1953 Concourse Drive Project

Initial Study – Mitigated Negative Declaration

File No. H21-003

prepared by

City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, California 95113
Contact: David Keyon, Principal Planner

prepared with the assistance of

Rincon Consultants, Inc.
99 S. Almaden Boulevard
San José, California 95113

February 2022

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
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Table of Contents

Tables

Figures

Appendices

Initial Study

1. Project Title

1953 Concourse Drive Project

2. Lead Agency Name and Contact

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

Contact:

Bethelhem Telahun, Environmental Review Planner
Phone: 408-535-5624

Email: Bethelhem.Telahun@sanjoseca.gov

3. Project Applicant

1953 Concourse Drive LLC
19700 S. Vermont Avenue, Suite 101
Torrance, California 90502

4. Project Location

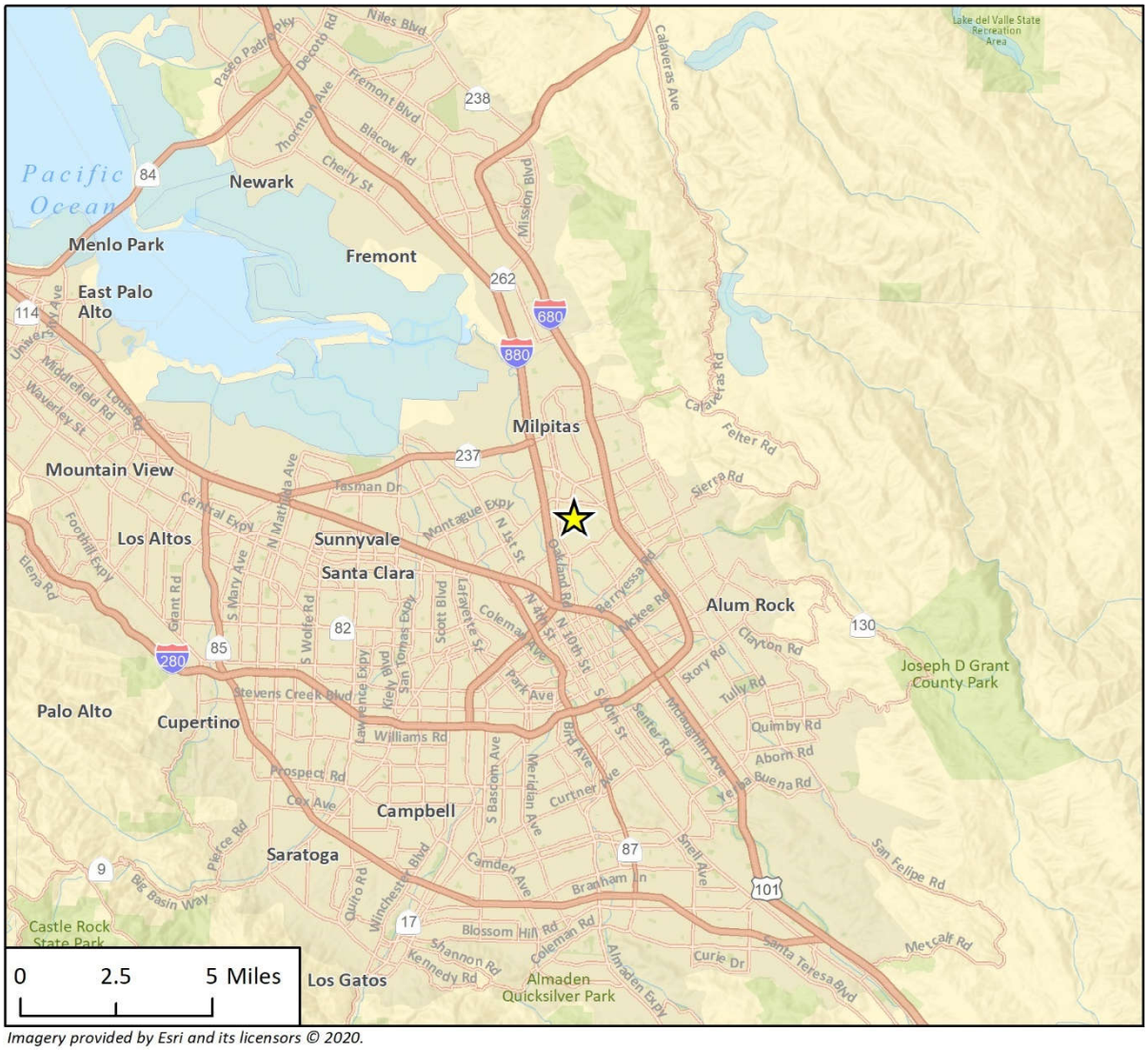
The project site consists of two parcels that measure approximately 7.016 acres, combined. The assessor's parcel numbers are 244-18-035 and 244-18-045. The project site is in the northern area of San José, located in the Berryessa International Business Park area, and the street address is 1953 Concourse Drive. Figure 1 shows the site location in a regional context. Figure 2 shows the location of the site relative to the surrounding area.

The proposed project also includes an off-site emergency vehicle access driveway onto an adjacent parcel to the northeast of the project site. The adjacent parcel, which is not part of the project site, is identified as assessor's parcel number 244-18-041. There is an existing easement on parcel number 244-18-041. The proposed project would not interfere with the existing easement.

5. General Plan Designation and Zoning District

The project site is designated as Industrial Park (IP) under the City's General Plan, titled Envision San José 2040 (City of San José 2011a). The project site is in the Industrial Park (IP) zoning district.

Figure 1 Regional Map



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Project Location

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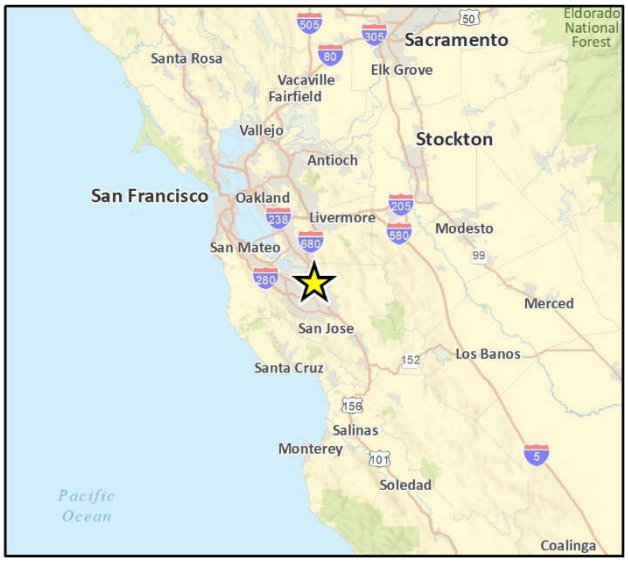


Figure 2 Project Location

Imagery provided by Microsoft Bing and its licensors © 2020.

6. Existing and Surrounding Land Uses

The project site comprises approximately 7.016 acres and is irregularly shaped. The site is currently developed with an approximately 110,143 square-foot, single-story, multi-tenant research and development building. At the time of preparation of this Initial Study, only one suite of the existing building was occupied. The remaining six suites were unoccupied. The existing building is surrounded by surface parking consisting of stall spaces on either side of a center drive aisle. There is a single driveway on Concourse Drive providing ingress and egress to the site. Landscaping, consisting of trees, shrubs, and grasses surround the surface parking area.

Generally, buildings occupied with industrial, warehouse, and manufacturing uses are located on the properties adjacent to the project site. There are also limited retail uses in the area, such as a car stereo store directly to the west of the project site. However, in general, development surrounding the project site consists of industrial and warehouse type buildings with some associated office space in some buildings. The closest sensitive receptors to the project site are residences approximately 1,900 feet north of the site. The proposed project includes an emergency access vehicle driveway from the adjacent parcel to the northeast, which is developed with an industrial/warehouse type building. Table 1 provides a summary of the land uses and land use designations of the properties adjacent to the project site. An aerial photograph of the site and surrounding land uses is shown in Figure 2.

Table 1 Surrounding Land Uses

Direction from Project Site	Zoning District	General Plan Designation	Current Land Use
North	Industrial Park (IP)	Transit Employment Center	Research & Development; Warehouse with Offices; Manufacturing
East	Industrial Park (IP)	Transit Employment Center & Industrial Park	Research & Development; Warehouse with Offices; Manufacturing
South	Industrial Park (IP)	Industrial Park	Manufacturing; Ministry Institute
West	Industrial Park (IP)	Industrial Park	Office; Retail

7. Description of Project

The proposed project consists of the demolition of all existing on-site development and construction of a new industrial and warehouse building on the project site. As described above in Section 6, *Existing and Surrounding Land Uses*, the project site is currently developed with an approximately 110,143 square-foot building and associated parking and driveway areas. The project would commence with demolition of all existing on-site development, including the building and parking. A total of 138 on-site trees would be preserved to the extent possible, but project construction would require the removal of 20 trees. A total of 78 new trees would be planted on-site.

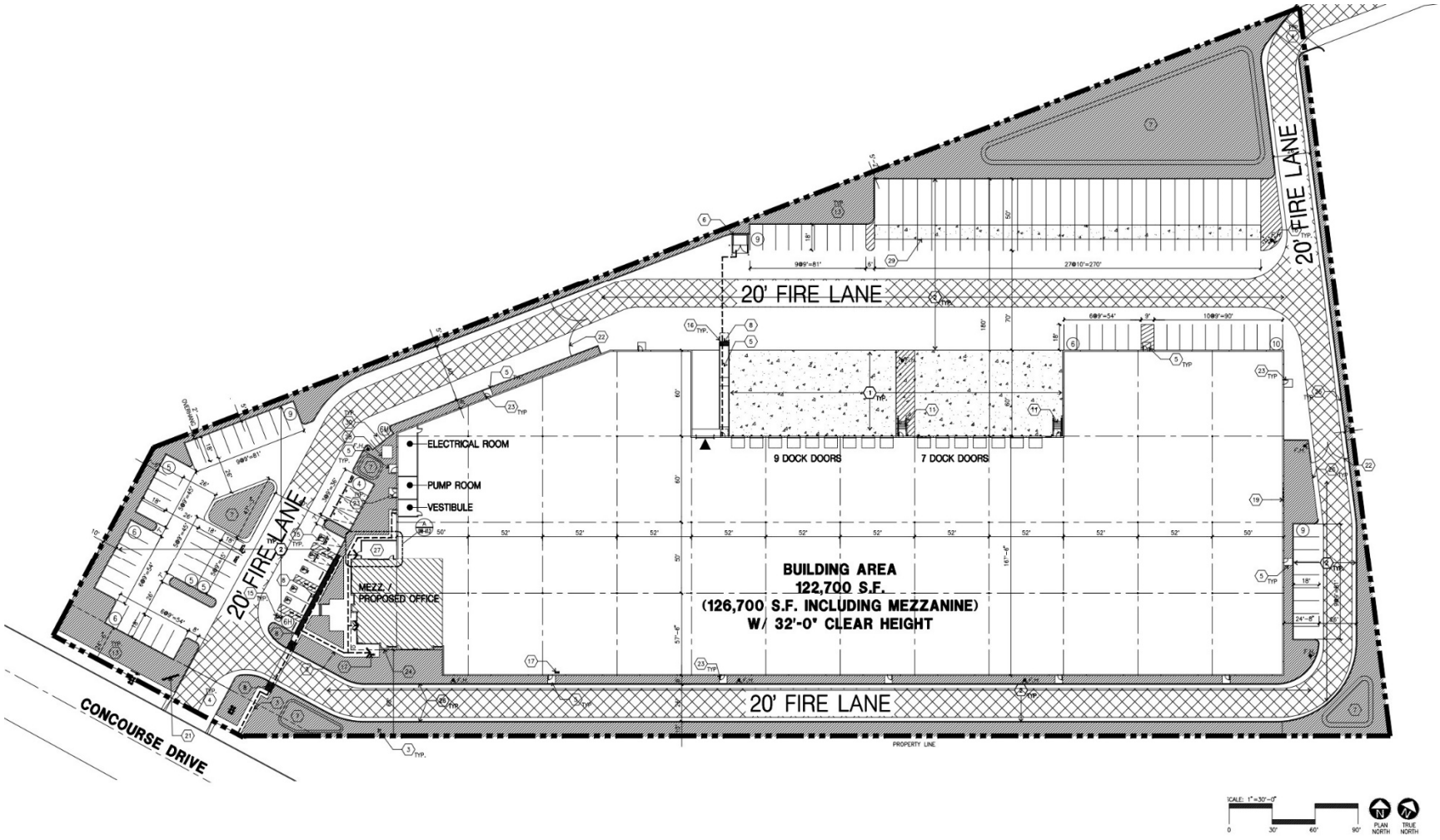
The proposed new building would include approximately 8,000 square feet of office space and approximately 118,700 square feet of warehouse space, for a total area of approximately 126,700 square feet. The office space would be on the west end of the building and would be a two-story component of the building. The remaining portion of the building would be one story. The height of the building would vary between approximately 36 feet up to 43 feet and 8 inches, depending on

ground surface elevation adjacent to the building, consistent with height allowances within the current site zoning of Industrial Park (IP). The building would be constructed to allow for or accommodate installation of rooftop solar panels.

The project would include 79 parking spaces and 27 stalls for trailer parking. Most of the parking spaces would be provided in a parking lot area on the west side of the building. However, approximately twenty-five parking spaces would be provided on the northeast and east side of the building. The 27 stalls for trailer parking would be provided on the north side of the building. Vehicle access to the surface parking lot would be provided via a new 32-foot wide driveway on Concourse Drive. An internal circulation road would circle the building, connecting the driveway, parking area, and trailer parking stalls. Additionally, internal circulation would allow access to a loading dock area proposed on the north side of the building. Approximately 16 dock doors/slots would be provided on the building. Emergency access is to be provided through an easement onto the neighboring parcel on the northeast side. A conceptual site plan is shown on Figure 3.

On-site stormwater management, including bioretention areas, would be constructed adjacent to the surface parking lot, trailer parking stalls, and at various locations next to the internal circulation road, such as in the eastern corner of the site and next to the driveway of the site. The internal circulation road would also fulfill requirements of a fire lane. Wastewater service would be provided with a new 8-inch vitrified clay pipe (VCP) sanitary sewer lateral connection to the existing 8-inch VCP sanitary sewer main along Concourse Drive. Water service would be provided by two new connections to the existing 12-inch AC water main along Concourse Drive. Other utilities, such as electricity and telecommunications existing adjacent to the project site and would serve the proposed project. Utility connections would be in typical trenches that are backfilled following construction. Landscaping would be provided, consistent with City requirements. A total of 78 new trees would be planted on-site.

Figure 3 Site Plan



Source: HPA Architects, 2020

Project Construction

Construction activities would begin soon after entitlements are granted and would be completed in approximately 5 to 10 months. Construction activities would commence with demolition of the existing building, asphalt pavement, and other related infrastructure on site, such as existing utility connections. Demolition materials applicable will be reused onsite as aggregate base, otherwise material would be transported and disposed off-site in accordance with all federal, state, and local regulations.

Following demolition, construction of the proposed building, surface parking lot, internal circulation, utilities, and related infrastructure would commence. Because the site is currently nearly flat and developed, project construction would require very little grading or export and import of fill material. Soil excavated during construction, such as soil excavated from utility trenches, would be stored on-site and used for backfill.

Local workforce would fill the temporary construction jobs for the project. Construction workforce would park on the project site. Construction staging would also occur on-site.

8. Project Related Approvals, Permits, and Agreements

The proposed project would require the following entitlements, permits, and/or approvals:

- City of San José Site Development Permit
- City of San José Demolition Permit
- City of San José Grading Permit
- City of San José Building Permit
- City of San José Public Improvement Permit

Implementation of the project may also require clearances from the City's Public Works Department, such as encroachment permit for driveway reconstruction with roadway right-of-way.

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Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

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

Determination

Based on this initial evaluation:

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

■ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will 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 "less than significant with mitigation incorporated" 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 potential 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.

Environmental Checklist

1 Aesthetics

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

Existing Setting

The project site is currently developed with an approximately 110,143 square-foot, single-story, multi-tenant research and development building. The building has a façade of glass and stucco-like material that is white and matte. Asphalt surface parking surrounds the building. Landscaping, consisting of trees, shrubs, and grass surround the parking areas, as well as spaces between the parking and building. Trees are a mix of deciduous and conifers.

The project area is highly urbanized and typical of an industrial or business park. Surrounding views are similar to the appearance of the project site, consisting of industrial buildings with associated surface parking and landscaping. Most surrounding buildings are either one- or two-stories with facades of brick, stucco, or poured concrete.

Scenic Views

The City of San José is located in the Santa Clara Valley, bounded by the foothills of the Santa Cruz Mountains to the west, the Santa Teresa Hills to the south, and the Diablo Mountain Range to the east.

The topography of the project site is flat and therefore does not provide scenic views of the Diablo foothills, approximately 3 miles east, or the Santa Cruz Mountains, approximately 11 miles west, of the proposed project site. Due to its urban location, existing buildings, trees, and infrastructure (e.g., utility lines, street lamps, etc.) obscure viewpoints and viewsheds.

State Scenic Highways

There are no state-designated scenic highways in San José. In Santa Clara County, the one state-designated scenic highway is State Route (SR) 9 from the Los Gatos City Limit to the Santa Cruz County line (Caltrans 2019). The distance between the roadway segment and the project site is approximately 12.5 miles.

Eligible state scenic highways that are not officially designated include: SR 17 from SR 9 to the Santa Cruz County line, SR 35 from SR 9 to the Santa Cruz County line, Interstate 280 from SR 17 to the San Mateo County line, and the entire length of SR 152 within the County (Caltrans 2019). The project site is approximately 10 miles from the nearest of these roadway segments.

Lighting and Glare

Sources of light on the project site include external lighting on the existing building and street lights within the parking area. Exterior lighting and street lights within parking lots are typical on properties surrounding the project site.

Existing sources of glare on the project site and proximity include glass facades on buildings and vehicles parked in surface parking lots.

Regulatory Setting

California State Scenic Highway Program

The California State Scenic Highway Program requires a local governing body to enact a Corridor Protection Program that protects and enhances the resources along highways of State importance. The state scenic highway designation serves to protect scenic corridors, mitigate activities within scenic corridors, make development more compatible with the environment and preserve views of hillsides.

City of San José Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements. Title 23 of the Municipal Code governs signage in the City.

City Council Outdoor Lighting Policy 4-3

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

Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 4, Quality of Life, outlines the City's design goals and policies. Those included below are applicable to the project (City of San José 2011a).

Goal CD-1: Attractive City. Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.

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

Policy CD-1.15: Consider the relationship between street design, use of the public right-of-way, and the form and uses of adjoining development. Address this relationship in the Urban Village Planning process, development of new zoning ordinances, and the review of new development proposals in order to promote a well-designed, active, and complete visual street environment.

Impacts Assessment

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

Views through or across the project site are currently obstructed by the existing building on-site. The proposed project would involve demolition of this building and redevelopment of the site with a larger building. However, the height of the proposed building would be similar to the existing building. Regardless, views of scenic vistas, such as the Santa Cruz Mountains or Diablo foothills are not possible from the project site or through the project site because existing industrial buildings, landscaping, and infrastructure obstruct distant views. Views from the project site and across the project site are typical of an industrial park and are not scenic vistas. The proposed project would have no impact.

NO IMPACT

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

As described above in *Existing Setting*, there are no state-designated scenic highways in San José. SR 9, the nearest state-designated scenic highway in Santa Clara County is approximately 12.5 miles southwest of the project site. The site is not within the scenic highway or visible from SR 9. The project site is at least 10 miles from the nearest of these roadway segment eligible for state designation. Because the project site is not within a state scenic highway or visible from such a highway, there would be no impact.

NO IMPACT

c. Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

The project site is not located in a non-urbanized area. The project site is located in an urbanized area characterized by industrial, warehouse, and R&D/manufacturing development. The proposed building would be of similar height to the existing building on-site, which would be demolished. The proposed building would be slightly larger and have a more modern appearance, as the existing

building was constructed in 1984. The proposed building would be consistent with the visual character and quality of the surrounding area, which is characterized by industrial or warehouse buildings used for manufacturing, storage, retail, and R&D/office. Existing landscape trees on the project site would be retained to the extent possible. Additionally, the proposed project would involve landscaping the site. The proposed project does not include rezoning, special use permits, or exceptions to the zoning code. The proposed building, as well as proposed parking and landscaping areas, would and must be in conformance with the City's zoning code. Therefore, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

As described above, existing lighting on the project site consists of exterior building lighting and streetlights within and surrounding the on-site parking lots. The project would include new lighting for the proposed building and within the proposed parking area and access road areas. The proposed lighting would be similar to existing lighting on-site, which would be demolished. Therefore, the proposed project would result in minimal new light sources compared to existing conditions. Additionally, San José City Council Policy 4-3 requires private developments to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Exterior lighting would be provided for the project in accordance with City Council Policy 4-3 for outdoor lighting on private developments to ensure the project would not create a new substantial source of light. The project would not generate any major sources of glare beyond current conditions. Therefore, impacts associated with light and glare would be less than significant.

LESS THAN SIGNIFICANT IMPACT

2 Agriculture and Forestry Resources

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

Existing Setting

The California Department of Conservation designates the project site as Urban and Built-Up Land (California Department of Conservation 2020a). Urban and Built-Up Land is defined as land occupied by structures with a building density of at least one unit to 1.5 acres, or approximately six structures to a 10-acre parcel. Urban and Built-Up Land is not Important Farmland. The project site is zoned as Industrial Park (IP) and is currently developed with an industrial building. The project site is not used for agriculture.

CEQA requires the evaluation of forest and timber resources where they are present. The project site is located in a developed urban area. The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section

4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Regulatory Setting

Williamson Act

The Williamson Act (California Land Conservation Act of 1965) enables local governments to enter into contracts with private land owners for the purpose of restricting specific parcels of land to agricultural or related open space use. In return, land owners receive property tax assessments which are lower than full market value of the property because they are based on farming and open space uses.

Farmland Mapping and Monitoring Program

The California Natural Resources Agency's Farmland Mapping and Monitoring Program (FMMP) provides maps and data to decision makers to assist them in making informed decisions regarding the planning of the present and future use of California's agricultural land resources.

Forest Land and Timberland

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

Public Resources Code Section 4526 identifies timberland as land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of a commercial species used to produce lumber and other forest products, including Christmas trees. Commercial species shall be determined by the board on a district basis.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 6, Land Use and Transportation outlines the City's framework for identifying appropriate land uses in various areas of the City. Those included below are applicable to agriculture and forestry (City of San José 2011a).

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.

Impacts Assessment

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

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

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

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

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

The project site is urbanized and developed with an industrial building and associated surface parking, access driveway, and landscaping. Neither farmland nor forested lands occur on or adjacent to the project site. The site is not zoned for agriculture, forest land, nor timberland production. The site contains no mapped Important Farmland. There would be no impact.

NO IMPACT

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3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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?	☐	☐	■	☐

Existing Setting

The project is in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the state and federal level. The San Francisco Bay Area Air Basin does not meet state or federal ambient air quality standards for ground-level ozone and fine particulate matter ($PM_{2.5}$) and state standards for respirable particulate matter (PM_{10}). The area is considered in attainment or unclassified for all other pollutants. The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency with jurisdiction over the San Francisco Bay Area Air Basin. BAAQMD has published California Environmental Quality Act (CEQA) Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of projects (BAAQMD 2017a).

Air Pollutants of Concern

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-

wide or cumulative emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality, usually because they cause cancer. TACs include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about threequarters of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs.

The San José Envision 2040 General Plan includes goals, policies, and actions to reduce exposure of the City’s sensitive population to exposure of air pollution and toxic air contaminants or TACs. General Plan policies applicable to the proposed project are listed below.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. The closest sensitive receptors to the project site are residences approximately 1,900 feet north of the site.

Odors

Substantial sources of offending odors are typically identified based on complaint histories received and compiled by BAAQMD. Typical large sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities, and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors. The site contains an existing industrial building and does not produce substantial odors.

Regulatory Setting

Federal

CLEAN AIR ACT

The Clean Air Act (CAA) of 1970 is the comprehensive federal law that regulates air emissions from stationary and mobile sources. The CAA authorizes the USEPA to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants. In 1977, Congress again added several provisions, including non-attainment requirements for areas not meeting NAAQS and the Prevention of Significant Deterioration program. The 1990 federal CAA amendments represent the latest in a series of federal efforts to regulate air quality in the United States. The federal CAA allows states to adopt more stringent standards or to include additional pollution species.

TITLE III OF THE FEDERAL CLEAN AIR ACT

The CAA was amended in 1990 to better address hazardous air pollutants (HAPs) (Title III). Title III offers a comprehensive plan for achieving significant reductions in emissions of HAPs from major sources. It includes a list of 189 toxic air pollutants of which emissions must be reduced. The USEPA maintains and updates a list of source categories including (1) major sources emitting 10 tons per year of any one, or 25 tons per year of any combination, of those pollutants; and (2) area sources (smaller sources, such as dry cleaners). As required by Title III, the USEPA developed Maximum Achievable Control Technology (MACT) standards. MACT standards use the HAP emissions of the best-performing industry sources to set the "MACT floor", which becomes the minimum standard that an industry must at least meet in order to comply with the CAA.

State

CALIFORNIA CLEAN AIR ACT AND CALIFORNIA AMBIENT AIR QUALITY STANDARDS

As a part of the California Environmental Protection Agency, the California Air Resources Board (CARB) is responsible for the coordination and administration of both federal and state air pollution control programs in California. The federal CAA allows states to adopt ambient air quality standards and other regulations provided that they are at least as stringent as federal standards. The California Clean Air Act (CCAA) became effective in 1989 and requires all areas of the state to attain the state ambient air quality standards at the earliest practicable date. To that end, California has adopted ambient standards (California Ambient Air Quality Standards or CAAQS) that are equal to or stricter than the federal standards for six criteria air pollutants. The California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations. Similar to the federal CAA, areas have been designated as attainment, nonattainment, or unclassified with respect to the state ambient air quality standards.

RISK REDUCTION PLAN TO REDUCE PARTICULATE MATTER EMISSIONS FROM DIESEL-FUELED ENGINES AND VEHICLES

In September 2000, CARB approved the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (CARB 2000). The plan outlines a comprehensive and ambitious program that includes the development of numerous control measures aimed at substantially reducing emissions from new and existing on-road vehicles (e.g., heavy-duty trucks and

buses), off-road equipment (e.g., graders, tractors, forklifts, sweepers, and boats), portable equipment (e.g., pumps), and stationary engines (e.g., stand-by power generators). CARB has adopted several regulations that will reduce diesel emissions from in-use vehicles and engines throughout California. In some cases, the particulate matter reduction strategies also reduce smog-forming emissions such as NO_X. As an ongoing process, CARB reviews air contaminants and identifies those that are classified as TACs. CARB also continues to establish new programs and regulations for the control of TACs, including diesel particulate matter, as appropriate.

Regional

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA Air Quality Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by the BAAQMD. The CEQA Air Quality Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

BAAQMD SIGNIFICANCE THRESHOLDS

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA and these significance thresholds were contained in the BAAQMD's 2011 CEQA Air Quality Guidelines. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The thresholds underwent a series of court challenges and were mostly upheld. BAAQMD updated the CEQA Air Quality Guidelines in 2017 to include the latest significance thresholds, which were used in this analysis and are summarized in Table 2.

Table 2 Air Quality Thresholds of Significance

Pollutant/ Precursor	Construction Average Daily Emissions (lbs/day)	Operational Average Daily Emissions (lbs/day)	Operational Annual Average Emissions (tons/year)
ROG	54	54	10

NO_X	54	54	10
PM_{10}	85 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10

Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM10 = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM2.5 = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less. GHG = greenhouse gases.

Source: Tables 2-2 and 2-4, Bay Area Air Quality Management District, CEQA Air Quality Guidelines, May 2017.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. These thresholds were designed to establish the level at which the BAAQMD believes air pollution emissions would cause significant environmental impacts. The City of San José has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and fine particulate matter.

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership, outlines the City's air quality goals and policies (below) that are applicable to the project (City of San José 2011a).

Policy 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 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.

Impacts Assessment

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

BAAQMD's most recent adopted air quality plan is the 2017 Clean Air Plan (CAP). Emissions projections are based on population, vehicles, and land use trends developed by the BAQQMD, Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG). Determining consistency with the 2017 CAP involves assessing whether applicable control measures contained in the 2017 CAP are implemented and whether a project would alter the population

and/or employment estimates in the CAP. Implementation of control measures improves air quality and protects health. These control measures are organized into nine categories: stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and short-lived climate pollutants (BAAQMD 2017b).

Control measure categories relevant to the project would include those related to buildings, waste management and water control. The project would be required to comply with the Title 24 Energy Efficiency Standards and CALGreen standards, consistent with Building Control Measure BL1 (Green Buildings). Compliance with CALGreen standards would also include measures for water use and wastewater reduction and recycling non-hazardous construction debris, as further described in Section 19, *Utilities and Service Systems*, consistent with Waste Management Control Measure WA4 (Recycling and Waste Reduction) and Water Control Measure WR2 (Support Water Conservation).

A project would conflict with or obstruct implementation of the CAP if it would be inconsistent with the regional growth assumptions in terms of population, employment, or regional growth in vehicle miles traveled (VMT). The emission strategies in the CAP were developed, in part, on regional population, housing, and employment projections prepared by ABAG. ABAG projections are based on the General Plan; as such, the General Plan is consistent with the CAP. The project is consistent with the General Plan designation and industrial zoning for the site. As such, the use of this site for industrial purposes is already included in the CAP.

The project would result in a net increase of approximately four employees on site (Hexagon Transportation Consultants, Inc. 2020; refer to Appendix J). As described in Section 17, *Transportation*, the project would not result in substantial increases in VMT and VMT impacts would be less than significant. Development of the project would not conflict with population and VMT projections used to develop the CAP projections. In addition, the project would not exceed BAAQMD thresholds for operational criteria air pollutant emissions, as discussed below. The project would not obstruct implementation of the CAP, and the impact would therefore be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction and operation of the site assuming full build-out of the project, as well as existing emissions from the current industrial building on site. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod is included in Appendix A.

Construction-Period Emissions

CalEEMod provided annual emissions for construction. CalEEMod provides emission estimates for both on-site and off-site construction activities. On-site activities are primarily made up of construction equipment emissions, while off-site activity includes worker, hauling, and vendor traffic. CalEEMod includes built-in default construction equipment lists for use in modeling. The default equipment lists were used in the emissions model because the proposed project consists of standard and typical construction. Detailed CalEEMod inputs, including defaults and project-specific inputs, are provided in Appendix A.

Table 3 shows average daily construction emissions of ROG, NO_x, PM_{10} exhaust, and $PM_{2.5}$ exhaust during construction of the project. As indicated in Table 3, predicted construction-period average daily emissions would not exceed the BAAQMD significance thresholds.

Table 3 Construction Emissions (pounds/day)

Pollutant	Average Daily Emissions (lbs/day)	Significance Threshold (lbs/day)	Significant Impact?
ROG	12.5	54	No
NO_x	40.5	54	No
CO	23.4	n/a	No
SO_x	<0.1	n/a	No
PM_{10}	2.0	85 (exhaust)	No
$PM_{2.5}$	1.9	54 (exhaust	No

See Appendix A for CalEEMod worksheets, Table 2.1 (maximum daily emissions provided per summer and winter estimates).

Additionally, construction of the proposed project would be subject to the following City of San José Standard Permit Conditions.

Standard Permit Condition

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

a. Water active construction areas at least twice daily or as often as needed to control dust emissions.

b. 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.

c. 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.

d. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).

e. Pave new or improved roadways, driveways, and sidewalks as soon as possible.

f. Lay building pads as soon as possible after grading unless seeding or soil binders are used.

g. Replant vegetation in disturbed areas as quickly as possible.

h. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

i. 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.

j. 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.

k. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Operation-Period Emissions

Operational air emissions from the project would be generated primarily from automobiles driven by employees and truck deliveries. Evaporative emissions from architectural coatings and maintenance products (classified as consumer products) are typical emissions from these types of uses. CalEEMod was used to estimate emissions from operation of the proposed project assuming full build-out. The operational emissions account for HVAC equipment but not include emissions from a generator or generators because generators are not proposed.

Emissions associated with vehicle travel depend on the year of analysis because emission control technology requirements are phased-in over time. Therefore, the earlier the year analyzed in the model, the higher the emission rates utilized by CalEEMod. See Appendix A for a detailed description of CalEEMod inputs, including trip generation rates from the Transportation Report (Appendix J), off-road equipment (e.g., lawn mower, leaf blower, etc.), energy, and other inputs. Table 4 and Table 5 provide the project's estimated operational emissions.

Table 4 Operational Average Daily Emissions (pounds/day)

Pollutant	Proposed Project Emissions	Significance Threshold	Significant Impact?
ROG	3.5	54	No
NO_x	2.9	54	No
CO	5.0	n/a	No
SO_x	<0.1	n/a	No
PM_{10}	1.5	85	No
$PM_{2.5}$	0.5	54	No

See Appendix A for CalEEMod worksheets.

Note: Table values rounded to the nearest tenth decimal.

Table 5 Operational Annual Average Emissions (tons/year)

Pollutant	Proposed Project Emissions	Significance Threshold	Significant Impact?
ROG	0.6	10	No
NO_x	0.3	10	No
CO	0.6	n/a	No
SO_x	<0.1	n/a	No
PM_{10}	0.2	15	No

$PM_{2.5}$	0.1	10	No

See Appendix A for CalEEMod worksheets.
Note: Table values rounded to the nearest tenth decimal.

As shown in Table 4 and Table 5, operational emissions would not exceed the BAAQMD significance thresholds; as such, operational emissions would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Project impacts related to increased community risk can occur either by introducing a new sensitive receptor, such as a residential use, in proximity to an existing source of TACs or by introducing a new source of TACs with the potential to adversely affect existing sensitive receptors in the project vicinity. Temporary project construction activity would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. The operation of the project would also add heavy-duty truck traffic to the area, which would be a source of long-term DPM emissions. Community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual $PM_{2.5}$ concentrations, and computing the Hazard Index (HI) for non-cancer health risks. See Appendix A for detailed methodology.

Construction Community Health Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. These exhaust air pollutant emissions would not be considered to contribute substantially to existing or projected air quality violations but may still pose health risks for sensitive receptors such as surrounding residents. However, the closest residences are located 1,900 feet to the north, which is greater than the 1,000-foot screening criteria for a health risk assessment. Therefore, a health risk assessment is not required, and impacts would be less than significant.

Operational Health Risk Impacts

Operation of the project would result in a net decrease in vehicle trips (Appendix J); therefore, no increase in DPM emissions is anticipated. Additionally, there are no residences within 1,000 feet of the project site, which is the BAAQMD screening criteria of significance. Therefore, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The proposed project would not be expected to create new sources of odors. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. The project site is in the Industrial Park (IP) zoning district. While the IP zoning district does allow some uses that could generate odors, such as neighborhood agricultural uses, commercial kitchens, and breweries, the proposed project would not be used for these uses. The proposed building would be operated for warehouse, distribution, and logistics types of uses. Materials and goods used in operations would be stored within the interior of the building, which would contain odors and not affect a substantial number of people. Additionally, project operation would not use materials that generate new sources of odors. The proposed use

does not include any activities, such as wastewater treatment, waste disposal, or food processing, that are typically associated with the generation of operational odors. Therefore, impacts related to odors would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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4 Biological Resources

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

Existing Setting

The project site is located within an urbanized area of San José. Within the City, the urban forest as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the best commonly or locally available habitat within urban areas.

The site contains existing structures, pavement, and landscaping and grass areas. The site contains 158 trees, 80 of which are regulated by the City's Tree Ordinance (see Appendix B). Due to the disturbed and developed condition of the site and its location in an industrial park, it has a relatively low habitat value. Due to the lack of native, sensitive, and wetland habitats on the project site, special-status plant and animal species and sensitive habitats are not expected to occur on the project site. The Coyote Creek riparian corridor, which contains riparian woodland vegetation, is located approximately 1.0 mile west of the site. The project site does not connect to natural or open space areas.

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP), a habitat conservation plan/natural community conservation plan (HCP/NCCP) that was developed through a partnership between Santa Clara County; the cities of San José, Morgan Hill, and Gilroy; Santa Clara Valley Water District; Santa Clara Valley Transportation Authority; U.S. Fish and Wildlife Service (USFWS); and California Department of Fish and Wildlife (CDFW).

The SCVHP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The SCVHP utilizes a variety of private and public development-based fees to fund mitigation that will offset losses of land cover types, covered species habitat, and other biological values. These one-time fees pay for the full cost of mitigating project effects on covered species and natural communities.

Private development activities that require ground disturbance are subject to the SCVHP if the activity is equal to or greater than two acres and located in an area identified as "Urban Development Equal to or Greater than 2 Acres is Covered." As shown on Figure 2-5 (Private Development Areas Subject to the Plan) of the SCVHP, the project site is located in an area subject to the SCVHP, as it is mapped within the area identified as "Urban Development Equal to or Greater than 2 Acres is Covered." The project site is developed and no natural communities are located on the site, as shown on Figure 3-9 (Santa Clara Valley Habitat Plan Natural Communities) of the SCVHP. The SCVHP's land cover classification for the site, shown on Figure 3-10 (Santa Clara Valley Habitat Plan Land Cover) of the SCVHP, is Urban-Suburban and the project is within the City's urban growth boundary. The SCVHP defines Urban-Suburban land cover as areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, with one or more structures per 2.5 acres (Santa Clara County 2012). The project site is in the "Urban Areas" land cover fee zone. As such, the project site is subject to the SCVHP, despite being developed and having an Urban-Suburban land cover type.

The SCVHP additionally addresses nitrogen deposition, requiring payment of nitrogen deposition fees for all covered projects that generate net new vehicle trips. Nitrogen deposition is known to adversely affect many of the native serpentine plants in the SCVHP study area, including the host plants that support the federally threatened Bay checkerspot butterfly (*Euphydryas editha bayensis*). All major remaining populations of the Bay checkerspot butterfly and many of the

sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project area. Because serpentine soils are nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species, resulting in the displacement of native species. This decline of native species, including the Bay checkerspot butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County (approximately 14 miles southwest of the project site). Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The SCVHP requires payment for nitrogen deposition fees for all covered projects that generate new net daily vehicle trips; fees collected under the SCVHP for new daily vehicle trips are used to purchase and manage conservation land for the Bay checkerspot butterfly (Santa Clara County 2012).

Regulatory Setting

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 2017).

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.).

Local

Regulatory authority over biological resources is shared by state and local authorities under a variety of statutes and guidelines. Primary authority for biological resources lies within the land use control and planning authority of local jurisdictions, in this case the City of San José.

CITY OF SAN JOSÉ MUNICIPAL CODE

The City of San José's Municipal Code (Title 13) regulates the removal of trees, including any live or dead woody perennial plant, having a main stem or trunk 56 inches or more in circumference (18 inches in diameter) at a height of 24 inches above the natural grade slope. In addition, City-designated heritage trees are considered sensitive resources. A heritage tree is any tree located on private property, which because of factors including (but not limited to) history, girth, height, species, or unique quality has been found by the City Council to have special significance to the community. It is unlawful to vandalize, mutilate, remove, or destroy heritage trees.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership, and Chapter 4, Quality of Life, outlines the City's design goals and policies. Those included (below) are applicable to biological resources and to the project (City of San José 2011a).

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.

SANTA CLARA VALLEY HABITAT PLAN

As discussed above under Existing Setting, the project site is within the boundaries of the SCVHP, which is a 50-year regional plan to protect endangered species and natural resources while allowing

for future development in Santa Clara County. In addition to strengthening local control over land use and species protection, the Plan provides a more efficient process for protecting natural resources by creating new large-scale habitat reserves that are more ecologically valuable and easier to manage than the individual mitigation sites created under the current approach (Santa Clara County 2012).

Impacts Assessment

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

Because the project site is fully developed and located within an urban area, there are no natural features that could otherwise be modified and no candidate, sensitive, or special-status species exist in the project area. However, construction of the project would require the removal of existing trees and landscaping, which migratory birds could use for nest sites. The damage or destruction of active nest sites of migratory birds would be a potentially significant impact. Implementation of mitigation measure MM BIO-1 would reduce impacts to less than significant.

Mitigation Measures

MM BIO-1: Prior to the issuance of any tree removal, grading, building or demolition permits (whichever comes first), the project applicant shall schedule all 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). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching. If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no active nests shall be disturbed during construction activities. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (May 1st through August 31st inclusive). During this survey, the ornithologist/biologist shall inspect all trees and other possible nesting habitats on-site and within 250 feet of the site for nests.

If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/biologist, 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.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist/biologist 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 Director's designee.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

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

The project site is in an industrial area and is developed with an industrial building and surface parking lot. The project site does not contain riparian habitats, other sensitive natural communities, or wetlands, and none are located on or adjacent to the site. Therefore, the project would have no impact on riparian habitats, other sensitive natural communities, or protected wetlands.

NO IMPACT

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

Wildlife corridors are pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, other natural obstacles, or manmade obstacles such as urbanization. As stated above, the project site is developed, is surrounded by development, and does not connect areas of natural open space. The project site is not part of a wildlife movement corridor and the project would not impede the use of native wildlife nursery sites. Therefore, the project would have no impact on wildlife movement or native wildlife nursery sites.

NO IMPACT

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

The project is located in an urban area and includes 158 trees, 80 of which are regulated by the City's Tree Ordinance (see Appendix B). Construction of the project would require removal of 20 trees, all of which are non-native species but protected by the City's Tree Ordinance due to their size. Implementation of the following Standard Permit Conditions to replant the removed trees would ensure that the impact from the removal of the protected trees would be less than significant.

Standard Permit Conditions

Tree Replacement. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in Table 6 below.

Table 6 City of San José Replacement Guidelines for Trees to be Removed

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 greater	5:1	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

x:x = tree replacement to tree loss ratio

Note: Trees greater than or equal to 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 20 trees on-site would be removed, 19 trees would be replaced at a 4:1 ratio and the remaining other one tree would be replaced at a 2:1 ratio. As mentioned previously, there are no native trees on site. The total number of replacement trees required to be planted would be 78 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 proposed project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement , at the development permit stage:
  - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
  - Pay off-site tree replacement fee(s) to the City, prior to the issuance of Public Works grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

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

LESS THAN SIGNIFICANT IMPACT

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

The project would be a covered activity under the SCVHP. The project site is greater than two acres and is located in an area mapped as "Urban Development Equal to or Greater than 2 Acres is Covered." The site is located within the "Urban Areas" land cover fee zone, which is a land cover fee zone that has no applicable land cover fee (Santa Clara County 2012). As such, while the site is covered by the SCVHP, there is no applicable land cover fee. However, the project would be subject to the nitrogen deposition fee, as it is a covered project and would generate nitrogen. The site is not located within a riparian setback area.

Because the project is a SCVHCP covered project,[1] and would be subject to the following City Standard Permit Condition:

[1] Covered activities are those projects or ongoing activities that receive incidental take authorization by the Endangered Species Act and Natural Community Conservation Plan permits. Covered activities in the SCVHCP fall into seven general categories. The proposed project would be covered as an urban development project within the Plan Area (Santa Clara Valley Habitat Agency 2012).

Standard Permit Condition

The project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant would be required to submit the Santa Clara Valley Habitat Plan Coverage Screening Form to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of the nitrogen deposition fee prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at www.scv-habitatplan.org.

LESS THAN SIGNIFICANT IMPACT

5 Cultural Resources

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

Existing Setting

The information in this section is based on a Cultural Resources Technical Report prepared for the Project. The report includes a records search of the California Historical Resources Information System (CHRIS) from the Northwest Information Center (NWIC) conducted for the project site and a 100-meter radius and a search of the Native American Heritage Commission (NAHC) Sacred Lands File. The report contains potentially confidential or sensitive information on the location of cultural resources. Therefore, the report is not included as an appendix to the Initial Study. However, the report is available at the City of San José for review upon request.

Archaeologic Resources

Rincon requested a search of the California Historical Resources Information System (CHRIS) at the Northwest Information Center (NWIC) located at Sonoma State University on October 29, 2020 to identify previous cultural resources work and previously recorded cultural resources within a 100-meter radius of the project site. A staff member at NWIC conducted the records search on November 20, 2020.

The NWIC records search identified three previously conducted cultural resources studies within a 100-meter radius of the project site (Table 7). Of these, all three (S-008576, S-011396, and S-018668) are located within the project site. The studies are discussed in detail below.

Table 7 Previously Conducted Cultural Resources Studies within 100 Meters of Project Site

NWIC Report No.	Author	Year	Study	Relationship to Project Site
S-008576	Holman, M. P.	1981	*An archaeological field Reconnaissance of the International Business Center in northeast San Jose, California (letter report)*	Within

NWIC Report No.	Author	Year	Study	Relationship to Project Site
S-011396	BioSystems Analysis, Inc.	1989	*Technical Report of Cultural Resources Studies for the Proposed WTG-WEST, Inc., Los Angeles to San Francisco and Sacramento, California: Fiber Optic Cable Project*	Within
S-018668	Archaeological Resource Management	1996	*Cultural Resource Evaluation for the Flextronics Fortune Drive Project in the City of San Jose*	Within

Source: NWIC 2020

S-008576

Study S-008576, An archaeological field Reconnaissance of the International Business Center in northeast San Jose, California (letter report), was prepared by Holman and Associates in 1981. The study included a records search review, background research, review of historical maps, and a field survey. The study did not identify any cultural resources.

S-011396

Study S-011396, Technical Report of Cultural Resources Studies for the Proposed WTG-WEST, Inc., Los Angeles to San Francisco and Sacramento, California: Fiber Optic Cable Project, was completed in 1989 by BioSystems Analysis, Inc. The study included 500 miles of fiber optic cable and associated facilities between Los Angeles, San Francisco, and Sacramento. The study conducted background research, a records search of the CHRIS, Native American outreach, an archaeological field survey, and a paleontological field survey. The study did not identify any cultural resources.

S-018668

Study S-018668, Cultural Resource Evaluation for the Flextronics Fortune Drive Project in the City of San Jose, was prepared for Archaeological Resource Management in 1996. The study included background research, a review of CHRIS records, and a field survey. The study identified two informal resources within the project site boundaries.

The NWIC records search identified two informally recorded resources within 100 meters of the project site (Table 8). Both of the resources are recorded within the project site. C-447 is a kitchen midden deposit reported by Michael Deleray in 1988. C-1414 is a possible aboriginal village site with rectangular midden deposit recorded by Miley P. Holman in 1981.

Table 8 Previously Recorded Cultural Resources within 100 Meters of Project Site

Informal Resource Number	Resource Type	Description	Recorder(s) and Year(s)	Eligibility Status	Relationship to Project Site
C-447	Prehistoric Site	Kitchen midden deposit	1988 (Deleray, M.)	Not evaluated	**Within**
C-1414	Prehistoric Site	Midden deposit	1981 (Holman, M. P.)	Not evaluated	**Within**

Sources: NWIC 2020

Based on the results of the NWIC records search and that prehistoric sites have been previously recorded within the project site, the project site is considered sensitive for archaeological resources.

Historic Resources

The CHRIS records search included a review of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, the Built Environment Resources Directory, and the California State Historic Resources Inventory list. The project site does not appear on these registers, directories, or lists. No City landmarks, or City Landmark Districts or eligible Landmark Districts, or historic districts are located near the site (City of San José 2016).

According to City permit records, the existing building on the project site was constructed in 1984, making it approximately 36 years old at the time of preparation of this Initial Study. Because the existing building is relatively modern and only 36 years of age, an evaluation of its potential historical significance is not warranted. Additionally, the building is not associated with the commercial and residential growth of the area in an individually significant way. No persons of significance are known to be directly associated with the property. The building fails to be an exemplary representative of an architectural style; it appears to be of common construction and materials with no notable attributes. The existing on-site building is not a historic resource. Further, the project site is in an industrial park of similarly aged or newer structures. Therefore, the existing on-site building is not part of a larger historic district.

Regulatory Setting

Federal

NATIONAL REGISTER OF HISTORIC PLACES

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 (NPS 2019). The NPS is responsible for the designation, documentation, and physical preservation of historic sites.

State

CALIFORNIA REGISTER OF HISTORIC PLACES

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 (OHP 2019).

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. Several Subsections within the General Plan outline the City's land use goals and policies as they pertain to the preservation and conservation of archaeological, paleontological, historical, and cultural resources. Those included (below) are applicable to the project (City of San José 2011a).

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.

Impacts Assessment

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

No historic resources exist on the project site. The project site is not adjacent to historic resources. The project site contains one building dating from approximately 1984, which is of modern construction and not a historic resource. The proposed project would have no impact on historic resources pursuant to §15064.5.

NO IMPACT

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

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

The Sacred Lands File search was returned with negative findings for cultural resources within the project site. However, as described above in the *Existing Setting*, the project site is considered highly sensitive for archaeological resources, and two pre-historic sites have been previously recorded within the project site. The sites recorded at this location have likely been heavily disturbed and possibly destroyed by prior orchard maintenance and prior construction in the area and within the

project site. The project site has a history of grading and development disrupting the soil layers. Nevertheless, portions of either pre-historic site may still be present within the project site. Likewise, while the potential to encounter human remains on-site would also be low due to past disturbance of soil layers, there is always a possibility of encountering unrecorded archaeological resources or human remains when conducting subsurface earthwork activities

Construction of the proposed project would require ground disturbance, such as grading and excavation. Construction activities would have the potential to encounter buried or subsurface pre-historic resources, as well as human remains. Damage or destruction of archaeological resources and human remains, if present, would be a potentially significant impact.

Mitigation Measures

MM CUL-1.1: Prior to the issuance of any demolition or grading permit, a qualified archaeologist shall prepare an Archaeological Monitoring Work Plan (AMWP) to ensure the proper treatment and long-term protection of unanticipated discoveries during project construction. The AMWP shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or Director's designee. The AMWP shall provide a description of the methods to be undertaken during monitoring and the steps to be taken in the event of an archaeological discovery during construction, including, at minimum: detailed field strategy used to record, recover, or avoid the finds; analytical methods to be employed for identified resources; requirements for reporting; and disposition of the artifacts. Other details may include but are not limited to information about monitor personnel and project timeframes regarding monitoring efforts.

MM CUL-1.2: During construction activities, a qualified archaeologist and Native American consultant shall conduct , archaeological and Native American monitoring of all project-related ground disturbing activities. Archaeological monitoring shall be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983). Native American monitoring shall be provided by a locally affiliated tribal member(s). Monitors shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find must halt and the find evaluated for listing in the CRHR and NRHP. If the discovery proves to be eligible for the CRHR and cannot be avoided by the proposed project, additional work, such as data recovery excavation, may be warranted to mitigate any significant impacts to historical resources, as described in the City of San José's Standard Permit Conditions. Work within the area of the find shall resume once the find has been evaluated and disposition of the find determined. Archaeological or Native American monitoring or both may be reduced or halted at the discretion of the monitors, in consultation with the City of San José, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 50 percent of ground-disturbance. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project site and when ground disturbance extends to depths not previously reached, unless those depths are within bedrock. Upon completion of the monitoring efforts for the project, the monitoring report shall be submitted to the City of San José Director of Planning, Building and Code Enforcement or Director's designee, the City's Historic Preservation Officer, and the Northwest Information Center, as required by the City's Standard Permit Conditions.

In addition to the mitigation identified above, as part of the development permit approval, the project would conform to the following standard permit conditions to avoid impacts associated with disturbance to buried archaeological resources and human remains during construction.

Standard Permit Conditions

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 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.
- 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 (AB) 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 will then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:
    - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.
    - The MLD identified fails to make a recommendation; or
    - The landowner or his authorized representative rejects the recommendation of the MLD, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

With implementation of mitigation measure CUL-1.1 and CUL-1.2, and compliance with standard permit conditions, impacts would be reduced to less than significant.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

6 Energy

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

Existing Setting

In 2019, California's total statewide electricity consumption was approximately 279,402 gigawatt-hours (GWh). Approximately 16,664 gigawatt-hours (GWh) of electricity were consumed in Santa Clara County, of which approximately 12,619 GWh (76 percent) were consumed by the non-residential sector (CEC 2020a). Total natural gas consumption in 2019 was approximately 13.158 billion therms statewide, and 460 million therms in Santa Clara County. Natural gas consumption for the non-residential sector in Santa Clara County comprised approximately 216 million therms (approximately 47 percent of the County's gas consumption; CEC 2020b).

The California Energy Commission (CEC) provides full forecasts for electricity, natural gas, and fuel every two years as part of the Integrated Energy Policy Report (IEPR) process. In 2030, it is estimated that Californians will consume up to 321,300 GWh of electricity and 13.241 billion therms of natural gas (CEC 2019). Gasoline demand is projected to decline each year through 2030 due to greater numbers of zero-emission vehicles and increasing fuel economy, with forecasted 2030 gasoline demand of up to 12.6 billion gallons; diesel demand is projected to increase modestly, following economic growth, to approximately 4.0 billion gallons in 2030 (CEC 2018a).

California's electric grid relies increasingly on clean sources of energy such as solar, wind, geothermal, hydroelectricity, and biomass. As this transition advances, the grid is also expanding to serve new sectors including electric vehicles, rail, and space and water heating. California has installed more renewable energy than any other U.S. state with 22,250 megawatts (MW) of utility-scale systems operational today (CEC 2018b). California's Renewables Portfolio Standard (RPS) is among the most ambitious energy policies in the nation, requiring utilities to produce 33 percent of their retail electricity from clean, renewable sources by 2020 and 50 percent by 2030. Increasing California's renewable supplies will diminish the state's dependence on fossil fuels for electric power generation.

Pacific Gas and Electric Company (PG&E) transmits and delivers electricity and natural gas to residents and businesses in the City of San José, including the project site. The San José City Council created San José Clean Energy (SJCE), which provides clean electricity to the city; however, residents

and businesses may opt out and continue to receive electricity from PG&E. PG&E's 2018 power mix included 39 percent from renewable sources, 34 percent from nuclear, 15 percent from natural gas and other fuels, and 13 percent from large hydropower plants (PG&E 2020). Existing energy consumption on the project site includes consumption of fossil fuels in operation of the existing building and fuel use associated with vehicles traveling to and from the site.

Regulatory Setting

State

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.

THE 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 projects 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 (CPUC 2011).

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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

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

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

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

Policy MS-2.4: Promote energy efficient construction industry practices.

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

Policy MS-3.2: Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.

Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

Goal MS-14: Reduce Consumption and Increase Efficiency. Reduce per capita energy consumption by at least 50% compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 (Green Vision) level through 2040.

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

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

Policy CD-5.6: Design lighting locations and levels to enhance the public realm, promote safety and comfort, and create engaging public spaces. Seek to balance minimum energy use of outdoor lighting with goal of providing safe and pleasing well-lit spaces. Consider the City's outdoor lighting policies in development review processes.

CITY OF SAN JOSÉ MUNICIPAL CODE

The San José 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 of San José, 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).

CITY OF SAN JOSÉ PRIVATE SECTOR GREEN BUILDING POLICY (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance greenhouse gas reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater. For commercial/industrial buildings greater than or equal to 25,000 square feet, Council Policy 6-32 requires a deposit fee that is refunded to the project applicant or developer if LEED Silver certification is obtained (City of San José 2020a).

CLIMATE SMART SAN JOSÉ

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community while continuing to foster the City's projected growth (City of San José 2018). The Climate Smart San José plan includes three "pillars" or goals:

Create a sustainable and climate smart city by:

- Transitioning to renewable energy
- Embracing the Californian climate

Create a vibrant city of connected and focused growth by:

- Densifying the City to accommodate growth
- Making homes more efficient and affordable for families
- Creating clean, personalized mobility choices
- Developing integrated, accessible public transportation infrastructure

Create an economically inclusive city of opportunity by:

- Creating local jobs to reduce VMT
- Improving commercial building stock
- Making commercial goods movement clean and efficient

Impacts Assessment

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

Construction

Construction of the project would require consumption of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil, natural gas, and gasoline) for automobiles and construction equipment, and other resources including, but not limited to, lumber, sand, gravel, asphalt, metals, and water. Construction would include energy used by construction equipment and other activities at the project site (e.g., building demolition, building construction, paving), in

addition to the energy used to manufacture the equipment, materials, and supplies and transport them to the project site.

Total project consumption of gasoline and diesel fuel during project construction was estimated using the assumptions and factors from CalEEMod (Appendix A). Table 9 summarizes the estimated construction energy consumption for the project. Diesel fuel consumption, including construction equipment operation, hauling trips, and vendor trips, would consume an estimated 50,054 gallons of fuel over the project construction period. Worker trips would consume an estimated 7,553 gallons of petroleum fuel during project construction.

Table 9 Estimated Fuel Consumption during Construction

Fuel Type	Gallons of Fuel	MMBtu[4]
Diesel Fuel (Construction Equipment)[1]	43,121	5,496
Diesel Fuel (Hauling & Vendor Trips)[2]	6,933	884
Other Petroleum Fuel (Worker Trips)[3]	7,553	829
Total	**57,607**	**7,209**

[1] Fuel demand rate for construction equipment is derived from the total hours of operation, the equipment's horse power, the equipment's load factor, and the equipment's fuel usage per horse power per hour of operation, which are all taken from CalEEMod outputs (see Appendix A), and from compression-ignition engine brake-specific fuel consumptions factors for engines between 0 to 100 horsepower and greater than 100 horsepower (USEPA 2018). Fuel consumed for all construction equipment is assumed to be diesel fuel.

[2] Fuel demand rate for hauling and vendor trips (cut material imports) is derived from hauling and vendor trip number, hauling and vendor trip length, and hauling and vendor vehicle class from "Trips and VMT" Table contained in Section 3.0, *Construction Detail*, of the CalEEMod results (see Appendix A). The fuel economy for hauling and vendor trip vehicles is derived from the United States Department of Transportation (USDOT 2018). Fuel consumed for all hauling trucks is assumed to be diesel fuel.

[3] The fuel economy for worker trip vehicles is derived from USDOT National Transportation Statistics (24.4 miles per gallon) (USDOT 2018). Fuel consumed for all worker trips is assumed to be gasoline fuel.

[4] CaRFG CA-GREET 2.0 fuel specification of 109,786 British thermal units per gallon used to identify conversion rate for fuel energy consumption for worker trips specified above (CARB 2015). Low-sulfur Diesel CA-GREET 2.0 fuel specification of 127,464 British thermal units per gallon used to identify conversion rate for fuel energy consumption for construction equipment specified above (CARB 2015). Totals may not add up due to rounding.

Source: Appendix C

Construction equipment would be maintained to all applicable standards as required, and construction activity and associated fuel consumption and energy use would be temporary and typical for construction sites. It is also reasonable to assume contractors would avoid wasteful, inefficient, and unnecessary fuel consumption during construction to reduce construction costs. In addition, energy demand associated with project construction would be temporary and typical of similar utilities projects. Therefore, the project would not involve the inefficient, wasteful, and unnecessary use of energy during construction and construction-related energy impact would be less than significant.

Operation

Energy for maintenance activities would include that for day-to-day upkeep of equipment and systems, as well as energy embedded in any replacement equipment, materials, and supplies. It is expected that nonrenewable energy resources would be used efficiently during maintenance activities given the financial implications of inefficient use of such resources. Therefore, the amount

and rate of consumption of such resources during maintenance activities would not result in the unnecessary, inefficient, or wasteful use of energy resources.

Operation of the project would also consume energy. The primary means of energy consumption would include vehicle travel, natural gas usage to heat water and air in the building, and electricity usage associated with the project. In addition, there would be indirect electricity usage associated with the conveyance of water supplied to the project and wastewater produced by the project. Table 10 shows the estimated total annual energy consumption associated with operation of the project.

Table 10 Estimated Annual Operational Energy Consumption

Energy Source	Consumption	Consumption in MMBtu
Gasoline Fuel	27,739 gallons	3,045
Diesel Fuel	6,204 gallons	791
Natural Gas[1]	3,284,920 kBtu	3,285
Electricity	1,113,188 kilowatt-hours	3,798
Total	**--**	**10,838**

Notes: Totals may not add up due to rounding.
Source: Appendix C

As shown in Table 10, vehicles associated with the operation of the project would consume approximately 3,045 gallons of gasoline and 791 gallons of diesel fuel, or approximately 3,836 MMBtu, each year. The fuel consumed by the project would be typical of industrial warehouse projects.

In addition to transportation energy use, project operation would require permanent grid connections for electricity and natural gas. Approximately 1,113,188 kilowatt-hours of electricity per year, or 3,798 MMBtu, and 3,285 MMBtu of natural gas would be required from SJCE and PG&E and would be used for lighting, appliance usage, and heating. The proposed industrial building would total approximately 126,700 square feet, which is an average energy use intensity (EUI) of 0.0559 MMBtu per square foot[2]. According to the U.S. Energy Information Administration (EIA), average EUI for buildings between 100,000 and 200,000 square feet is 0.083 MMBtu per square foot (United States Energy Information Administration 2016). Therefore, the project's EUI would be below the average EUI for buildings of its size.

The project would be required to comply with standards set in California Building Code (CBC) Title 24, which would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation**.** California's Green Building Standards Code (CALGreen; California Code of Regulations, Title 24, Part 11) requires implementation of energy efficient light fixtures and building materials into the design of new construction projects. These standards ensure new construction does not result in wasteful, inefficient, or unnecessary consumption of energy.

Due to the large number of materials and manufacturers involved in the production of construction materials, including manufacturers in other states and countries, upstream energy use cannot be estimated reasonably or accurately.

[2] Calculation: 7,083 MMBtu divided by 126,700 square feet = 0.0559 MMBtu per square foot.

Overall, project operation would result in consumption of fuels from vehicle trips and electricity from the fuel facility. Project energy consumed would represent an incremental increase in energy usage compared to existing conditions, but the project would be required to implement energy-efficient components to reduce energy demand consistent with the San José Municipal Code and Green Building Policy. Therefore, operational energy impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

While not specifically applicable to the project, Senate Bill (SB) 350, also known as the Clean Energy and Pollution Reduction Act, sets ambitious 2030 targets for energy efficiency and renewable electricity, increasing California's renewable electricity procurement goal from 33 percent by 2020 to 50 percent by 2030. SB 350 also requires the California Energy Commission to "establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas final end uses by 2030" and encourages the electrification of the transportation system. The Integrated Energy Policy Report identifies decentralization of the electricity sector as an important component of achieving California's energy and climate goals (CEC 2019).

As described under checklist item a), the project would be required to comply with state and local standards related to energy efficiency; namely, Title 24 Energy Efficiency Standards, CALGreen standards, the San José Municipal Code, the City's Private Sector Green Building Policy, the General Plan policies and the Climate Smart San José Plan described above. The project is located in a developed industrial park and would provide employment opportunities in an urban area. Additionally, with compliance with the previously mentioned regulations, the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Impacts would be less than significant

LESS THAN SIGNIFICANT IMPACT

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7 Geology and Soils

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

Existing Setting

The following discussion is based on the Geotechnical Investigation for the proposed commercial/industrial warehouse/distribution facility project prepared by Cornerstone Earth Group and dated November 9, 2020 (see Appendix D). The scope for this study included field and laboratory programs to evaluate physical and engineering properties of the subsurface soils, and engineering analysis to prepare recommendations for site work and grading, building foundations, flatwork, retaining walls, and pavements. Some information in this section is also derived from the Phase I Environmental Site Assessment (ESA) prepared for the project by Ardent Environmental Group, Inc. and dated September 2, 2020 (see Appendix F).

Regional Geology

The project site is located in the Santa Clara Valley, an alluvial basin in the Coast Ranges geomorphic province between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. The Coast Ranges are comprised of northwesterly trending mountain ranges and structural valleys formed by tectonic processes commonly found around the Circum-Pacific belt. The rocks that underlie the basins and form the surrounding mountains are primarily marine sediments and metamorphic and igneous rocks, all of which are Mesozoic age but locally include rocks of the Cenozoic age.

The project site is located within the San Francisco Bay Area, one of the most seismically active regions in the country, transected by a series of subparallel faults that together accommodate the relative motion between the Pacific and North American plates. The four nearest faults to the project site are the Hayward fault, Calaveras fault, southeast extension Hayward fault, and San Andreas fault. The Hayward Fault is the closest fault to the project site and is located approximately 3.6 miles to the east-northeast.

On-Site Geology

Based on information obtained from the United States Department of Agriculture, Natural Resources Conservation Service Web Soil Survey online database (USDA 2020), the project site is mapped as Urbanland-Campbell complex, 0 to 2 percent slopes, protected and Urbanland-Landelspark complex, 0 to 2 percent slopes. The Urbanland series consists of disturbed and human-transported material. The Campbell, protected series consists of moderately well-drained soils that formed in alluvium derived from metamorphic and sedimentary rock and/or metavolcanics and the Landelspark complex consists of very deep, well drained soils formed in alluvium from mixed rock sources (USDA 2015).

The surface of the site is covered by asphalt concrete pavement and aggregate base. The site is relatively level and graded to drain to storm drainage facilities. Site soils include undocumented fill (sand and silty sand) below site pavement, followed by soft to very stiff lean clay interbedded with loose silty sand, medium stiff sandy silt, loose to medium dense clayey sand, and loose medium dense poorly graded sand up to 31.5 feet below ground surface. Groundwater was encountered at depths of approximately 5 to 33 feet below current grades.

The Hayward and Calaveras faults are located approximately 3.6 miles northeast and 5.8 miles north of the site, respectively. The California Geological Survey has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. There are no Alquist-Priolo zones mapped in the vicinity of the project site (Appendix D).

The project site is located within a State of California liquefaction zone (Appendix D). Liquefaction occurs when loose sand and silt that is saturated with water behaves like a liquid and loses its ability to support structures, flows down gentle slopes and may erupt to the ground surface. The site is not near any earthquake-induced landslide zones (California Department of Conservation 2020b). Lateral spreading refers to the earthquake-related landslides that commonly form on gentle slopes and that have rapid, fluid-like movements; the project site has a low potential for lateral spreading to occur (Appendix D).

Regulatory Setting

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 2019a).

SEISMIC HAZARDS MAPPING ACT

The Seismic Hazards Mapping Act of 1990 requires that seismic hazard zones are 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 (California Department of Conservation 2019b).

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. The General Plan outlines the City's design goals and policies as they pertain to environmental hazards and considerations. Those included (below) are applicable to the project's geology and soils (City of San José 2011a).

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 of San José, 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 of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.

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

Policy EC-4.4: Require all new development to conform to the City of San José's 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 reports for projects within areas subject to soils and geologic hazards, and require review and implementation of mitigation measures as part of the project approval process.

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

Impacts Assessment

a.1. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the

most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

The project site is not located within the boundaries of an Earthquake Fault Zone for fault rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no faults are known to pass through the site. Therefore, no impact related to fault rupture would occur as a result of the project.

NO IMPACT

a.2. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?

a.3. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?

Due to its location in a seismically active region, the project would be highly likely to experience strong ground shaking from seismic events on local and regional faults. Strong ground shaking poses a risk to the proposed building and associated infrastructure.

Additionally, the project site is located within a State of California liquefaction hazard zone. For liquefaction to occur, three conditions should exist: low-density, sand/sandy soils, a shallow groundwater depth typically shallower than 50 feet, and seismic shaking from nearby large-magnitude earthquake. The geotechnical investigation evaluated liquefaction hazard based on a design groundwater level of 10 feet below the ground surface (bgs), and considering a seismic event producing a peak ground acceleration (PGA) of 0.908 percent of gravity (g) resulting from a magnitude 7.58 earthquake (see Appendix D). The results of the liquefaction analysis indicated some soil layers would liquefy under the considered ground motion, with estimated liquefaction-induced settlement up to 0.5 inch, with additional settlement of loose unsaturated sands contributing to a differential settlement of 0.75 inch. This differential settlement could weaken the structural integrity of the proposed building, thereby creating risk of loss, injury, or death. The project would be subject to the following City of San José Standard Permit Condition, which would serve to minimize this risk.

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 of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

Appendix D provides foundation recommendations, including designing the foundation of the proposed building to tolerate the total and differential settlement estimates. These recommendations would be incorporated into the project design and construction, pursuant to the above standard permit condition, along with conditions contained in a final geotechnical report. Compliance with these recommendations, as would be required pursuant to the above standard

permit condition, would reduce the risk of loss, injury, or death involving strong seismic ground shaking or seismic-related ground failure. As such, this impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.4. Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The project site is not located within a State of California landslide hazard zone. The topography of the project site is relatively flat and no steep slopes are located on or near the site. Thus, the project site is not susceptible to landslides and no impact would occur.

NO IMPACT

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

Project construction would include ground disturbance, which would potentially result in short-term soil erosion. However, because the project footprint is greater than one acre, it would be subject to the NPDES permit requirements for construction site stormwater discharges and would comply with those requirements. This would include the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP), which includes appropriate erosion-control and water-quality-control measures during site preparation, grading, construction, and post-construction. The City's NPDES Municipal Permit, urban runoff policies, and the San José Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process.

Implementation of the SWPPP for the project would minimize short-term erosion impacts. Long-term impacts of the project would not result in substantial erosion, as the soils would be covered by buildings, pavement, vegetation, and landscaping. Additionally, the project would be required to implement the following conditions, consistent with the regulations identified in the City's General Plan EIR, for avoiding and reducing construction-related erosion impacts. Therefore, project impacts related to erosion would be less than significant.

Standard Permit Condition

- 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.

LESS THAN SIGNIFICANT IMPACT

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

As described above, the project site is not located near steep slopes which would be susceptible to landslides. Based on liquefaction analysis and soils testing, the project site contains liquefiable soils (Appendix D). Standard permit conditions would ensure the building is constructed in a way that would not be substantially affected by potential liquefaction of project site soils, as described under checklist item a.3. Lateral spreading is commonly associated with liquefaction and occurs when a continuous layer of soil liquefies at depth and the soil layers above move toward an unsupported face. Lateral spreading would not be expected to occur due to the site's relatively flat topography and due to the less than significant liquefaction-related impacts. Thus, the project site is not located

on a geologic unit or soil that is unstable or would be expected to become unstable. Moreover, compliance with the CBC and applicable City ordinances, as well as adherence to the recommendations provided in the geotechnical investigation, would further reduce potential risks related to soil stability; therefore, associated impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Expansive soils can undergo substantial volume change with changes in moisture content; they shrink and harden when dried and expand and soften when wetted. The alluvial soils underlying the project site are moderately expansive (see Appendix D). Construction of the proposed building and infrastructure atop these soils could result in reduced structural integrity leading to risks to life or property. However, the proposed project would comply with recommendations in a design-level geotechnical report, in accordance with the standard permit condition listed below.

Standard Permit Condition

The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils related hazards on the site.

Implementation of the standard permit condition above would minimize impacts associated with expansive soils. The permit condition would minimize impacts because it would require proper grading and construction, in combination with the permit condition above for impact a.2 and a.3. As described above, the standard permit condition for impact a.2 and a.3 requires building design and construction to be completed in conformance with the recommendations of an approved geotechnical investigation. The geotechnical investigation provides measures to address expansive soils. With standard permit conditions, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Sanitary discharges on the project site would be directed into the municipal sanitary sewer system operated by the City of San José. The project would not include septic tanks or alternative wastewater disposal systems. Therefore, no impact related to septic tanks or alternative wastewater disposal systems would occur.

NO IMPACT

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Paleontological resources include the fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust. Paleontological sensitivity is defined based on the underlying geologic formation. Areas with the highest sensitivity are those where geologic formations known to contain fossils are found close to the ground surface. According to the Envision San José General Plan EIR,

the project site is located in an area with high paleontological sensitivity at depth; thus, geologic formations known to contain fossils are not found close to the ground surface on the site. Additionally, much of the project site has previously been disturbed and excavated during construction of the existing building on the site. Nevertheless, there is always a possibility of encountering paleontological resources when conducting subsurface earthwork activities. Adherence to the standard permit conditions below would reduce impacts associated with disturbance to buried paleontological resources, if encountered, to a less than significant level.

Standard Permit Conditions

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 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.

LESS THAN SIGNIFICANT IMPACT

8 Greenhouse Gas Emissions

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

Existing Setting

Various gases in the earth's atmosphere, classified as atmospheric GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

The project site is developed with a research and development building. GHG emissions generated by the current uses are primarily generated from vehicle trips traveling trips to and from the site. The GHG emissions generated from full occupancy of the existing building is approximately 1,332 metric tons of carbon dioxide equivalent per year (MT/CO_2e/year) (Appendix A).

Regulatory Setting

Federal and State

Clean Air Act

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 (CO_2) 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 (CARB 2017). 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 CO_2e. 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. It also evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities, such as for water, waste, natural resources, clean energy and transportation, and land use (CARB 2017).

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) CO_2e by 2030 and two MT CO_2e 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 (CARB 2017).

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.

Regional

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. The Bay Area 2017 Clean Air Plan (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA Air Quality Guidelines, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by BAAQMD. The CEQA Air Quality Guidelines include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

Local

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 City updated its GHG Reduced Strategy and adopted the *City of San José 2030 Greenhouse Gas Reduction Strategy* in August 2020. The City's 2030 Greenhouse Gas Reduction Strategy (2030 GHGRS) is a comprehensive update to the city's original GHG Reduction Strategy and reflects the plans, policies, and codes as approved by the City Council. The 2030 GHG Reduction Strategy provides a set of strategies and additional actions for achieving the 2030 target established by SB 32. The 2030 GHGRS serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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 (City of San José 2011a). Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

Policy 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-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.

CITY OF SAN JOSÉ MUNICIPAL CODE

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

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

CITY OF SAN JOSÉ PRIVATE SECTOR GREEN BUILDING POLICY (6-32)

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance GHG reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

Significance Thresholds

According to CEQA Guidelines, the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds or consistency with a regional GHG reduction plan (such as a Climate Action Plan). In 2017, the City of San José adopted a Climate Action Plan, Climate Smart San José (discussed in the Regulatory Setting discussion in Section 6, *Energy,* above), that serves to support the City's General Plan. Climate Smart San José was based on the City's 2014 GHG Inventory and Forecast and discusses strategies to reach AB 32 and SB 32 goals. However, Climate Smart San José only focuses on GHG emissions related to energy and mobility omitting emissions due to solid waste, wastewater treatments, and water. Therefore, Climate Smart San José is not in compliance

with CEQA Guidelines 15183.5(b) and it does not serve as a qualified GHG reduction plan. However, the City of San José's current 2030 GHG Reduction Strategy aligns with SB 32 (2030 emission target.

The 2030 GHGRS serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. General compliance with the Development Compliance Checklist indicates that a proposed project is consistent with helping the City to meet the 2030 GHG reduction targets established SB 32.

Impacts Assessment

a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

As described above in *Regulatory Setting*, the City's 2030 GHGRS serves as a Qualified Climate Action Plan for purposes of tiering and streamlining under CEQA. The City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. General compliance with the Development Compliance Checklist indicates that a proposed project is consistent with helping the City to meet the 2030 GHG reduction targets established SB 32. The Development Compliance Checklist completed for the proposed project is presented below as Table 14 and is also reproduced and included as Appendix E to the Initial Study. As shown on the Development Compliance Checklist in Table 14, the proposed project would be consistent with the applicable and relevant General Plan and 2030 GHG Reduction Strategy policies. Accordingly, impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

In California, GHG emissions are regulated primarily through AB 32 and SB 375. AB 32, also known as the Global Warming Solutions Act, established a goal to reduce GHG emissions in the State to 1990 levels by 2020. SB 375 builds on AB 32 by requiring the California Air Resources Board to develop regional GHG reduction targets to be achieved from the automobile and light truck sectors for 2020 and 2035 in comparison to 2005 emissions.

The State of California also has stated longer term GHG reduction targets. Under Executive Order S-3-05 issued by Governor Schwarzenegger in June 2005, the State plans to reduce GHG emissions to 80 percent below 1990 levels by 2050. On May 29, 2015, Governor Brown issued Executive Order B-30-15, which furthers the goal of Executive Order S-3-05 by setting a mid-term target to reduce GHG emissions to 40 percent below 1990 levels by 2030. The Order also directs the California Air Resources Board to update the Climate Change Scoping Plan to include the 2030 target.

Non-residential projects that conform to the General Plan Land Use/Transportation Diagram and supporting policies and generally meet or satisfy the policies of the City's 2030 GHG Reduction Strategy are considered consistent with the City's 2030 GHG Reduction Strategy. The project would comply with the City's General Plan land use designation and policies. As described above on this

page, the City included a Development Compliance Checklist in the 2030 GHG Reduction Strategy that serves to apply the relevant General Plan and 2030 GHG Reduction Strategy policies through a streamlined review process for proposed new development projects that are subject to discretionary review and that trigger environmental review under CEQA. General compliance with the Development Compliance Checklist indicates that a proposed project is consistent with helping the City to meet the 2030 GHG reduction targets established SB 32. The General Plan Consistency and Development Compliance Checklist completed for the proposed project is provided as Table 13 and Table 14, respectively, above. These tables are also reproduced and included as Appendix E to the Initial Study. As shown on the General Plan Consistency and Development Compliance Checklist in Table 13 and Table 14, the proposed project would be consistent with the applicable and relevant General Plan and 2030 GHG Reduction Strategy policies. .

Table 11 2030 GHGRS: Project Compliance with General Plan Policies

General Plan Measures	General Plan Policies	Project Consistency
1) Consistency with the Land Use/ Transportation Diagram	Is the proposed Project consistent with the Land Use/Transportation Diagram?	**Consistent.** The project site is designated as Industrial Park (IP) in the General Plan. The proposed project consists of a new industrial warehouse.
2) Implementation of Green Building Measures	**MS-2.2:** Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.	**Consistent.** The project would enroll in San Jose Clean Energy (SJCE) for electricity. SJCE currently provides electricity that is 86 percent carbon free. Eventually, SJCE plans to provide 100 percent carbon free electricity as its base power mix. The proposed building would be constructed so that solar panel arrays could be installed on the rooftop. Additionally, EV charging stations would be provided in surface parking areas.
2) Implementation of Green Building Measures	**MS-2.3:** Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.	**Consistent.** Solar orientation cannot be considered for the project due to site constraints. As a proposed warehouse, the building would occupy the majority of the space within the project site, with internal circulation being provided around the perimeter of the building for trucks and vehicles. However, proposed building would be constructed so that solar panel arrays could be installed on the rooftop.
2) Implementation of Green Building Measures	**MS-2.7:** Encourage the installation of solar panels or other clean energy power generation sources over parking areas.	**Consistent.** The project has very little surface parking proposed. As an industrial warehouse project, the majority of the site would be occupied by the warehouse structure. However, the proposed warehouse would be constructed so that solar panel arrays could be installed on the rooftop.
2) Implementation of Green Building Measures	**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	**Consistent.** The project must and would comply with the City's Green Building Ordinance.

	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).	
2) Implementation of Green Building Measures	**MS-16.2:** Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.	**Consistent.** The project would enroll in SJCE and use the cleaner electricity provided by SJCE. Additionally, the proposed warehouse would be constructed so that solar panel arrays could be installed on the rooftop.
3) Pedestrian, Bicycle & Transit Site Design Measures	**CD-2.1:** Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan.	**Not Applicable.** This policy is largely inapplicable to the project because the project is not residential, mixed-use, or retail. For example, the proposed project does not include a street network. The proposed project is an industrial warehouse in an industrial park area. The project site is private property and pedestrian use of the site would not be permissible. Therefore, things like pedestrian crossings would be unnecessary. The project would maximize use of the site for employment.
3) Pedestrian, Bicycle & Transit Site Design Measures	**CD-2.5:** Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.	**Consistent.** Compared to existing conditions, the proposed project would result in approximately 3,000 square feet less of impervious surface on the project site. Additionally, the project would comply with the City's Green Building Code.
3) Pedestrian, Bicycle & Transit Site Design Measures	**CD-2.11:** Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/ Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.	**Not Applicable.** This measure is not applicable. The project is not within the Downtown and Urban Village Overlay areas.

3) Pedestrian, Bicycle & Transit Site Design Measures	**CD-3.2:** Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.	**Consistent.** The proposed project is an industrial warehouse that would not generate pedestrian or bicycle uses. The project site is private property that would not include public roadways or facilities. However, low traffic volume on Concourse Drive is conducive to bicycle use. Employees of the project could choose to commute by bicycle. The proposed project would include bicycle parking and a shower/changing room for employee use.
3) Pedestrian, Bicycle & Transit Site Design Measures	**CD-3.4:** Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.	**Not Applicable.** This measure is not applicable. The project is an industrial warehouse in an industrial area. Pedestrian travel would not be generated by the project, and the project site and surrounding properties are private without public facilities. Additionally, the project located on Concourse Drive, which is a public roadway, but which has no pedestrian facilities. Given the proposed use of the site, its location in an industrial area, and lack of pedestrian facilities in the area, this measure is not applicable.
3) Pedestrian, Bicycle & Transit Site Design Measures	**LU-3.5:** Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.	**Not Applicable.** This measure is not applicable because the project is not located in the downtown area of San José.
3) Pedestrian, Bicycle & Transit Site Design Measures	**TR-2.8:** Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.	**Consistent.** The project would include long-term bicycle parking on-site. Additionally, the project would provide a shower and changing room for use by employees.
3) Pedestrian, Bicycle & Transit Site Design Measures	**TR-7.1:** Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car sharing, bicycle sharing, carpool, parking	**Not Applicable.** This measure is not applicable. The proposed project consists of an industrial warehouse and would not be a large employer, such as a new office tower or employment campus. Additionally, as described in the Initial Study for the project, the proposed project would reduce the number of vehicle trips compared to existing conditions associated with current uses on the project site.

	strategies, transit incentives and other measures.	
3) Pedestrian, Bicycle & Transit Site Design Measures	**TR-8.5:** Promote participation in car share programs to minimize the need for parking spaces in new and existing development.	**Consistent.** The proposed project minimizes the area of the project site dedicated to parking. Eighty-six parking spaces would be provided, which is only 28 spaces more than the minimum required by City code (58 spaces).
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.	**Consistent.** The project includes landscaping that would be drought tolerant and conforms to the State's Model Water Efficient Landscape Ordinance.
4) Water Conservation and Urban Forestry Measures	**MS-3.2:** Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.	**Consistent.** The proposed project includes drought tolerant landscaping that would not require substantial irrigation. The project must and would be constructed to comply with the City's Green Building Code.
4) Water Conservation and Urban Forestry Measures	**MS-19.4:** Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.	**Consistent.** The proposed project would include the utility infrastructure to connect to recycled water if the service becomes available to the area in the future.
4) Water Conservation and Urban Forestry Measures	**MS-21.3:** Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.	**Consistent.** The proposed project includes native, drought-tolerant plant species.
4) Water Conservation and Urban Forestry Measures	**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	**Consistent.** The proposed project includes planting a minimum of 78 trees. Trees would planted within areas internal to the project site, as well along Concourse Drive.

	implements City laws, policies or guidelines.	
4) Water Conservation and Urban Forestry Measures	**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.** Stormwater would be captured in bioretention areas and allowed to infiltrate the ground. Infiltration of water, while not a direct beneficial use, would allow the water to be absorbed by vegetation for irrigation (i.e., tree roots), as well as contributing to groundwater recharge. This would be beneficial compared with typical stormwater treatment and discharge, which in the Bay Area, usually results in ultimate discharge to the Bay (i.e., saltwater).

Table 12 2030 GHGRS: Project Compliance with GHGRS

GHGRS Strategy and Consistency Options	Project Consistency
Zero Net Carbon Residential Construction 1. Achieve/exceed the City's Reach Code, and 2. Exclude natural gas infrastructure in new construction, or 3. Install on-site renewable energy systems or participate in a community solar program to offset 100% of the project's estimated energy demand, or 4. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project until which time SJCE achieves 100% carbon-free electricity for all accounts. **Supports Strategies:** GHGRS #1, GHGRS #2, GHGRS #3	**Not Applicable.** The proposed project is a not a residential project. The proposed project is an industrial warehouse and has no residential component.
Renewable Energy Development 1. Install solar panels, solar hot water, or other clean energy power generation sources on development sites, or 2. Participate in community solar programs to support development of renewable energy in the community, or 3. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project. **Supports Strategies:** GHGRS #1, GHGRS #3	**Measure Proposed.** The proposed industrial warehouse would accommodate rooftop solar panels for production of solar energy. Additionally, the project would participate in San Jose Clean Energy, which currently provides about 86% carbon free electricity but eventually plans to provide 100% carbon free.
Building Retrofits – Natural Gas This strategy only applies to projects that include a retrofit of an existing building. If the proposed project does not include a retrofit, select "Not Applicable" in the Project Conformance column. 1. Replace an existing natural gas appliance with an electric alternative (e.g., space heater, water heater, clothes dryer), or	**Not Applicable.** The proposed project would include demolishing existing structures on the project site. Retaining and retrofitting of existing buildings is not proposed.

2. Replace an existing natural gas appliance with a high-efficiency model **Supports Strategies:** GHGRS #4	
Zero Waste Goal 1.Provide space for organic waste (e.g., food scraps, yard waste) collection containers, and/or 2.Exceed the City's construction & demolition waste diversion requirement. **Supports Strategies:** GHGRS #5	**Measure Proposed.** The proposed project is an industrial warehouse and would not generate substantial amounts of organic waste typical of some other land uses, such as residential and retail/restaurants. The project would exceed the City's construction and demolition waste diversion requirement.
Caltrain Modernization 1. For projects located within ½ mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes or 2. Develop a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project related VMT. **Supports Strategies:** GHGRS #6	**Measure Proposed.** The project site is more than 0.5 mile from the nearest Caltrain station. The proposed project includes bicycle parking and the provision of a room for showers for project employees. Additionally, as described in the Initial Study (Transportation section), compared with existing conditions, the proposed project would result in reduced VMT.
Water Conservation 1. Install high-efficiency appliances/fixtures to reduce water use, and/or include water-sensitive landscape design, and/or 2. Provide access to reclaimed water for outdoor water use on the project site. **Supports Strategies:** GHGRS #7	**Measure Proposed.** The proposed project would include drought-tolerant landscaping, which is a water-sensitive landscape design.

The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, as it would not substantially increase GHG emissions and is consistent with the City's 2030 GHG Reduction Strategy, the Climate Smart San José Plan and General Plan land use designation. Therefore, the impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
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 0.25 mile of an existing or proposed school?	☐	☐	☐	■
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	■
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	■
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	■

Existing Setting

The following discussion is based on a Phase I ESA (see Appendix F) and Pre-Demolition Asbestos Survey Report (Appendix G) prepared for the project site by Arden Environmental Group, Inc. to determine the potential for hazardous materials contamination on the property. The Phase I ESA included a site reconnaissance as well as research and interviews with representatives of the public, property ownership, site manager, and regulatory agencies. The results of this study are described in the discussion below.

According to review of available historical data, the project site was developed for agricultural use from at least 1939 through 1982, with construction of the existing building occurring in 1984. The existing building has been used for office purposes, research and development, an environmental testing laboratory, and an electronics assembly and packaging facility, among other uses. Based on available records and site reconnaissance, the site does not contain above ground or underground storage tanks, evidence of chemical releases on the site, polychlorinated biphenyl (PCB) leakages, lead-based paint, or other issues of concern (Appendix F). The gray sink undercoat is the only material in the existing building where asbestos was detected (Appendix G).

The Phase I ESA recommended no further investigations (Appendix F). However, the Phase I ESA indicates the subject property had an agricultural history from at least the 1930's to the 1980's. Since the early 1800's arsenic containing insecticides and organochlorine pesticides were applied to crops in the normal course of farming operations. Lead arsenate was extensively used up until the 1960's and organochlorine pesticides were used between the 1940's and 1980's. It is not uncommon to find residual agricultural chemicals in the soil of properties with an agricultural history in San José. Therefore, while not identified as a concern in the Phase I ESA, potential hazardous contamination from insecticides and pesticides are a recognized concern for the project site.

Regulatory Setting

Federal

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 (EPA 2020a).

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 (EPA 2020b).

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 (OSHA 2020).

State

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 (DTSC 2013).

REGIONAL WATER QUALITY CONTROL BOARD

The San Francisco Bay RWQCB oversees cases involving groundwater contamination within the 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 (City of San José 2019).

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies to guide planning and development practices within the City. The General Plan outlines the City's design goals and policies as they pertain to environmental hazards and considerations. Those included (below) are applicable to the project (City of San José 2011a).

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

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

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.

Policy EC-7.11: Require sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment to account for worker and community safety during construction. Mitigation to meet appropriate end use such as residential or commercial/industrial shall be provided.

Impacts Assessment

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

The project would include use of heavy equipment for demolition, grading, excavation, and construction. Fueling and maintenance of such equipment could result in incidental spills of petroleum products and hazardous materials in construction staging areas. However, such incidental spills would likely be minor and would be minimized through implementation of standard BMPs included in a NPDES-mandated SWPPP during construction. Relevant BMPs would typically include creation of designated fueling and maintenance areas located not in proximity to drainages and equipped with temporary spill containment booms, absorbent pads, and petroleum waste disposal containers.

Some hazardous materials use would continue to occur in association with project operations, including natural gas for the emergency generator, fertilizers, cleaning supplies, etc. The project would result in a slight increase in the routine use of hazardous materials due to increased industrial operations on the project site. Use of hazardous materials would be required to meet all applicable regulations related to the transport, use, and storage of such materials. Therefore, project impacts associated with routine transport, use, and disposal of hazardous materials would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

Contaminated Soil

As described above, the site was historically used for agriculture from at least 1939 through 1982. Common agricultural practices can result in residual concentrations of fertilizers, pesticides or herbicides in near-surface soil, though not generally at concentrations that pose a significant health risk. The Phase I ESA found no evidence of pesticide or herbicide residues (see Appendix F). However, lead arsenate was extensively used up until the 1960's and organochlorine pesticides were used between the 1940's and 1980's. It is not uncommon to find residual agricultural chemicals in the soil of properties with an agricultural history in San José. Therefore, while not identified as a concern in the Phase I ESA, potential hazardous contamination from insecticides and pesticides are a recognized concern for the project site. Workers on-site during project construction could be exposed to soils contaminated with residual pesticides and insecticides.

Additionally, besides past agricultural activities, the project site also has a more recent history of industrial uses. Industrial uses are sometimes associated with release of hazardous materials. Therefore, there is the possibility that soils or groundwater within the project site contains hazardous materials from prior and current industrial uses on-site. Given that construction workers would be working in project soils, and could encounter groundwater during excavation, workers could be exposed to hazardous contamination.

Impacts from potentially contaminated soil or groundwater would be potentially significant but mitigable. Implementation of mitigation measures HAZ-1 and HAZ-2, below, would be required.

MM HAZ-1: Prior to issuance of any grading permits, a qualified environmental consultant shall take shallow soil samples in the near surface soil within the proposed project area and tested for organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and commercial/industrial standard environmental screening levels. The result of soil sampling and testing shall be provided to the City's Supervising Planner of the Department of Planning, Building and Code Enforcement and the City of San José Municipal Environmental Compliance Officer. Sampling shall be conducted in accordance to a Soil Sampling Plan, which shall be prepared and submitted to the City for approval prior to conducting sampling. The Soil Sampling Plan shall identify the number of samples to be collected, sampling locations, and depth of sampling.

If pesticide contaminated soils, are found in concentrations above the appropriate regulatory environmental screening levels for the proposed project the applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (or Department of Toxic Substances Control) under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified hazardous materials consultant, as described further in MM HAZ-2. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The Plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

MM HAZ-2: If required by MM HAZ-1, a Site Management Plan shall be developed to establish management practices for identifying, handling, and disposal of contaminated soil and/or groundwater encountered during construction activities. At a minimum, the SMP shall include the following:

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

A copy of the Site Management Plan shall be provided to the City's Supervising Planner and Municipal Environmental Compliance Officer prior to issuance of site grading permits.

Asbestos-Containing Materials and Lead-Based Paint Impacts from Current On-Site Structures

The project would require demolition of the existing buildings on the site prior to new construction. Given the age of the structures on site, lead-based paint (LBP) is not anticipated to be present. Based on the analysis provided in Appendix G, one on-site material (a gray sink undercoat in Suite 9) contains asbestos. Demolition conducted in conformance with federal, state, and local regulations would avoid significant exposure of construction workers and/or the public to asbestos-containing materials (ACMs), as set forth in the standard permit conditions below.

Standard Permit Conditions

- In conformance with State and local laws, a visual inspection/predemolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.
- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.
    - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
    - During demolition activities, all building materials containing leadbased paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
    - Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

Compliance with the above standard condition would ensure that ACMs are identified and disposed of in such a manner as to ensure that demolition would not create a significant hazard to the public

or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Implementation of mitigation measures HAZ-1 and HAZ-2, above, would ensure construction workers are not exposed to hazardous soils or groundwater during project construction. As such, this impact would be less than significant with mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

Mabel Mattos Elementary School is the nearest school to the project site, located approximately 0.6 mile to the north. Because no schools are located within 0.25 mile of the project site, no impacts would occur.

NO IMPACT

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

There are no leaking underground storage tank (LUST) sites within 0.25 mile of the project site per Section 65962.5(c)(1), no sites in Santa Clara County listed per Section 65962.5(c)(2), and no active CDO or CAO sites within 0.25 mile of the project site per Section 65962.5(c)(3) (CalEPA 2020a). Additionally, no sites listed per Section 65962.5(a) are within 0.25 mile of the project site (CalEPA 2020b). The project site is not listed on any of the hazardous material sites databases compiled pursuant to Government Code Section 65962.5. As such, no impact would occur.

NO IMPACT

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

The Norman Y. Mineta San José International Airport is located approximately 2.9 miles southwest of the project site. The project site is not located within any designated airport safety zones or airport noise contours (Santa Clara County Airport Land Use Commission 2016). No private airstrips are located near the project site. Therefore, no aircraft-related safety or excessive noise impacts would occur in association with construction and operation of the project.

NO IMPACT

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

The project would entail construction of a new building on a previously developed industrial site. Access points to the project site would be constructed to ensure proper access for emergency vehicles and a fire lane would encircle the new warehouse building, and the project would not take direct access onto a regional thoroughfare that would be used for emergency response in the unlikely event of a large, region-wide emergency. Furthermore, the project plans would be subject to review and approval by the City and the Fire Department prior to issuance of a building permit. Therefore, no impacts related to interference with emergency response or evacuation plans would occur.

NO IMPACT

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

The project site and surrounding vicinity are entirely developed. The area does not contain, nor is it adjacent to, wildlands. Therefore, the project would have no impact related to exposure to wildland fire hazards.

NO IMPACT

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10 Hydrology and Water Quality

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

Existing Setting

The site is located in a developed urban area. There are no waterways present on the project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is located in Zone D, an area where flood hazards are undetermined but possible (FEMA 2009). The site is not located within the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D. The project site is generally flat with an elevation of approximately 50 feet above mean sea level with slopes to the west to northwest.

The nearest surface water in the vicinity of the project site is Coyote Creek, located approximately 1.0 mile to the west. The groundwater level across the site fluctuates seasonally and over time; on-site groundwater monitoring data revealed depths ranging from 5 to 33 feet below current grades (Appendix D).

Stormwater is removed from the site primarily by sheet flow action across the paved surfaces towards storm drains located throughout the paved surfaces on the site, or by percolation into the ground. Stormwater from the existing buildings' roofs is collected in gutters and directed toward storm drains.

Regulatory Setting

Federal

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 (EPA 2002).

State

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 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 one acre of land.

SUSTAINABLE GROUNDWATER MANAGEMENT ACT

The Sustainable Groundwater Management Act (SGMA) of 2014 is intended to provide for sustainable management of groundwater basins and to locally manage groundwater basins while minimizing state intervention to only when necessary. The SGMA requires the creation of Groundwater Sustainability Agencies (GSAs) to implement the SGMA. The Santa Clara Valley Water District is the GSA for the Santa Clara Subbasin. The 2016 Groundwater Management Plan (GWMP) for the Santa Clara and Llagas Subbasins describes the district's groundwater sustainability goals, and the strategies, programs, and activities that support those goals. The 2016 GWMP identifies the following sustainability goals:

- Groundwater supplies are managed to optimize water supply reliability and minimize land subsidence; and
- Groundwater is protected from contamination, including salt water intrusion.

To achieve these goals, the 2016 GWMP includes four strategies:

- Manage groundwater in conjunction with surface water.
- Implement programs to protect and promote groundwater quality.
- Maintain and develop adequate groundwater models and monitoring networks.
- Work with regulatory and land use agencies to protect recharge areas, promote natural recharge, and prevent groundwater contamination.

Local and Regional

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan contains goals, policies and actions pertaining to stormwater discharge into the City's storm drain system. The following policies are applicable to the 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 José.

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.

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.

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

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

GRADING ORDINANCE

All development projects, regardless of whether they are subject to the CGP, must comply with the City of San José's 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 would prevent the discharge of stormwater pollutants to the City Director of Public Works.

MUNICIPAL STORMWATER NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT

The City of San José 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 of San José. The MRP (NPDES Permit No. CAS612008) mandates that the City of San José 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 subwatershed 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 subwatershed 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.

Impacts Assessment

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

The project site currently contains more than 80 percent impervious surfaces. Based on measurements taken using Google Earth, the project site currently contains approximately 240,000 square feet of impervious surface. The project would remove the existing warehouse building and circulation/parking areas and construct a new building and circulation/parking areas, resulting in new impervious surfaces on more than 80 percent of the site. The amount of impervious surface on the project site after construction is complete would be approximately 237,000 square feet. Therefore, the proposed project would result in a slight decrease of impervious surface area on the project site compared to existing conditions. As described above, the project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP. The project proposes to construct stormwater treatment areas as shown on Figure 3. Details of specific LID 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.

Construction of the project would result in short-term soil-disturbing activities that could lead to increased erosion and sedimentation. However, the project would disturb more than one acre of land and therefore would have to comply with the NPDES Construction General Permit. Therefore, a SWPPP would be required to be prepared and implemented under these requirements, which includes appropriate erosion-control and water-quality-control measures during site preparation, grading, construction, and post-construction.

Furthermore, the project would also be subject to the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction.

Standard Permit Conditions

The following project-specific measures, based on RWQCB BMPs, have been included in the project to reduce construction and development-related water quality impacts. BMPs would be implemented prior to and during earthmoving activities on site and would continue until the construction is complete and during the post-construction period as appropriate.

- 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 truck tires prior to entering City streets. A tire wash system shall be employed if requested by the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Compliance with the CGP, City Grading Ordinance, MRP, standard permit conditions, and applicable City Council Policies 6-29 and 8-14 would minimize water quality impacts during project construction and operation, such that impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project site is underlain by the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin. The project site is not located in a groundwater recharge area (SCVWD 2016). The project site is within the water service area of the San José Water Company (SJWC). Groundwater comprises approximately 40 percent of SJWC's water supply (SJWC 2020).

Over 100 wells pump water from the major water-bearing aquifers of the Santa Clara Subbasin. These aquifers are recharged naturally by rainfall and artificially by a system of local reservoirs, percolation ponds, and injection wells operated by the Santa Clara Valley Water District (SCVWD 2016). Groundwater levels have been steadily on the rise since the mid-1960s and overdraft of the groundwater basin is not projected. The project's incremental increase in water use would not result in substantial depletion of the aquifer. Therefore, the project's impacts on groundwater supplies would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c.(i) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?

c.(ii) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

There are no natural drainage features on or near the project site. Construction activities would entail grading, excavation, and other ground-disturbing activities which could temporarily alter surface drainage patterns and increase the potential for flooding, erosion, or siltation. However, the project would be required to comply with the CGP and City Grading Ordinance, which would require implementation of BMPs and erosion control measures, thereby reducing the effects of construction activities on erosion and drainage patterns. New drainage infrastructure and on-site stormwater treatment areas would be included in the project to accommodate stormwater flows and connect the project to existing storm drain infrastructure. The project would be subject to the MRP and City Council Policies 6-29 and 8-14, requiring measures to minimize and treat post-construction runoff. Given the above, the project would not contribute substantial amounts of sediment to storm drain systems or substantially alter existing drainage patterns resulting in erosion or siltation. Therefore, the project's impacts on drainage patterns would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

As stated previously, the project site currently contains more than 80 percent impervious surfaces. Based on measurements taken using Google Earth, the project site currently contains approximately 240,000 square feet of impervious surface. The project would remove the existing warehouse building and circulation/parking areas and construct a new building and circulation/parking areas, resulting in new impervious surfaces on more than 80 percent of the site. The amount of impervious surface on the project site after construction is complete would be approximately 237,000 square feet. Therefore, the proposed project would result in a slight decrease of impervious surface area on the project site compared to existing conditions. Despite the slight decrease of on-site impervious surface areas, the project would still be required to implement LID treatment controls on site to capture and treat runoff, in accordance with Provision C.3 of the MRP, as well as City Council Policies 6-29 and 8-14. 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. Therefore, the project's impact on stormwater drainage systems would be less than significant.

LESS THAN SIGNIFICANT IMPACT

c.(iv) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?

The project site is located within Zone D of the Special Flood Hazard Areas (SFHA) map and is not located within a 100-year floodplain as mapped by FEMA. Therefore, no housing or structures would be placed within a 100-year flood hazard area. The project site is not located within a dam failure inundation area (City of San José 2011b). The nearest levee is the Coyote Creek levee, approximately

1.0 mile from the site. 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.

LESS THAN SIGNIFICANT IMPACT

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

Tsunamis are sea waves that are generated in response to large-magnitude earthquakes. When these waves reach shorelines, they sometimes produce coastal flooding. Seiches are the oscillation of large bodies of standing water, such as lakes, that can occur in response to ground shaking. In addition, mudflows are large, rapid masses of mud formed by loose earth and water, primarily affecting hillsides and slopes of unconsolidated material.

Tsunamis and seiches do not pose hazards due to the inland location of the project site and lack of nearby bodies of standing water. No steep slopes that would be subject to mudflows are located on or near the project site. Therefore, no impact related to tsunamis, seiches, or mudflows would occur.

NO IMPACT

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

As described above in subsection (b), the project site is not located in a groundwater recharge area and project water demand would not substantially deplete groundwater supplies such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Furthermore, the project would be required to comply with the LID stormwater management requirements of Provision C.3, the CGP, and applicable City ordinances and policies, including implementation of a SWPPP with BMPs, to control erosion and protect water quality. Therefore, the project would have a less than significant impact related to water quality control plans or sustainable groundwater management plans.

LESS THAN SIGNIFICANT IMPACT

11 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	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?	☐	☐	■	☐

Existing Setting

The project site is comprised of two parcels located within a developed industrial area of the City of San José. The project site is designated Industrial Park (IP) in the City's General Plan and zoned Industrial Park (IP). The project would not modify the existing land use or zoning of the site. The project site is generally bounded by industrial and warehouse-type buildings and uses to all sides, with some office space in some buildings. There are also limited retail uses in the area, such as a car stereo store directly to the west of the project site. From 1984 to the present, the site has operated as an industrial warehouse. Historically, the site was used as agricultural land from at least 1939 through 1982. The proposed project includes an off-site emergency vehicle access driveway onto an adjacent parcel to the northeast of the project site. The adjacent parcel, which is not part of the project site, is identified as assessor's parcel number 244-18-041. There is an existing easement on parcel number 244-18-041. The proposed project would not interfere with the existing easement.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The project site is designated Industrial Park (IP) and zoned Industrial Park (IP) in the Envision San José 2040 General Plan. The following is a summary of the IP land use designation:

Industrial Park Land Use Designation

- Density: FAR up to 10.0 (2 to 15 stories)
- Intended for industrial users such as research and development, manufacturing, assembly, testing and offices.
- Industrial Park uses are limited to those for which the functional or operational characteristics of a hazardous or nuisance nature can be mitigated through design controls.
- Areas identified exclusively for Industrial Park uses may contain a very limited number of supportive and compatible commercial uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area.

Goals and policies pertaining to IP land use and development have been incorporated by the City and are outlined below where they pertain to the project.

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

Policy LU-6.4: 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-6.9: Prohibit Private Community Gathering Facility uses in the interior of industrial park, light industrial, and heavy industrial areas. Consider these uses on the perimeter of such areas only, in accordance with Private Community Gathering Facility Goals & Policies in this Plan.

Impacts Assessment

a. Would the project physically divide an established community?

The project site is an existing industrial site that is currently developed and surrounded by other industrial uses. The project would involve reuse of the existing industrial site. The project would not include the construction of barriers such as roadways or other dividing features that would physically divide an established community. Therefore, no impact would occur.

NO IMPACT

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

The project site's General Plan land use and zoning designations are both Industrial Park (IP). This designation is intended for industrial users with design controls that minimize nuisance or hazardous characteristics. The project would involve redevelopment of the site with a new industrial and warehouse building and would retain the existing industrial use of the site. The building would include 8,000 square feet of office uses in addition to the proposed 118,700-square foot warehouse space. As such, the project would be consistent with the stated intent for the Industrial Park land use designation in the General Plan and Zoning Ordinance. Relevant goals and policies in the Envision San José 2040 General Plan that are applicable to the proposed project are listed in the regulatory settings in Sections 1 through 20 of this Initial Study. Mitigation identified for nesting birds would ensure that the project would not conflict with General Plan policies related to biological resources. Mitigation identified for potential cultural resources and for potential hazardous contamination on-site would ensure that the project would not conflict with the General Plan policies related to cultural resources and hazards materials. All other project impacts would be less than significant without mitigation. As described in Section 4, Biological Resources, the project would be compliant with the Santa Clara Valley Habitat Plan (SCVHP). As such, the proposed project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

12 Mineral Resources

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

Existing Setting

The California Geological Survey is responsible for classifying land into Mineral Resource Zones under the Surface Mining Control and Reclamation Act (SMARA) based on the known or inferred mineral resource potential of that land. As described in the General Plan, under the SMARA, the State Mining and Geology Board has designated only the Communications Hill area of San José as containing mineral deposits of regional significance for construction aggregate materials (City of San José 2011a). The project site is not located within or near the Communications Hill area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan establishes sustainability goals for the City through 2040. The Environmental Resources subsection discusses the goals, policies, and actions related to mineral resources. Those included below are applicable to the 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.

Impacts Assessment

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

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

The project site is developed with an existing multi-tenant industrial warehouse building and is surrounded by existing industrial development in San José. The project site is located outside the Communications Hill area—the only area in San José containing mineral deposits subject to SMARA; therefore, the project would have no impact on the loss of availability of a known mineral resource.

NO IMPACT

13 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	■	☐
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?	☐	☐	☐	■

Noise Setting

The unit of measurement used to describe a noise level is the decibel (dB). However, the human ear is not equally sensitive to all frequencies within the sound spectrum. Therefore, a method called "A-weighting" is used to filter noise frequencies that are not audible to the human ear. A-weighting approximates the frequency response of the average young ear when listening to most ordinary everyday sounds. When people make relative judgments of the loudness or annoyance of a sound, their judgments correlate well with the "A-weighted" levels of those sounds. Therefore, the A-weighted noise scale is used for measurements and standards involving the human perception of noise. In this analysis, all noise levels are A-weighted, and the abbreviation "dBA" is understood to identify the A weighted decibel.

Decibels are measured on a logarithmic scale that quantifies sound intensity in a manner similar to the Richter scale used for earthquake magnitudes. A 10 dB increase represents a 10-fold increase in sound intensity, a 20 dB increase is a 100-fold intensity increase, a 30 dB increase is a 1,000-fold intensity increase, etc. Similarly, a doubling of a noise source, such as doubling of traffic volume, would increase the noise level by 3 dB; a halving of the noise source would result in a 3 dB decrease.

Human perception of noise has no simple correlation with acoustical energy. The perception of noise is not linear in terms of dBA or in terms of acoustical energy. Two equivalent noise sources combined do not sound twice as loud as one source. It is widely accepted that the average healthy ear can barely perceive changes of 3 dBA (increase or decrease); that a change of 5 dBA is readily

perceptible; and that an increase (or decrease) of 10 dBA sounds twice (half) as loud (California Department of Transportation [Caltrans] 2013).

Descriptors

The impact of noise is not a function of loudness alone. The time of day when noise occurs and the duration of the noise are also important. In addition, most noise that lasts for more than a few seconds is variable in its intensity. Consequently, a variety of noise descriptors has been developed. The noise descriptors used for this analysis are the one-hour equivalent noise level (L_{eq}) and the community noise equivalent level (CNEL). The L_{max} is the maximum noise level reached during a single noise event.

The L_{eq} is the level of a steady sound that, in a specific time period and at a specific location, has the same A-weighted sound energy as the time-varying sound. For example, $L_{eq(1h)}$ is the equivalent noise level over a 1-hour period and $L_{eq(8h)}$ is the equivalent noise level over an 8-hour period. $L_{eq(1h)}$ is a common metric for limiting nuisance noise, whereas $L_{eq(8h)}$ is a common metric for evaluating construction noise.

The CNEL is a 24-hour equivalent sound level. The CNEL calculation applies an additional 5 dBA penalty to noise occurring during evening hours (between 7:00 p.m. and 10:00 p.m.) and an additional 10 dBA penalty to noise occurring during the night (between 10:00 p.m. and 7:00 a.m.). These increases for certain times are intended to account for the added sensitivity of humans to noise during the evening and night.

Propagation

Sound from a small, localized source (approximating a “point” source) radiates uniformly outward as it travels away from the source in a spherical pattern, known as geometric spreading. The sound level decreases or drops off at a rate of 6 dBA for each doubling of distance.

Traffic noise is not a single, stationary point source of sound. Over some time interval, the movement of vehicles makes the source of the sound appear to emanate from a line (line source) rather than a point. The drop-off rate for a line source is 3 dBA for each doubling of distance.

Vibration

Groundborne vibration of concern in environmental analysis consists of the oscillatory waves that move from a source through the ground to adjacent structures. The number of cycles per second of oscillation makes up the vibration frequency, described in terms of hertz (Hz). The frequency of a vibrating object describes how rapidly it oscillates. The normal frequency range of most groundborne vibration that can be felt by the human body is from a low of less than 1 Hz up to a high of about 200 Hz (Crocker 2007).

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise. Groundborne noise may result in adverse effects, such as building damage, when the originating vibration spectrum is dominated by frequencies in the upper end of the range (60 to 200 Hz). Vibration may also damage infrastructure when foundations or utilities, such as sewer and water pipes, physically connect the structure and the vibration source (Federal Transit Administration [FTA] 2018). Although groundborne vibration is sometimes noticeable in outdoor

environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses.

Descriptors

Vibration amplitudes are usually expressed in peak particle velocity (PPV) or root mean square (RMS) vibration velocity. Particle velocity is the velocity at which the ground moves. The PPV and RMS velocity are normally described in inches per second (in/sec). PPV is defined as the greatest magnitude of particle velocity associated with a vibration event. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings (Caltrans 2020).

Although PPV is appropriate for evaluating the potential for building damage, it is not always suitable for evaluating human response. It takes some time for the human body to respond to vibration signals. As with airborne sound, the RMS velocity is often expressed in decibel notation as vibration decibels (VdB), which serves to compress the range of numbers required to describe vibration (FTA 2018). Vibration significance ranges from approximately 50 VdB (the typical background vibration-velocity level) to 100 VdB, the general threshold where minor damage can occur in fragile buildings (FTA 2018). The general human response to different levels of groundborne vibration velocity levels is described in Table .

Table 13 Human Response to Different Levels of Groundborne Vibration

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable
85 VdB	Vibration acceptable only if there are an infrequent number of events per day

Source: FTA 2018

Damage to structures occurs when vibration levels range from 2 to 6 in/sec PPV. One half this minimum threshold, or 1 in/sec PPV is considered a safe criterion that would protect against structural damage (Caltrans 2020).

Propagation

Vibration energy spreads out as it travels through the ground, causing the vibration level to diminish with distance away from the source. Variability in the soil strata can also cause diffractions or channeling effects that affect the propagation of vibration over long distances (Caltrans 2020). When a building is impacted by vibration, a ground-to-foundation coupling loss (the loss that occurs when energy is transferred from one medium to another) will usually reduce the overall vibration level. However, under rare circumstances, the ground-to-foundation coupling may actually amplify the vibration level due to structural resonances of the floors and walls.

Ambient Noise Levels

According to the Citywide existing noise contour map, the project site is within the 60 dBA L_{dn} noise contour (City of San José 2011b). The primary off-site noise sources in the project site vicinity are motor vehicles (e.g., automobiles, buses, and trucks) along I-880, I-680, Trade Zone Boulevard,

Ringwood Avenue, Lundy Avenue, and Concourse Drive. Motor vehicle noise is of concern because it is characterized by a high number of individual events, which often create sustained noise levels. Ambient noise levels are generally highest during the daytime and rush hour unless congestion slows traffic speeds substantially. Other sources of noise in the project vicinity include parking lot noise and general conversations from passersby activities associated with the surrounding industrial buildings.

Rincon Consultants measured ambient noise levels at the project site on October 28, 2021. The measurement was conducted at the existing driveway to the site on Concourse Drive. This location was selected for the measurement because it is the closest place within the project site to Concourse Drive, which is the primary source of noise in the area due to roadway traffic. The noise measurement was conducted using a calibrated noise meter for a period of 15 minutes, beginning at 11:34 AM. The measurement results, which are included as Appendix H to this Initial Study, indicated the ambient noise level on the project site is approximately 54 Leq.

Sensitive Receivers

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Noise-sensitive receivers generally include residences, hotels, motels, hospitals, residential care, outdoor sports and recreation, neighborhood parks and playgrounds, schools, libraries, museums, meeting halls, churches, public and quasi-public auditoriums, concert halls, and amphitheaters (City of San José 2011a). The predominant noise-sensitive land uses in the area of the project site are residences located approximately 1,900 feet north of the project site.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan establishes interior and exterior noise standards and thresholds under CEQA for different land uses within the City as well as vibration thresholds during demolition and construction activities. The following goals and policies are applicable to the 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 L_{max} in bedrooms and 55 dBA L_{max} 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 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.

CITY OF SAN JOSÉ MUNICIPAL CODE

The City's noise environment for development review is regulated by the Zoning Ordinance (Title 20 of the Municipal Code). Table 20-135 of the Zoning Ordinance outlines the maximum sound pressure level thresholds as measured at the receiving property lines. For all adjacent properties used or zoned for industrial purposes, noise levels generated at the project site shall not exceed 70 dBA L_{max} at the shared property lines. For adjacent properties used or zoned for commercial purposes, noise levels generated at the project site shall not exceed 60 dBA L_{max} at the shared property line. For all residential land uses, noise levels generated at the project site shall not exceed 55 dBA L_{max} at the shared property lines. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

Impacts Assessment

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

Construction

METHODOLOGY

Construction noise was estimated using the Federal Highway Transit Administration Roadway Construction Noise Model (RCNM) (2006). RCNM predicts construction noise levels for a variety of construction operations based on empirical data and the application of acoustical propagation formulas. Using RCNM, construction noise levels were estimated at noise-sensitive receivers near the project site. RCNM provides reference noise levels for standard construction equipment, with an attenuation of 6 dBA per doubling of distance for stationary equipment.

For construction noise assessment, construction equipment can be considered to operate in two modes: stationary and mobile. As a rule, stationary equipment operates in a single location for one or more days at a time, with either fixed-power operation (e.g., pumps, generators, and compressors) or variable-power operation (e.g., pile drivers, rock drills, and pavement breakers). Mobile equipment moves around the construction site with power applied in cyclic fashion, such as bulldozers, graders, and loaders (FTA 2018). Noise impacts from stationary equipment are assessed from the center of the equipment, while noise impacts from mobile construction equipment are assessed from the center of the equipment activity area (e.g., construction site).

Variation in power imposes additional complexity in characterizing the noise source level from construction equipment. Power variation is accounted for by describing the noise at a reference distance from the equipment operating at full power and adjusting it based on the duty cycle, or percent of operational time, of the activity to determine the L_{eq} of the operation (FTA 2018).

Each phase of construction has a specific equipment mix, depending on the work to be accomplished during that phase. Each phase also has its own noise characteristics; some will have higher continuous noise levels than others, and some may have high-impact noise levels. The maximum hourly L_{eq} of each phase is determined by combining the L_{eq} contributions from each piece of equipment used in that phase (FTA 2018). In typical construction projects, grading activities generate the highest noise levels because grading involves the largest equipment and covers the greatest area.

Project construction is estimated to occur over approximately 5 to 10 months. Construction phases would include demolition, site preparation, grading, building construction, architectural coating, and paving. Construction would not require any blasting or pile driving. It is assumed that diesel engines would power all construction equipment. For assessment purposes, and to be conservative, the loudest hour has been used for assessment. Noise levels are based on a potential construction scenario of one concrete saw, one excavator, and one bulldozer operating simultaneously during the demolition phase. At a distance of 190 feet (distance from the center of the construction area to the nearest industrial property line) and 1,900 feet (distance from the center of the construction area to the nearest residential property line) one concrete saw, one excavator, and one bulldozer would generate a noise level of approximately 78 dBA L_{max} and 58 dBA L_{max}, respectively (RCNM Calculations are included in Appendix I).

ANALYSIS

Construction activity would result in temporary increases in ambient noise levels in the project area on an intermittent basis and, as such, would expose surrounding sensitive receivers to increased noise levels. Increase in noise levels at off-site receivers during construction of the proposed project would be temporary in nature and would not generate continuously high noise levels, although occasional single-event disturbances from construction would be possible. Noise levels would

fluctuate depending on the construction phase, equipment type and duration of use, distance between the noise source and receiver, and presence or absence of noise attenuation barriers.

Policy EC-1.7 of the City's General Plan requires that all construction operations within the City to use best available noise suppression devices and techniques and to limit construction hours near residential uses per the Municipal Code allowable hours, which are between the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday when construction occurs within 500 feet of a residential land use unless permission is granted with a development permit or other planning approval by the City. Further, 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. The project is not within 500 feet of a residential land use or within 200 feet of a commercial or office land use. As such, these noise restrictions do not apply.

Noise thresholds for temporary construction are not provided in the City's General Plan or Municipal Code; however, the noise level threshold for speech interference indoors is 45 dBA. Assuming a 15-dBA exterior-to-interior reduction for standard residential construction and a 25-dBA exterior-to-interior reduction for standard commercial/industrial construction, this would correlate to an exterior threshold of 60 dBA L_{eq} at residential land uses and 70 dBA L_{eq} at commercial/industrial land uses. Additionally, temporary construction noise would be annoying to surrounding land uses if the ambient noise environment increased by at least 5 dBA L_{eq} for an extended period of time. Therefore, the temporary construction noise impact would be considered significant if project construction activities exceeded 60 dBA L_{eq} at nearby residences or exceeded 70 dBA L_{eq} at nearby commercial land uses and exceeded the ambient noise environment by 5 dBA L_{eq} or more for a period longer than one year.

As described above, at a distance of 190 feet (distance from the center of the construction area to the nearest industrial property line) and 1,900 feet (distance from the center of the construction area to the nearest residential property line) one concrete saw, one excavator, and one bulldozer would generate a noise level of approximately 78 dBA L_{max} and 58 dBA L_{max}, respectively (RCNM Calculations are included in Appendix I). These estimated noise levels do not assume reductions due to intervening buildings.

Noise levels would not exceed 60 dBA L_{eq} at residential land uses during typical construction phases and would at times exceed 70 dBA L_{eq} at commercial/industrial land uses. Ambient noise levels at the surrounding uses would potentially be exceeded by 5 dBA L_{eq} or more at various times throughout construction. However, the temporary noise impact due to project construction would be minimized with the incorporation of the standard permit conditions, below, and would also be less than one year in duration. Therefore, impacts would be considered less than significant in accordance with Policy EC-1.7 of the City's General Plan, which pertains to potentially significant impacts when construction duration exceeds one year in proximity to residences.

Standard Permit Conditions

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.

- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.
- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

Operation

The project would generate operational noise that would be typical of industrial warehouse facilities, including vehicle, mechanical equipment, and parking lot noise. Noise produced by the project would be similar in character to the existing noise environment associated with surrounding industrial uses. The proposed project would result in a net reduction of vehicle trips, as described in Section 17, *Transportation*, and Appendix J. Therefore, traffic noise would not increase due to the project. The project would include mechanical equipment, such as heating, ventilation, air conditioning systems and exhaust fans. The proposed mechanical equipment would be similar to the existing equipment associated with the existing industrial warehouse building, if not quieter due to newer technology. Therefore, no increase in mechanical equipment noise is anticipated. The project would replace an existing industrial warehouse and associated parking with a larger warehouse building and associated parking. Parking lot and conversational noise at the project site is not anticipated to substantially change. Operational noise impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The project would not include substantial vibration sources associated with operation. Thus, construction activities have the greatest potential to generate groundborne vibration affecting nearby receivers, especially during grading of the project site.

Certain types of construction equipment can generate high levels of groundborne vibration. The City of San José uses a vibration impact threshold 0.20 in/sec PPV for the potential for cosmetic damage at buildings of normal conventional construction. None of the surrounding buildings appear to be structurally weakened and a more sensitive vibration threshold is not necessary.

Construction of the proposed project would potentially utilize vibratory equipment including loaded trucks, bulldozers, and rollers throughout the duration of project construction. The nearest structures to the project site are adjacent industrial buildings located approximately 45 feet to the southeast. Groundborne vibration from construction equipment is shown in Table .[3]

Table 16 Vibration Levels at Sensitive Receptors

Equipment	PPV at 25 feet	PPV at 45 feet[1]
Large bulldozer	0.089	0.037
Loaded trucks	0.076	0.031
Jackhammer	0.035	0.014
Vibratory Roller	0.210	0.087
Small bulldozer	0.003	0.001

[1] Calculated using the following equation: PPV(45 feet) = PPV(25 feet) * (25 feet / 45 feet) ^ 1.5. (FTA 2018 Equation 7-2)
Source: FTA 2018

As shown in Table , the project would result in a maximum vibration at the nearest adjacent building of 0.087 in/sec PPV, which is below the City's vibration threshold of 0.20 in/sec PPV, as provided in the City General Plan Policy EC-2.3. Therefore, vibration impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

The Norman Y. Mineta San José International Airport is located approximately 2.9 miles southwest of the project site. The project site is not located within any designated airport safety zones or airport noise contours (Santa Clara County Airport Land Use Commission 2016). Therefore, the project site is not located within two miles of a public airport, public use airport, or private airstrip. The project would not expose people residing or working in the project area to excessive noise levels generated by aircraft activities. There would be no impact.

NO IMPACT

[3] While the commercial buildings in the Vintage Oaks Shopping Center would not be considered fragile, this threshold was used for structural damage to provide a conservative analysis.

14 Population and Housing

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

Existing Setting

According to the California Department of Finance (DOF) population and housing estimates, the population of San José was 1,049,187 as of January 1, 2020, with 336,507 housing units (DOF 2020). The City's population is projected to reach 1,110,405 with 359,935 households by 2025 and 1,377,145 persons occupying 448,310 households by 2040 (ABAG 2020).

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

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 (City of San José 2011a). The project site is not within the immediate vicinity of any residential land uses and does not include a residential component.

Impacts Assessment

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

The proposed project does not include any residential land uses or extension of roads or other infrastructure. The project would not construct any permanent residences. The project would generate approximately four net new employees (114 anticipated employees minus 110 existing

employees).[4] All new employment positions would be anticipated to be filled by the local labor force, and a substantial number of people would not be expected to have to relocate into the project area. This use would not result in substantial population growth. Therefore, the project would have a less than significant impact on population growth.

LESS THAN SIGNIFICANT IMPACT

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

No residential land uses are located on the project site. The project would replace an existing industrial facility with a new industrial facility and would not displace existing housing or people, necessitating the construction of replacement housing. Therefore, the project would not displace housing or people, and no related impact would occur.

NO IMPACT

[4] Employment calculations based on an assumption of 1 employee per 1,000 square feet of building space, per Appendix J.

15 Public Services

		Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
	1 Fire protection?	☐	☐	☐	■
	2 Police protection?	☐	☐	☐	■
	3 Schools?	☐	☐	☐	■
	4 Parks?	☐	☐	☐	■
	5 Other public facilities?	☐	☐	☐	■

Existing Setting

Fire protection services are provided to the project site by the San José Fire Department (SJFD), which serves a total population of approximately 1.2 million residents. SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. SJFD currently has 34 fire stations through the City. The closest fire station to the project site is Station 23, located at 1771 Via Cinco de Mayo, approximately 0.9 mile east of the project site.

Police protection services are provided to the project site by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street, approximately 3.4 miles southwest of the project site.

The project site is located within the Orchard Elementary School District, which has one elementary school, and the East Side Union High School District, which has 16 high schools. The closest schools to the project site are Brooktree Elementary School and the Stratford School approximately 0.8 mile east and 0.9 mile north of the project site, respectively.

The City manages over 3,400 acres of parkland to serve its residents. The nearest parks to the project site are Gran Paradiso Park approximately 0.5 mile south of the project site, Brooktree Park approximately 0.6 mile east of the project site, and Northwood Park approximately 0.9 mile northeast of the project site.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes Goals, Policies and Implementation Actions for various public services, including Education, Libraries, Health Care, Public Safety (Police and Fire), and Code Enforcement. In addition, the Parks, Open Space, and Recreation Subsection, within the same chapter, provides the Goals, Policies, and Actions related to parks, open space, and recreational facilities. The following is a summary of the applicable Goals and Policies related to education, libraries, police and fire protection, and parks.

Education

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

Policy ES-1.1: Facilitate open communication between the City, public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public school students.

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.

Libraries

Goal ES-2: Libraries. Maintain and expand Library Information Services within the City to:

- **Enrich lives by fostering lifelong learning and providing every member of the San José community access to a vast array of ideas and information**
- **Give all members of the community opportunities for educational and personal growth throughout their lives**
- **Develop partnerships to further the educational, cultural and community missions of organizations in San José**
- **Support San José State University Library's educational mission in expanding the base of knowledge through research and scholarship**
- **Locate branch libraries in central commercial areas of neighborhoods for essential public access to library resources, events, and community meeting spaces, and to stimulate economic development**
- **Maximize branch library hours of operation to facilitate daily patronage**

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

methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

Law Enforcement and Fire Protection

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-3.1: Provide rapid and timely Level of Service (LOS) response time to all emergencies:

- For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
- For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
- Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
- Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
- Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.

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-3.8: Use the Land Use / Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.

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

Policy ES-3.10: Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.

Policy ES-3.15: Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.

Policy ES-3.17: Promote installation of fire sprinkler systems for both commercial and residential use and in structures where sprinkler systems are not currently required by the City Municipal Code or Uniform Fire Code.

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-3.22: Maintain the City's Fire Department Strategic Plan as a tool to achieve Envision General Plan Level of Service and other related goals and policies. Base fire station location planning on a four-minute travel radius.

Action ES-3.23: Engage public safety personnel in the land use entitlement process for new development projects.

Parks

Goal PR-1: High Quality Facilities and Programs. Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.

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

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

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

Policy PR-1.9: As Urban Village areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately or, in limited instances, publicly owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

Impacts Assessment

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

SJFD and SJPD currently support the project site and would continue to provide fire and police protection services to the project site. As the project would not introduce a new use or activity onto the project site associated with increased calls for services (e.g., nursing home, rehabilitation

facility), and because the project would not result in substantial population or employment growth within the area (see Section 14, *Population and Housing*), it would not result in increased demand for fire or police protection services on the site. Therefore, the project would not result in the need for new or physically altered fire or police protection facilities and no impact would occur.

NO IMPACT

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The project includes construction of an industrial building and would not include residential development. The project would not result in substantial population or employment growth within the area, and all new employment positions would be anticipated to be filled by the local labor force, and substantial number of people would not be expected to have to relocate into the project area (see Section 14, *Population and Housing*). Thus, a substantial increase in the number of school-aged children as a result of the project would not occur. Therefore, the project would not generate new students and no impact on school facilities would occur.

NO IMPACT

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

The proposed project does not include residential development which would generate an increased demand for parks. The project would not be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance, which is not applicable to commercial and industrial land uses. Because the project would not increase demand for parks, it would not result in physical impacts associated with the provision of new or physically altered parks. As such, no impact would occur.

NO IMPACT

a.5. Would the project result in substantial adverse physical impacts associated with the provision of other new or physically altered public facilities, or the need for other new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

The project would not include residential development which would generate demand for other public facilities, including libraries or community centers, and no related impact would occur.

NO IMPACT

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16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	☐	☐	☐	■

Existing Setting

Parklands in the city are managed by the U.S. Department of Fish and Wildlife, Santa Clara County Parks and Recreation, City of San José Department of Parks, Recreation, and Neighborhood Services, and the Santa Clara Valley Open Space Authority. The nearest parks to the project site are Gran Paradiso Park approximately 0.5 mile south of the project site, Brooktree Park approximately 0.6 mile east of the project site, and Northwood Park approximately 0.9 mile northeast of the project site. Because the project proposes an industrial use, it is not subject to the City of San José's adopted Parkland Dedication Ordinance and Park Impact Ordinance.

Regulatory Setting

See the "Parks" subsection in Section 15 above.

Impacts Assessment

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?

The project would not include recreational facilities. As the project would replace an existing industrial use with a new industrial use, the project would not generate increased demand for parks or other recreational facilities. No impacts to parks and recreational facilities would result with construction and operation of the project.

NO IMPACT

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17 Transportation

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

Existing Setting

This section is based on the Transportation Analysis (TA) for the proposed industrial development prepared by Hexagon Transportation Consultants dated July 1, 2021 (see Appendix J). The TA includes a CEQA transportation analysis, using vehicle miles traveled (VMT), as well as a local transportation analysis (LTA) which examined project effects on intersection operations; vehicle queuing; freeway ramps; site access and on-site circulation; bicycle, pedestrian, and transit facilities; and parking. The queuing analysis is provided in Appendix J for informational purposes and is not discussed in this section, as the City of San José has not defined a policy related to queuing. The TA methodology is summarized below; see Appendix J for detailed methodology.

Existing VMT

According to the City of San José Transportation Analysis Handbook, the regional average VMT for industrial employment uses is 14.37 VMT per employee (City of San José 2018). The San Jose VMT Evaluation Tool (Evaluation Tool) is used to estimate the project VMT based on the project location (APN), type of development, project description, and proposed trip reduction measures. Based on the evaluation tool and the project site's APN, the existing area VMT for employment uses in the project vicinity is 15.01 per employee (see Appendix J).

Existing Roadway Network

Regional access to the project site is provided by I-880. Local access to the project site is provided by Montague Expressway, Trade Zone Boulevard, Lundy Avenue, Ringwood Avenue, and Concourse Drive. These facilities are described below.

- **I-880** is a north-south freeway that extends through the Bay Area, connecting Oakland to San José. Near the vicinity of the project site, I-880 is eight lanes wide with three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction. Access to and from the site is provided via a full interchange at Montague Expressway.
- **Montague Expressway** is an east-west expressway that extends from I-680 in the east to San Tomas Expressway in the west. Near the project site, Montague Expressway has six lanes and has a speed limit of 45 mph. Sidewalks are provided on both sides of the street and on-street parking is prohibited. Montague Expressway provides access to the project site via its intersection with Trade Zone Boulevard.
- **Trade Zone Boulevard** is a four-lane east-west city-connector street extending from Montague Avenue in the west to Capitol Avenue in the east. Trade Zone Boulevard has sidewalks on both sides of the street and a posted speed limit of 40 mph, with on-street parking prohibited. Trade Zone Boulevard provides access to the project site via its intersections with Ringwood Avenue and Lundy Avenue.
- **Lundy Avenue** is a four-lane divided city-connector street that runs in the north-south direction in the vicinity of the site. Lundy Avenue provides sidewalks on both sides of the street to approximately 450 feet north of Concourse Drive. The sidewalk ends along the west side of the street but continues along the east side of the street. Lundy Avenue has a posted speed limit of 40 mph. Bike lanes exist between Trade Zone Boulevard and Berryessa Road and on-street parking is prohibited. Access to the project site is provided via its intersection with Concourse Drive.
- **Ringwood Avenue** is a two-lane local street that runs in the north-south direction in the vicinity of the site. Ringwood Avenue includes a sidewalk on the east side of the street from approximately 300 feet south of Trade Zone Boulevard to Trade Zone Boulevard. Ringwood Avenue has a posted speed limit of 40 mph, bike lanes between Trade Zone Boulevard and Murphy Avenue, and prohibits on-street parking. Access to the project site is provided via its intersection with Concourse Drive.
- **Concourse Drive** is a two-lane local street that runs in an east-west direction in the vicinity of the site. Concourse Drive extends westward to Ringwood Avenue and eastward to Qume Drive. Sidewalk connections are missing along most of Concourse Drive. Concourse Drive has a posted speed limit of 35 mph. There are no striped bike lanes or marked bike routes on the street and on-street parking is prohibited. Access to the project site is provided via one existing project driveway off Concourse Drive.

Existing Pedestrian Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, sidewalks are missing along both sides of Concourse Drive, between the project site and Lundy Avenue on the north side and the entire street on the south side; west side of Lundy Avenue, between Trade Zone Boulevard and 320 feet south of Trade Zone Boulevard; west side of Lundy Avenue, 125 feet south of Concourse Drive; east side of Lundy Avenue, 200 feet south of Concourse Drive; both sides of Trade Zone Boulevard, between Lundy Avenue to 900 feet east of Lundy Avenue; and both sides of Ringwood Avenue, between Fortune Drive and 900 feet north of Fortune Drive on the east side, between Fortune Drive and 750 feet south of Fortune Drive on the east side, south of Concourse Drive on the east side, and the entire street on the west side. Marked crosswalks with pedestrian signal heads and push buttons are located at all signalized intersections within the vicinity of the project. However, there are no

crosswalks on the west leg of the Ringwood Avenue/Trade Zone Boulevard intersection and on the west and south legs of the Trade Zone Boulevard/Montague Expressway intersection.

Existing Bicycle Facilities

The existing bicycle facilities in the project vicinity include Class II bike lanes and Class III bike routes. Bike lanes are lanes on roadways designated for use by bicycles with special lane markings, pavement legends, and signage. Bike routes are existing streets that accommodate bicycles but are not separate from the existing travel lanes. Bike routes are typically designated only with signage or with painted shared lane markings (sharrows) on a road that indicate to motorists that bicyclists may use the full travel lane.

Class II striped bike lanes are present in the following street segments in the project vicinity:

- Trade Zone Boulevard between Montague Expressway and Capitol Avenue, with sharrows on westbound Trade Zone Boulevard between Montague Expressway and Ringwood Avenue
- Ringwood Avenue between Trade Zone Boulevard and Murphy Avenue
- Lundy Avenue between Trade Zone Boulevard and Berryessa Road
- McKay Drive, east of Ringwood Avenue
- Murphy Avenue, for the entire street
- Hostetter Road, for the entire street

There are no designated striped bike lanes or shared bike routes on Concourse Drive. However, because Concourse Drive carries relatively low traffic volumes, it is conducive to bicycle travel and connects bicyclists to the existing bicycle facilities.

Existing Transit Service

Existing transit services near the project site are provided by the Santa Clara Valley Transportation Authority (VTA). The project site is 1,345 feet from the closest bus stop for the local bus routes 60, 77, and Altamont Commuter Express (ACE) Violet Shuttle 831. Local routes 20 and 44 are also located within 1 mile of the project site. Routes 60 and 77 run every 15 minutes between 5:00 a.m. and 11:30 p.m., and Routes 20 and 44 run every 30 minutes.

Regulatory Setting

Regional

REGIONAL TRANSPORTATION PLANNING

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

CONGESTION MANAGEMENT PROGRAM

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara Congestion Management Program (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gasoline tax revenues. The legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element, 2) a transit service and standards element, 3) a trip reduction and transportation demand management element, 4) a land use impact analysis program element, and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

In accordance with California Statute, Government Code Section 65088, Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency for Santa Clara County and maintains the county's CMP.

Congestion Management Agencies are required by California State statute to monitor roadway traffic congestion and the impact of land use and transportation decisions on a countywide level, at least every two years. VTA conducts CMP monitoring and produces the CMP Monitoring and Conformance Report on an annual basis for freeways, rural highways and CMP-designated intersections. VTA also prepares and adopts guidelines for preparing transportation impact analyses (TIA) and traffic level of service (LOS) Analysis Guidelines, and Local Model Consistency Guidelines.

The Santa Clara County CMP also includes Deficiency Plan Requirements. Deficiency plans, as they relate to traffic congestion management, are plans that identify offsetting measures to improve transportation conditions on the CMP facility in lieu of making physical traffic capacity improvements such as widening an intersection or roadway.

Local

CITY OF SAN JOSÉ COUNCIL POLICY 5-1 VEHICLE MILES TRAVELED

In adherence to State of California SB 743 and the City's goals as set forth in the Envision San José 2040 General Plan, the City of San José has adopted a new Transportation Analysis Policy, Council Policy 5-1. The policy replaces its predecessor (Policy 5-3) and establishes the thresholds for transportation impacts under the CEQA based on VMT instead of levels of service (LOS). The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions.

The City of San José defines VMT as the total miles of travel by personal motorized vehicles a project is expected to generate in a day. As established in the City's Transportation Analysis Policy, projects that include industrial employment uses would create a significant impact when the estimated project-generated VMT exceeds the existing regional average VMT per employee.

In addition to a VMT analysis, Policy 5-1 also requires the preparation and analysis of a Local Transportation Analysis (LTA) to address the effects of a project on transportation, access, circulation, and related safety elements as it relates to the operation of the project. LTAs provide additional information to evaluate transportation conditions proximate to a Project and supplements the VMT analysis. LTAs implement the multi-modal vision of the City's General Plan.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan outlines goals and policies intended to ensure that the transportation network with the city is safe, efficient and sustainable.

San José's circulation element aims to:

- Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City's share of travel by alternative transportation modes.
- Promote San José as a walking- and bicycling-first city by providing and prioritizing funding for projects that enhance and improve bicycle and pedestrian facilities.

The goals and policies applicable to the project are included below:

Goal TR-1: Balanced Transportation System: Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.

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

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

- Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.
- The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.
- Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.

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

Policy TR-1.8: Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.

Policy TR-1.10: Require needed public street right-of-way dedication and improvements as development occurs. The ultimate right-of-way shall be no less than the dimensions as shown on the Functional Classification Diagram except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function. Additional public street right-of-way, beyond that designated on the Functional Classification Diagram, may be required in specific locations to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.

Goal TR-3: Maximize Use of Public Transit. Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.

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

Goal TR-5: Vehicular Circulation. Maintain the City's street network to promote the safe and efficient movement of automobile and truck traffic while also providing for the safe and efficient movement of bicyclists, pedestrian, and transit vehicles.

Goal TR-8: Parking Strategies. Develop and implement parking strategies that reduce automobile travel through parking supply and pricing management.

Impacts Assessment

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

All new development projects in San José should encourage multi-modal travel, consistent with the goals and policies of the City's General Plan. It is the goal of the General Plan that all development projects accommodate and encourage the use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled. In addition, the adopted City Bike Master Plan establishes goals, policies, and actions to make bicycling a daily part of life in San José. The Master Plan includes designated bike lanes along many City streets, as well as on designated bike corridors. In order to further the goals of the City, pedestrian and bicycle facilities should be encouraged with new development projects.

Transit Facilities

The project site is served by VTA routes 60, 77, and ACE Shuttle 831 on Lundy Avenue and VTA routes 20 and 44 on Montague Expressway. The bus stops closest to the project site are located on

Lundy Avenue about 1,345 feet from the project frontage, south of the intersection of Lundy Avenue and Concourse Drive. However, there are not continuous sidewalks between the site and the bus stops.

Despite the lack of sidewalks, it is possible that some employees of the project would utilize the existing transit services. However, given the project is not expected to generate new trips during either the AM or PM peak hour, there is not expected to be an increase in transit riders. Thus, transit riders from the project would be accommodated by the currently available capacity of the bus services in the study area, and improvement of the existing transit service would not be necessary with the project.

Bicycle Facilities

Bike lanes are present on Ringwood Avenue, Trade Zone Boulevard, Lundy Avenue, McKay Drive, and Murphy Avenue surrounding the project site. There are no designated striped bike lanes or shared bike routes on Concourse Drive. However, because Concourse Drive carries relatively low traffic volumes, it is conducive to bicycle travel and connects bicyclists to the existing bicycle facilities. The City of San José's bicycle parking requirements as described in the City's Zoning Code (Chapter 20.90, Tables 20-190) for office and warehouse uses requires the project to provide at least 1 long-term bicycle parking space for every 10 fulltime employee. The proposed project includes five long-term bicycle parking spaces, as well as five short-term spaces, for a total of 10 bicycle parking spaces. These required spaces would be provided inside the warehouse, as it is proposed as a single-tenant building. The City's standard conditions of approval are provided below.

Standard Conditions of Approval

- **Bike Parking**. The project shall implement long-term bike parking (1 space per 10 full-time employees per San José's Zoning Code Section 20.90.060B).
- **Showers and Changing Room**. The project shall implement one shower and changing room per San José Zoning Code Section 20.90.066A.

Pedestrian Facilities

The overall network of sidewalks and crosswalks in the study area provides limited connectivity. The project frontage does not have existing sidewalks from the project frontage to Lundy Avenue. The project would construct 5-foot sidewalk along the Concourse Drive frontage. This sidewalk would connect to the existing sidewalk to the west of the project site. There are gaps in the pedestrian routes between the project site and the nearest bus stops on Lundy Avenue. Project employees would have to travel with caution between the project site and transit stops. Additionally, there are no sidewalks at the northeast corner of the Lundy Avenue/Concourse Drive intersection and along the east side of Lundy Avenue for 80 feet from the corner. Because there are no pedestrian facilities in the project site or area, the proposed project would have no impact on pedestrian facilities.

Conclusion

As detailed in the above discussions, the project would have a less than significant impact with regard to conflicts with programs, plans, ordinances, or policies addressing the circulation system.

LESS THAN SIGNIFICANT IMPACT

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

The City of San José's Transportation Analysis Handbook includes screening criteria for projects that are expected to result in less than significant VMT impacts based on the project description, characteristics and/or location. Projects that meet the screening criteria do not require a CEQA transportation analysis but may be required to provide an LTA. The type of development projects that may meet screening criteria include small infill projects, local-serving retail, or local-serving public facilities.

Industrial projects of 30,000 square feet or less are considered small infill projects and result in less than significant VMT impacts according to the screening criteria. The project would build an approximately 126,700 square-foot industrial building, including 8,000 square feet of office space. Because the project would build an approximately 126,700 square foot industrial/warehouse building, it would not meet the screening criteria for industrial developments.

According to the Transportation Analysis (see Appendix J), the VMT generated by the proposed project would be approximately 15.00 per employee. Existing VMT in the area of the project site is 15.01 per employee. Therefore, the proposed project would generate VMT that is slightly lower (0.01) than existing conditions in the area. However, because the project regional average VMT is 14.37 per employee, the approximately 15.00 VMT per employee generated by the project would exceed the significance threshold. Accordingly, impacts would be potentially significant but mitigable. Implementation of mitigation measures TRA-1 and TRA-2 would be required. With implementation of required mitigation measures, impacts would be reduced to less than significant.

MM TRA-1: The project applicant shall implement one of the following mitigation measures to reduce VMT impacts:

- Rideshare: The program would be required to implement a rideshare/carpool program to coordinate carpools amongst employees to reduce SOV trips and VMT generated with the project. The rideshare program should have a target goal of 5 percent participation of employees. And;
- Commute Trip Reduction Marketing/Education: Implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes for 100 percent of the project employees. Strategies may include incorporation of alternative commute options into new employee orientations, event promotions, and publications.

MM TRA-2: The project applicant shall provide a draft TDM plan prior to issuance of Planning Permit for review and approval. Prior to issuance of any building permit, a first draft of the Plan shall be resubmitted and shall include an annual monitoring requirement establishing an average daily trip (ADT) cap of 20 AM peak-hour trips and 22 PM peak-hour trips. The annual monitoring shall be prepared by a traffic engineer and the report must demonstrate the project is within 10% of the ADT cap. If the project is not in conformance with the trip cap, the project may add additional TDM measure to meet the trip cap. A follow up report shall be required within six months of the last approved TDM If the project is still out of conformance, penalties will be assessed.

According to the City's VMT evaluation tool, mitigation measures TRA-1 and TRA-2 would reduce the project VMT to 14.01 per employee. Project VMT of 14.01 per employee would be below the

regional average, which is 14.37 VMT per employee. Therefore, with implementation of mitigation measures TRA-1 and TRA-2, impacts would be less than significant.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

Site access was evaluated to determine the adequacy of the project site's driveways with regard to geometric design and corner sight distance. Adequate sight distance (sight distance triangles) should be provided at the main project driveway on Concourse Drive in accordance with Caltrans standards. Providing the appropriate sight distance reduces the likelihood of a collision at a driveway or intersection and provides drivers with the ability to exit a driveway and locate sufficient gaps in traffic. The minimum acceptable sight distance is often considered the Caltrans stopping sight distance. Sight distance requirements vary depending on the roadway speeds. In this case, the Caltrans stopping sight distance is 300 feet (based on a design speed of 40 mph).

There is no roadway curve on Concourse Drive that would obstruct the vision of exiting drivers. Therefore, the project driveway would meet the Caltrans stopping sight distance standard, and sight distance would be adequate at the project driveway. The project would not substantially increase hazards due to a design feature (e.g., sharp curves or inadequate site distance) and the impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

d. Would the project result in inadequate emergency access?

The design of the project is required to comply with the City's standards for emergency vehicle access (including providing adequate points of access, vertical clearance, and turning radius). Emergency vehicles access would be provided via the project driveway on Concourse Drive and through a fire access easement at the northeast corner of the project site. The City of San José Fire Code requires driveways to provide at least 20 feet for fire access and all portions of the buildings be within 150 feet of a fire department access road and requires a minimum of 6 feet clearance from the property line along all sides of the buildings. The project driveway would measure approximately 40 feet wide, and the fire access easement route would be a minimum of 26 feet and the 6-foot clearance and 150-foot requirements are all met, therefore, the project would comply with the City's fire code and would not result in inadequate emergency access. Therefore, the project would not result in inadequate emergency access and the impact would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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18 Tribal Cultural Resources

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

Existing Setting

The information in this section is based on a Cultural Resources Technical Report prepared for the Project. The report included a records search of the California Historical Resources Information System (CHRIS) from the Northwest Information Center (NWIC) conducted for the project site and a 100-meter radius and a search of the Native American Heritage Commission (NAHC) Sacred Lands File. The report contains potentially confidential or sensitive information on the location of cultural resources. Therefore, the report is not included as an appendix to the Initial Study. However, the report is available at the City of San José for review upon request. The project site is located within a developed urban area surrounded primarily by industrial and industrial/commercial uses. As documented in the Cultural Resources Technical Report, the NAHC has stated that the Sacred Lands File search results are negative for site-specific information.

Assembly Bill (AB) 52, detailed in the *Regulatory Setting* below, requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. At the time of preparation of this Initial Study, no Native American tribes have sent written requests for notification of projects to the City of San José except for those in Coyote Valley (over 10 miles from the site) and downtown San José (approximately four miles from the site).

While the Sacred Lands File search results were negative for the project site, and no Native American tribes have sent the City written requests for projects in the project area, the project site is considered highly sensitive for archaeological (pre-historic) resources. As described in Section 5, *Cultural Resources*, two pre-historic sites have been previously recorded within the project site.

Regulatory Setting

Federal

Refer to Section 5, *Cultural Resources*, for the federal regulatory setting.

State

Refer to Section 5, *Cultural Resources*, for a description of the California Register of Historic Places.

ASSEMBLY BILL 52

AB 52 requires that California lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. No Native American tribe has contacted the City and requested consultation related to the project area specifically pursuant to AB 52.

AB 52 also specifies that a project with an effect that may cause a substantial adverse change in the significant of a tribal cultural resource (TCR) is a project that may have a significant effect on the environment. Defined in Section 21074(a) of the Public Resources Code, a TCR is a site feature, place, cultural landscape, sacred place, or object, which is of cultural value to a California Native American tribe and is either listed in or eligible for listing in the California Register of Historical Resources or a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a TCR.

Local

Refer to Section 5, *Cultural Resources*, for the local regulatory setting.

Impacts Assessment

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?

b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?

There are no known or recorded tribal cultural resources on the project site that are either eligible for listing or currently listed in the NRHP, CRHR, or local register of historic resources. However, the project site is considered highly sensitive for subsurface pre-historic (archaeological) resources, and two pre-historic sites have been previously recorded within the project site. The sites recorded at this location have likely been heavily disturbed and possibly destroyed by prior orchard maintenance and prior construction in the area and within the project site. The project site has a

history of grading and development disrupting the soil layers. Nevertheless, portions of either pre-historic site may still be present within the project site. Likewise, while the potential to encounter human remains on-site would also be low due to past disturbance of soil layers, there is always a possibility of encountering unrecorded archaeological resources or human remains when conducting subsurface earthwork activities.

Construction of the proposed project would require ground disturbance, such as grading and excavation. Construction activities would have the potential to encounter buried or subsurface pre-historic resources, as well as human remains, which could be of Native American origin. Damage or destruction of archaeological resources and human remains, if present, would be a potentially significant impact. However, implementation of mitigation measure CUL-1 in Section 5, Cultural Resources would be required. Additionally, 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. A consultation meeting was held on September 20, 2021, where the Tamien Nation representative recommended Native American monitors be present during ground disturbing activities. This recommendation will be met with the implementation of the standard permit conditions as outlined in Section 5, Cultural Resources. Implementation of mitigation and mandatory compliance with standard permit conditions would reduce impacts to less than significant.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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19 Utilities and Service Systems

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

Existing Setting

SJWC provides water service to the project site. SJWC relies on groundwater, imported treated water, and local surface water for its potable water supply. On average, SJWC purchases approximately 50 percent of its water supply from the Santa Clara Valley Water District, pumps approximately 40 percent of its supply from the groundwater aquifer, and draws the remaining approximately 10 percent from local surface water sources (SJWC 2020).

Wastewater is conveyed from the project site through the existing 8-inch VCP sanitary sewer main along Concourse Drive. Wastewater treatment and disposal is provided by the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF treats an average of 110 million gallons per day (mgd)

of wastewater, with a capacity of up to 167 mgd. The resulting fresh water from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution. The RWF is jointly owned by the cities of San José and Santa Clara and is managed and operated by the City of San José's Environmental Services Department. The City is currently implementing a $1.4 billion, 10-year Capital Improvement Program, which comprises a portion of the $2 billion in facility investments envisioned over the next 30 years in the Plant Master Plan, adopted in 2013 (City of San José 2020b).

The City owns and maintains the existing 24-inch RCP storm drain main along Concourse Drive which serves the project site. Stormwater is removed from the site primarily by sheet flow action across the paved surfaces towards storm drains located throughout the paved surfaces on the site, or by percolation into the ground. Stormwater from the existing buildings' roofs is collected in gutters and directed toward storm drains.

Republic Services, an independent solid waste disposal contractor, provides solid waste collection services to the project site. Waste collected by Republic Services must be processed at Newby Island Sanitary Landfill. Newby Sanitary Landfill has a remaining capacity of over 21 million cubic yards and a closure date estimated in 2041 (CalRecycle 2020).

Regulatory Setting

State

CALIFORNIA GREEN BUILDING STANDARDS CODE

CALGreen establishes mandatory green building requirements and provides guidelines for all buildings in California. The code includes specific regulations pertaining to:

- Planning and design
- Energy efficiency
- Water efficiency and conservation
- Material conservation and resource efficiency
- Indoor environmental quality
- 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.

The guidelines provide measures for new construction projects to achieve green building performance levels, including: reducing indoor water use by 20 percent, reducing wastewater by 20 percent, recycling and salvaging 50 percent of non-hazardous construction debris and providing readily accessible areas for recycle.

ASSEMBLY BILL 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have

an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

ASSEMBLY BILL 341

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

SENATE BILL 1383

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

Local

CALIFORNIA GREEN BUILDING STANDARDS CODE COMPLIANCE FOR CONSTRUCTION, WASTE REDUCTION, DISPOSAL AND RECYCLING

The City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480).

CONSTRUCTION AND DEMOLITION DIVERSION DEPOSIT PROGRAM

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $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.

Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan establishes goals and policies that relate to green building design, construction and operation. The following are applicable to the project:

Policy MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and

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

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

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.

Impacts Assessment

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

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

The project would be served by the existing water, wastewater treatment, stormwater drainage, electric power, natural gas, and telecommunications infrastructure near the project site, with new service connections provided for the new building. The new service connections include an 8-inch VCP sanitary sewer lateral and 18-inch RCP storm drain lateral. The project would result in an incremental increase in water use and wastewater generation based on the slight increase in employment of four employees. Water use of industrial/commercial land uses varies widely depending on the type of industrial and commercial uses. The City estimated industrial and commercial water use based on actual water use data as part of its General Plan update in 2010 and determined that, in the North San José area, industrial and commercial water use was approximately 29 gallons per day (gpd) per employee (City of San José 2011b). Based on this data, the project would generate an estimated 116 gpd of net new water demand.[5] SJWC's projected total water supply for 2025 is 31,794 million gallons per year (SJWC 2016), and thus, the project's incremental increase in water demand would represent only a nominal percentage of SJWC's supplies.

The General Plan EIR concluded that implementation of General Plan policies and existing regulations would ensure full buildout under the General Plan would not exceed available water supply (City of San José 2011b). The proposed project is consistent with development assumptions in the General Plan and, therefore, the project would not exceed the City's available water supply

[5] Assuming 4 net new employees, based on a rate of 1 employee per 1,000 square feet of buildint space, per Appendix J (114 employees under the proposed project minus 110 employees that could occupy the existing development).

and is assumed to be served by existing water infrastructure without the need for the construction of new or expansion of existing water facilities.

The General Plan EIR states that, for industries without internal recycling or reuse programs, it can be assumed that approximately 85 to 95 percent of water used in the various operations and processes will become wastewater (City of San José 2011b).

Assuming that wastewater flow rates from the project would be 95 percent of the estimated water demand, the project would generate an estimated net increase of 110 gpd of wastewater. Given that the RWF has the capacity to treat 167 mgd of wastewater and treats an average of 110 mgd, an additional capacity of approximately 57 mgd remains. The estimated net new wastewater generation from the project would constitute a negligible portion (approximately 0.0002 percent) of the RWF's remaining capacity. Therefore, the existing RWF would be able to accommodate increased wastewater flows associated with the project and the project would not require the construction of new or expansion of existing wastewater treatment facilities. Given the foregoing, the project's impacts on water and wastewater treatment facilities would be less than significant.

As described in Section 10, *Hydrology and Water Quality*, while the project would modify and slightly decrease impervious surface areas on the project site, the project would also include new stormwater treatment and drainage features in accordance with the LID stormwater management requirements of Provision C.3 of the MRP and City Council Policies 6-29 and 8-14 to minimize and control post-construction stormwater runoff. Given this, the project would not contribute stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system. Therefore, the project's impact on the capacity of stormwater drainage systems would be less than significant.

LESS THAN SIGNIFICANT IMPACT

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

As stated above, although the project would generate more wastewater than under existing conditions, the project's wastewater generation would comprise a negligible portion of the RWF's remaining capacity. Therefore, the project would have a less than significant impact related to wastewater treatment capacity.

LESS THAN SIGNIFICANT IMPACT

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

Based on estimated solid waste generation provided in Appendix A, the project could generate an estimated 155 tons per year of solid waste. This would result in a net increase in solid waste generation over existing conditions of 8.4 tons per year (Appendix A). As described above, solid waste from the project may be disposed at any of four privately owned landfills in San José, or at other landfills outside the County. The four privately owned landfills have a combined remaining capacity of approximately 48.5 million cubic yards, with estimated closure dates ranging from 2025 to 2059 (CalRecycle 2020a, 2020b, 2020c, 2020d). The amount of solid waste generated by the project would constitute a negligible portion of the remaining available landfill capacity. Therefore, the project would have a less than significant impact on landfill capacity.

LESS THAN SIGNIFICANT IMPACT

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

The project would be required to comply with all applicable regulations related to solid waste and no impact would occur.

NO IMPACT

20 Wildfire

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

Existing Setting

The California Department of Forestry and Fire Protection (CAL FIRE) maps areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors, pursuant to Public Resources Code 4201-4204 and Government Code 51175-51189. These areas are referred to as Fire Hazard Severity Zones (FHSZs) and are identified for areas where the state has financial responsibility for wildland fire protection (i.e., state responsibility areas, or SRAs), and areas where local governments have financial responsibility for wildland fire protection (i.e., local responsibility areas, or LRAs). There are three FHSZ mapped for SRAs (moderate, high, and very high), while only lands zoned as very high are identified in LRAs. The project site is located within a LRA and is not located near a SRA or a very high FHSZ (CAL FIRE 2008). Additionally, the project site is located within an urbanized area of the City of San José and is surrounded by other industrial land uses on all sides.

Regulatory Setting

Local

ENVISION SAN JOSÉ 2040 GENERAL PLAN

The Envision San José 2040 General Plan establishes goals and policies that relate to wilfire. The following are applicable to the project:

Goal EC-8: Wildland and Urban Fire Hazards. Protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface.

Policy EC-8.1: Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.

Policy EC-8.2: Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.

Policy EC-8.3: For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

Impacts Assessment

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?

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?

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?

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 structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

As the project site is not located in or near SRAs or lands classified as very high FHSZs, no impact would occur related to wildfire hazards, including emergency response/evacuation, pollutants and uncontrolled wildfire spread, associated infrastructure, or post-fire effects.

NO IMPACT

21 Mandatory Findings of Significance

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

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

The project would not degrade the quality of the environment or substantially reduce habitat of fish or wildlife species or other special-status species, as the project is located within a heavily developed industrial/commercial area of the City. There are no sensitive habitats or wetlands located on or near the project site, and no special-status species are known to occupy the site. As discussed in Section 4, *Biological Resources,* construction of the project would require the removal of existing trees and landscaping, which migratory birds could use for nest sites. Mitigation measure MM BIO-1 would require that tree removal occur outside the migratory bird nesting season, if

feasible, and if not feasible, that a nesting bird survey be performed prior to construction. With implementation of mitigation, impacts to nesting birds would be less than significant.

The project would not eliminate important examples of the major periods of California prehistory or history. The project would not result in impacts to built historic resources, as none are located on or near the project site. Although it is not anticipated that new archaeological resources would be encountered, the standard permit conditions described in Section 5, *Cultural Resources*, would be implemented with the project. Additionally, mitigation measure CUL-1 indicated in Section 5, Cultural Resources, would be required to prevent impacts to subsurface archaeological resources and human remains, if present. Mitigation and standard permit conditions would ensure that impacts related to inadvertent discovery of cultural resources would be less than significant.

With mitigation, the project would not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Impacts would be less than significant with mitigation.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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

The General Plan EIR identified the following cumulative impacts: loss of agricultural land in southern Santa Clara County/north Coyote Valley, traffic congestion, traffic-related noise, increase in VMT per capita and emissions of criteria air pollutants, nitrogen deposition, a regional jobs-housing imbalance, and GHG emissions. The project would neither contribute to cumulative impacts on agricultural land as none is located on or near the project site (see Section 2, *Agricultural and Forestry Resources*), nor to nitrogen deposition impacts on species composition of serpentine ecosystems with payment of the nitrogen deposition fee required by the SCVHP (implemented after the adoption of the General Plan; see Section 4, *Biological Resources*). In addition, the project would not result in a substantial increase in employment and, thus, would not contribute to a regional jobs-housing imbalance (see Section 14, *Population and Housing*). As demonstrated in Section 3, *Air Quality*, subsection (b), cumulative criteria pollutant emissions and health risk impacts would not be considerable. As discussed in Section 8, *Greenhouse Gas Emissions*, the project would have a less than significant impact with regard to GHG emissions, which are cumulative in nature. As described in Section 13, *Noise*, the project would not result in an increased in vehicle trips; therefore, the project would not result in cumulative traffic noise impacts. Similarly, as described in Section 17, *Transportation*, the project would not result in a cumulative increase in VMT, as total vehicle trips to the site would decrease with the project.

Given the foregoing, the project's contribution to significant cumulative impacts would be less than cumulatively considerable.

LESS THAN SIGNIFICANT IMPACT

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

Implementation of the project would not result in any impacts that are significant and unavoidable or cumulatively considerable, including those related to hazardous materials, emergency response, proximity to airport activities, or transportation hazards. The implementation of the standard permit conditions described in Section 3, *Air Quality*, Section 7, *Geology and Soils*, Section 9, *Hazards and Hazardous Materials*, Section 10, *Hydrology and Water Quality*, and Section 13, *Noise*, as well as required mitigation measures applicable to these resources or issue areas would ensure impacts are less than significant. Mitigation measures required and applicable to these resources or issue areas include HAZ-1 and HAZ-2 in Section 9, *Hazards and Hazardous Materials*. Therefore, the project would not result in impacts that would cause substantial adverse effects on human beings, either directly or indirectly.

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Appendix A

CalEEMod Output Files

Appendix B

Arborist Report

Appendix C

Energy Fuel Consumption Calculations

Appendix D

Geotechnical Investigation

Appendix E

2030 GHG Reduction Strategy Development Compliance Checklist

Appendix F

Phase I Environmental Site Assessment

Appendix G

Pre-Demolition Asbestos Survey Report

Appendix H

Ambient Noise Measurement Data

Appendix I

RCNM Output Files

Appendix J

Transportation Analysis