Analysis Policy, Council Policy 5-1. The analysis included AM and PM peak hours to identify any adverse intersection operation effects using standards and methodologies outlined in the City's Transportation Analysis Handbook (2018). One (1) intersection was analyzed and included vehicle queuing analysis for all exclusive left-turns at the intersection during the AM and PM peak hour. The results of analyses indicate that there are no adverse effects under existing, background, and project conditions.

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

Less than Significant Impact. The project site is zoned for heavy industrial use under the Envision San Jose 2040 General Plan (General Plan). There are no truck restrictions on the roadways near the site or those providing connections to the greater roadway network.

The City of San Jose's Transportation Analysis Policy, Council Policy 5-1, establishes the threshold of significance for transportation impacts based on Vehicle Miles Traveled (VMT) in accordance with Senate Bill 743 (SB 743). The Department of Public Works determines the need for a transportation analysis (TA) in conformance with the CEQA guidelines and City policies. It was determined for this project the transportation analysis would include two types of analysis: (1) CEQA transportation analysis and (2) Local Transportation Analysis (LTA).

A TA was completed in November 2021 for the proposed project and is located in Appendix D. The TA was developed in accordance with the City of San Jose's Transportation Analysis Handbook (2018) and includes a local transportation analysis that includes VMT analysis and intersection analysis. It was determined the project was not screened out from a VMT analysis.

The City of San Jose developed the San Jose VMT Evaluation Tool to assess a project's potential VMT based on specific inputs. For industrial projects, the sketch tool is the approved method to calculate Project VMT. Based on the City's guidance, industrial employment uses compare the Project VMT per employee to the regional average VMT per employee. Using the tool, it was determined the project VMT (11.31) and project area VMT(11.32) do not exceed the regional VMT threshold (14.37) and is anticipated to result in a less than significant VMT impact.

The project site is bounded by Monterey Road to the east and Pomona Avenue to the west. Monterey Road and Pomona Avenue provide access to the site and connections to the greater roadway network. Under Transportation Network Designations (TND) in the General Plan, streets and transportation facilities were organized according to functional classifications that considered street context and prioritized certain travel modes. The TND identifies Monterey Road as a Grand Boulevard which serves as a major transportation corridor between City neighborhoods. Monterey Road is designed to accommodate moderate to high volumes of through traffic within and beyond the City. Pomona Avenue provides a

connection to the associative delivery station located at the corner of Barnard Avenue and Little Orchard Street.

Valley Transportation Authority operates buses along Monterey Road. Transit vehicles have priority in case of conflicts. Route 66 and 68 traverse Monterey Road between 5:15 a.m. and 10:30 p.m. weekdays with headways between 20 minutes and an hour. Weekend service starts later and ends earlier. The project site is approximately 155 feet from the nearest southbound stop and 120 feet from the nearest northbound stop for Routes 66 and 68. Valley Transportation Authority also operates light rail transit a mile walking distance from the project site along Guadalupe freeway with stops at the Tamien Station near Alma Avenue and at Curtner Avenue. Trains run from 5:00 a.m. to 1:00 a.m. weekdays with 10-minute to hour headways. Weekend service is less frequent and begins later in the day. These light rail stations are a mile walking distance from the site. Transit is a viable alternative for all associate and delivery driver shifts.

With the exception of San Jose Avenue and a section of Barnard Avenue south the project site, all surface streets have continuous sidewalks on at least one side and most along both sides. Buffered Class II bike lanes are present in both directions along Monterey Road. No bike facilities are present along Pomona Avenue. The existing 8-foot sidewalk along Monterey Road and Pomona Avenue will remain following the construction of the off-site parking lot. A small section of the 8-foot sidewalk along Monterey Road will be expanded to 12-foot in width for a short distance along Monterey Road in front of the off-site parking lot property. Sidewalk will be constructed to a width of 10-feet along the project frontage on Pomona Avenue.

The proposed project is consistent with the City's 2020 Bike Plan Strategy 3.1 and will approximately 34 long-term bicycle lockers at the project site to provide convenience and safety for bicyclists. The existing bicycle buffered lane along Monterey Road will stay in place, the bicycle detection loop at Monterey Road and Phelan Avenue intersection will be removed and replaced with pavement marking designation as part of construction of the project. . The project will also contribute funding for the Class IV bike facility proposed on Monterey Road as part of the San Jose Better Bike Plan 2025.

No mitigation is required.

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

Less than Significant Impact. Section 15064.3 of the 2019 California Environmental Quality Act Statute and Guidelines (CEQA Guidelines) distributed by the Association of Environmental Professionals (AEP) describes the specific considerations for evaluating a project's transportation impacts (AEP, 2019). Under the updated guidelines, level of service (LOS) is no longer considered the most appropriate metric for analyzing transportation impacts. Instead, vehicle miles traveled (VMT) is determined to be considered the most appropriate measure of transportation impacts. Other considerations include the effects of the proposed project on public transit and non-motorized travel.

The project was analyzed based on the number of daily trips it would generate and converted to the equivalent industrial square footage. The project would not meet the

screening criteria as a small industrial infill of 30,000 square feet of gross floor area or less. Using the City of San Jose's VMT Evaluation Tool, it was determined the project VMT of 11.31 per employee is below the baseline industrial threshold of 14.37 per employee. Therefore, the project is expected to result in less than significant VMT impact, and a detailed CEQA transportation analysis was not required.

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

No Impact. The proposed project is not located at an intersection corner. Three existing driveways provide access to the project site. One driveway located on Monterey Road is right-in/right-out only. An existing raised median separates traffic along the center of Monterey Road. Two driveways are located on the west side of the project site along Pomona Avenue. The project site is zoned for heavy industrial uses and the proposed project would utilize the site for purposes consistent with the dedicated zoning. Red curb would be implemented on both sides of the Pomona Avenue driveways to provide sight distance for vehicles exiting out of the site. Therefore, the proposed project would have no impact on hazards due to geometric design features or incompatible uses. No mitigation is required.

d. *Result in inadequate emergency access?*

No Impact. The proposed project would not consist of any built structures, therefore fire code related to buildings do not apply. The City's fire code requires driveways to provide at least 32 feet for fire access. The proposed driveway off Monterey Road would be 32 feet in width and is therefore consistent with City requirements. The two existing driveways off Pomona Avenue would be removed and replaced with two driveways each 26 feet in width to comply with City standards. Therefore, the proposed project is consistent with emergency vehicle turning radius, ingress and egress. No mitigation is required.

4.17.2 Cumulative Impacts

Construction and operation of the proposed project will have no impact on impeding emergency access in the area. The proposed project, along with past, present, and reasonably foreseeable projects will not generate significant cumulative impacts after implementation and will be consistent with CEQA and the City's applicable programs, plans, ordinances, and/or policies addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. Therefore, the proposed project would not result in cumulatively considerable impacts to transportation.

4.18 TRIBAL CULTURAL RESOURCES

Existing Setting

The proposed project site elements consist of a paved/gravel base, a warehouse structure, and various trees within the existing parking lot area. The site previously operated as an automobile "Pick-U-Haul" business and storage facility for non-operating vehicles. The warehouse structure is composed of metal and was determined by the City to be approximately 30 years of age. The site operated as the automobile wrecking yard from 1956 until the year 2020

Regulatory

Also see Section 4.5, Cultural Resources for additional regulatory language.

CEQA requires the consideration of cultural resources that are historical resources and tribal cultural resources, as well as "unique" archaeological resources. In 2014, Assembly Bill 52 (AB 52) added the term "tribal cultural resources" to CEQA. Defined in Public Resource Code Section 21074(a), a tribal cultural resource is a CRHR or local register eligible site, feature, place, cultural landscape, or object which has a cultural value to a California Native American tribe. Tribal cultural resources must also meet the definition of a historical resource.

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

4.18.1 Discussion

a. Would the project cause of substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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

No Impact. The assessment completed initially determined that the existing vacant metal warehouse structure on-site that will be demolished as part of the proposed parking lot, has been replaced in the past. To determine the age of this structure historic aerial photographs were reviewed as well as available online records and twentieth century maps. In coordination with the City's historians, the resulting age of the warehouse was confirmed to be approximately 30 years old. No further analysis was required as well as no mitigation.

The City submitted a consultation interest notice to the Tamien Nation in July 2021 under AB 52 for the proposed project. The Tamien Nation representative responded to the City on August 16, 2021, and requested consultation with the City. The City met with the Tamien nation representative on September 20, 2021, and no concerns were expressed for the sensitivity of this site.

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

No Impact. No known resources were found during the environmental review for this proposed project site. No mitigation is required. Refer to the discussion in Section 4.5 for Cultural Resources. The project would comply with the City's Standard Permit Conditions for Cultural Resources.

4.18.2 Cumulative Impacts

The proposed project would have a cumulatively no impact with regards to tribal cultural resources. The proposed project would have no impact to historical, known archaeological or paleontological resources, tribal cultural resources, or known human remains. The chances of cumulative impacts occurring as a result of the proposed project plus reasonably foreseeable past, present, and future development in the region is not likely since other projects would be subject to individual project-level environmental review. Due to existing laws and regulations in place to protect cultural resources and prevent significant impact to paleontological resources and less-than-significant project-level impacts, the potential incremental effects of the proposed project would not be cumulatively considerable.

4.19 UTILITIES / SERVICE SYSTEMS

Existing Setting

The proposed project site is approximately 6.35 acres and contains a one-story warehouse and an asphalt-paved parking lot. The site is currently vacant and includes a fenced in depression located behind warehouse in the northeast corner of the project site. There is an existing 8-inch VCP sanitary sewer main on Monterey Road and an existing 21-inch RCP storm sewer main on Monterey Road, with storm drain laterals that connect to the 21-inch sewer main in Monterey Road.

Regulatory

Local

The General Plan includes goals and policies related to utilities and service systems. The following are policies applicable to the proposed project:

> *Policy MS-3.3:* Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
>
> *Policy IN-3.10:* Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the city's NPDES.
>
> *Post-Construction Urban Runoff Management (City Council Policy 6-29):* Requires all projects to include BMPs that prevent rainwater pollution, treat polluted runoff, and eliminate or control runoff from the project site.
>
> *Post Construction Hydro-modification Management Policy and Map (City Council Policy 8-14):* Encourages all projects to be designed to include treatment control measures that hold and slow down the volume of runoff coming from a site.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling
In January 2010, the State of California adopted the California Green Building Standards Code ("CALGreen"), establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resources efficiency, and indoor environmental quality. These standards include the following mandatory set of measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent.
- Reducing wastewater by 20 percent.
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management

ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below); and
- Providing readily accessible areas for recycling by occupants.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling
The City requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

Construction and Demolition Diversion Deposit Program
The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
Would the project…				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiply dry years?	☐	☐	☒	☐
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
d. Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐

e.	Comply with federal, state, and local statutes and regulation related to solid waste?	☐	☐	☒	☐

4.19.1 Discussion

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?

Less than Significant Impact. Wastewater treatment and disposal services are provided by the San Jose-Santa Clara Water Regional Wastewater Facility (RWF). The RWF serves 1.4 million residents and over 17,000 business across eight cities and four sanitation districts. The RWF is joint owned by the Cities of San Jose and Santa Clara and managed by the City of San Jose Environmental Services Department.

Storm water drainage is maintained by the City of San Jose and regulated under the jurisdiction of San Francisco Bay Regional Water Quality Control Board, Region 2. San Jose Municipal Water System (Muni Water) is owned and operated by the City of San Jose. Muni Water is one of three drinking water suppliers in San Jose along with privately owned San Jose Water Company and Great Oaks Water Company. San Jose Water Company is the water retailer for the project site. Natural gas and electricity are maintained by Pacific Gas and Electric (PG&E). A variety of companies offer local cable/phone/internet services to the project site.

The proposed project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Impacts on public utilities would be less than significant.

b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiply dry years?

Less than Significant Impact. The proposed project is not expected to have a significant impact on water usage or water supplies in the region.

The 2015 Urban Water Management Plan (UWMP) for the San Jose Municipal Water System (SJMWS) was published in June 2016. The UWMP projected water demands for various use types in five-year increments for 2020 through 2040. Demand for raw and potable water for industrial uses in 2025 is projected to be 5,335-acre feet of water per year (afy). Total demand for raw and potable water is projected to be 26,156 afy. Therefore, industrial uses represent approximately 20.4 percent of total water demand. The projected water use for industrial uses through 2040 in five-year increments are as follows: year 2030 – (23.4 percent), year 2035 - (25.9 percent), year 2040 – (28.0 percent) (CH2M, 2016).

Additionally, the UWMP performed a supply and demand assessment for SJWMS. The following tables summarize the results for a normal year (Table 4.19-1), single dry year (Table 4.19-2), and multiple dry years (Table 4.19-3):

Table 4.19-1: Supply and Demand Comparison (Normal Year)

Totals	2025	2030	2035	2040
Supply	31,794	35,504	39,400	43,484
Demand	31,794	35,504	39,400	43,484
Difference	0	0	0	0

Notes:
1. Projections for 2020 have been excluded.
2. All units are in acre-feet per year
Source: Table 7-3 from 2015 Urban Water Management Plan San Jose Municipal System

Table 4.19-2: Supply and Demand Comparison (Single Dry Year)

Totals	2025	2030	2035	2040
Supply	31,794	35,504	39,400	40,875
Demand	31,794	35,504	39,400	43,484
Difference	0	0	0	-2,609

Notes:
1. Projections for 2020 have been excluded.
2. All units are in acre-feet per year
Source: Table 7-4 from 2015 Urban Water Management Plan San Jose Municipal System

Table 4.19-3: Supply and Demand Comparison (Multiple Dry Years)

	Totals	2025	2030	2035	2040
First Year	Supply	31,794	35,504	39,400	43,484
	Demand	31,794	35,504	39,400	43,484
	Difference	0	0	0	0
Second Year	Supply	38,303	38,906	39,067	37,358
	Demand	31,761	35,443	39,308	43,403
	Difference	6,542	3,463	-241	-6,045
Third Year	Supply	32,587	31,652	29,666	27,032
	Demand	31,744	35,434	39,299	43,383
	Difference	843	-3,782	-9,633	-16,351

Notes:
1. Projections for 2020 have been excluded.
2. All units are in acre-feet per year
Source: Table 7-5 from 2015 Urban Water Management Plan San Jose Municipal System

The UWMP states that "SJMWS's water supplies for the normal year and a single-dry year are expected to be 100 percent reliable up to year 2035. The water supplies for year 1 of the multiple dry year period are also expected to be 100 percent reliable. Demands for a single-dry year in 2040 and year 2 and year 3 of the multiple-dry year period through 2040 cannot be met 100 percent with purchased water from the wholesalers without some level of demand reductions. Per SCVWD's supply assessment, supplies are insufficient to meet demands in year 2 and year 3 of multiple dry years."

The proposed project would have a less than significant impact on the availability of water supply and exacerbating future droughts and water shortages.

c. *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

Less than Significant Impact. The wastewater treatment infrastructure and services needed to serve the proposed project's demand is already available. The RWF has the capacity to serve the proposed project's demand in addition to existing commitments. Therefore, the proposed project would have a less than significant impact.

d. *Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*

Less than Significant Impact. Waste management infrastructure and services needed to serve the proposed project's demand are already available. There are a number of landfills and transfer stations that serve the City (City of San Jose, 2021). Therefore, the proposed project would have a less than significant impact with regards to solid waste generation.

e. *Comply with federal, state, and local statutes and regulation related to solid waste?*

Less than Significant Impact. All solid waste generated from the proposed project would be collected and processed by Republic Services. Republic Services complies with all federal, state, and local statutes and regulations related to solid waste. Therefore, the proposed project would be in compliance with applicable statutes and regulations related to solid waste and impacts would be less than significant.

4.19.2 Cumulative Impacts

The proposed project would have a cumulatively less than significant impact with regards to utilities and service systems. The existing local utilities and service systems are sufficient to meet all the demands of the proposed project, including water and wastewater infrastructure, as well as solid waste disposal. Utilities infrastructure in the region has been designed to accommodate future development and infrastructure growth in the area, such as that of the proposed project. Demand for raw and potable water would only increase nominally as a result of the proposed project, which would be less than significant on the total available supply of water within the district. Furthermore, the proposed project would nominally increase solid waste disposal which would not be cumulatively considerable. Prior analysis and planning have been performed to ensure developments such as the proposed project have access to adequate resources and infrastructure in the area. The proposed project, along with past, present, and reasonably foreseeable projects would not generate significant cumulative impacts with regards to utilities and service systems in the area.

4.20 WILDFIRE

Existing Setting

The project site is zoned for heavy industrial uses and most of the site is paved. No part of the parcel is considered agricultural or farmable land. The site was used as an automobile wrecking yard from the 1950s to March 2020.

There are three San Jose Fire Department stations within close proximity of the proposed site: Station 6 is location at 1386 Cherry Avenue and is approximately 2.3 miles from the project site, Station 3 is located at 98 Martha Street and is approximately 1.3 miles from the project site, and Station 30 is located at 454 Auzerais Avenue and is approximately 2.6 miles from the project site.

Regulatory

Senate Bill 1241 required the Office of Planning and Research, the Natural Resources Agency, and the California Department of Forestry and Fire Protection to develop amendments to the "CEQA Checklist" for the inclusion of questions related to fire hazard impacts for projects located on lands classified as very high fire hazard severity zones. The CEQA Guidelines were updated in 2018 to include projects "near" these very high fire hazard severity zones.

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project…				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
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 structure to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

4.20.1 Discussion

a. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?*

No Impact. According to Cal Fire's Fire Hazard Severity Zone (FHSZ) Viewer, the project site is not located within any FHSZ (Cal Fire, 2020). The closest High FHSZ is Monte Sereno, which is located approximately 12.4 mile east of the project site. The project site is located in a very highly connected area for fire protection, and in the event of a wildfire, project-adjacent roadways would serve as emergency evacuation routes. The proposed project would not alter existing roadways in a manner that may impair adopted emergency response plans or any existing emergency evacuation plans. Increased transportation traffic generated from construction and operation of the proposed project would not have discernable impacts on emergency response or evacuations.

b. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project 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?*

No Impact. The proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones and would operate as a paved parking site.

c. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, 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?*

No Impact. The proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones. The proposed project would have no impacts with regards to exacerbating fire risks related to infrastructure.

d. *If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structure to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

No Impact. The paved surface at the proposed site would reduce the likelihood of significant risks such as downstream flooding or landslides associated with runoff, post-fire instability, and drainage changes. Therefore, the proposed project would have no impacts on exposure associated with these risks.

4.20.2 Cumulative Impacts

The proposed project is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones and would have no cumulative impact with regards to wildfire. The

proposed project is located in an area zoned for industrial uses and is not in the vicinity of high fire hazard zones. The majority of the proposed project would be paved, which would not exacerbate wildfire risks. The proposed project, in conjunction with past, present, and reasonably foreseeable future projects, would not have a cumulative impact with regards to wildfire.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

Checklist Item	Potentially Significant Impact	Less Than Significant After Mitigation	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 endangered plant or animal or eliminate important examples of major periods of California history or prehistory?	☐	☒	☐	☐
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effect of probably future projects.)	☐	☐	☒	☒
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

4.21.1 Discussion

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

Less Than Significant Impact After Mitigation. Based on the discussion in the previous sections, particularly in Section 4.4, the proposed project will have a less than significant impact after mitigation on the environment, habitat of fish and wildlife species, plant and animal communities, or endangered plant or animals. The proposed project is an industrial facility located within an area designated for industrial uses that has already been developed and used for industrial uses in the past. Mitigation measures would include raptor surveys and special status tree preservation.

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are

considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effect of probable future projects).

Less than Significant Impact. The proposed project does not have impacts that are cumulatively considerable. The proposed project fits within the plans and regulations established for the area. There are no past projects, currents projects, or probable future projects that would result in a cumulatively considerable impact when evaluated in conjunction with the proposed project. Cumulative impacts for each resource area are discussed in the chapters above, and each were determined to have no or less than-significant cumulative impacts.

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

Less than Significant Impact After Mitigation. The proposed project will not cause substantial adverse effects on human beings, either directly or indirectly. The proposed project is a typical industrial facility located in an area zoned for industrial use and would comply with the Santa Clara County Department of Environmental Health Site Cleanup Program for the Voluntary Cleanup Program. Therefore, the impacts will be less than significant after mitigation.

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