Initial Study

Second Harvest Food Bank Warehouse Project

File Nos.: PD21-016 and ER21-143

Prepared by

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

In Consultation with
50 YEARS EST. 1972
DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY AND BACKGROUND

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations, or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusion in the environmental document.

The 10.47-acre project site evaluated in this Initial Study is a part of a larger site evaluated under the 2000 Cisco Site 6 Environmental Impact Report and a subsequent Addendum as described below.

The City of San José, as the Lead Agency, has prepared this Initial Study for the proposed development in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Title 14, California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California. The purpose of the Initial Study is to inform decision makers and the general public of the environmental impacts that might reasonably be anticipated to result from development of the proposed project.

1.1.1 2000 Cisco Site 6 Environmental Impact Report and Subsequent Environmental Review

Table 1.1-1: Cisco Site 6 EIR Development Entitlements

Date	Project Description	CEQA Analysis
June 2000	PDC99-054: Planned Development Zoning for the Cisco Site 6 Project	EIR (Resolution No. 69636, State Clearinghouse No. 199082003)
June 2000	PD00-027: Planned Development Permit for Phase I of Cisco Site 6 permitting 1.6 million square feet of office and R&D buildings in seven buildings on north and south side of Nortech Parkway, west of North first Street.	Determination of Consistency with Cisco Site 6 EIR
November 2000	DA08-004: Development Agreement with the developer of the 152.6-acre site, providing assurances that the project could be developed in accordance with the existing ordinances, resolutions, policies, and regulations effective the date of the agreement. The DA had a twenty-year term and expired in 2020.	EIR (Resolution No. 69636, State Clearinghouse No. 199082003)

Table 1.1-1: Cisco Site 6 EIR Development Entitlements		
Date	**Project Description**	**CEQA Analysis**
April 2014	PD13-039: Construction of four office and R&D Buildings on a 21.4-acre site on the north side of Nortech Parkway	Addendum to Cisco Site 6 EIR (same addendum used for project below)
June 2014	PDC14-004 and PD14-007: 25 Nortech-Purpose of the rezoning was to allow reduced vehicle and bicycle parking requirements from PDC99-054. PD Permit allowed construction of three manufacturing buildings totaling 563,760 square feet.	Addendum to Cisco Site 6 EIR (same addendum used for project below)
October 2014	H14-011: to construct a 145-room hotel at 4305 North 1st Street	Addendum to Cisco Site 6 EIR
December 2014	PD13-012: to construct four R&D buildings totaling 614,809 SF on a 28.5-acre site (two buildings were constructed; the two unbuilt buildings are in the location of the proposed project).	Addendum to Cisco Site 6 EIR

In June 2000, the City of San José certified the Final Environmental Impact Report (EIR Resolution No. 69636, State Clearinghouse [SCH] No. 199082003) for the Cisco Site 6 EIR (File No. PDC99-054) and approved a Planned Development Zoning that allows for 2.325 million square feet of new office/research & development (R&D)/manufacturing uses on 152.6 acres on both sides of North First Street, north of State Route 237.

The EIR analyzed the construction of up to ten buildings, up to six stories in height, on the site and associated infrastructure improvements under two phases of construction. Subsequent to the Zoning District's approval, on June 19, 2000, a Planned Development Permit (File No. PD00-027) was filed for the construction of Phase I of the Planned Development Zoning and permitted the construction of 1,600,000 square feet of office and R&D buildings. The City in November 2000 entered into a Development Agreement (DA) with the developer of the 152.6-acre site, providing assurances that the project could be developed in accordance with the existing ordinances, resolutions, policies, and regulations effective the date of the agreement. The DA had a 20-year term and expired in 2020.

In November 2013, a Planned Development Permit (File No. PD13-012) was filed for the construction of approximately 614,809 square feet of office and R&D uses on a 28.5-acre portion of the EIR's 152.6-acre site, which includes site of the proposed project. The project site, located on the west side of North First Street, north of SR237 and included as part of the Phase I of the approved Cisco Site 6 project but was never built out under PD00-027's entitlement. Two of the four buildings approved under PD13-012 were constructed in 2015; the entire site was graded in 2014.

The remaining capacity on the project site includes 246,107 square feet of office/R&D space that has not been constructed.

1.1.2 Envision San José 2040 General Plan Environmental Impact Report

In November 2011, the City of San José certified the Final Program Environmental Impact Report for the Envision San José 2040 General Plan (SCH No. 2009072096) that provides capacity for the development of up to 470,000 new jobs and 120,000 new dwelling units through 2035. The growth capacity allowed a total of 839,450 jobs and 429,350 dwelling units in San José. In December 2016, an Addendum to the General Plan EIR (as a part of the City's four-year review) and a General Plan Amendment was approved which reduced the allowed job growth capacity to 751,650 jobs while maintaining the same housing capacity. The resulting jobs to employed resident ratio (J/ER) would be 1.1 based on 429,350 households. In 2020, the City approved a second Addendum to the General Plan EIR and another General Plan Amendment which allowed modifications of growth areas in the General Plan while maintaining the overall citywide growth capacity. These changes to the General Plan did not affect the approved office/R&D space on the Cisco Site 6 project site.

1.1.3 Review Criteria

CEQA Guidelines Section 15164 states that the Lead Agency or a Responsible Agency shall prepare an Addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 (see above) calling for preparation of a subsequent EIR have occurred. Therefore, pursuant to Section 15162 of the CEQA Guidelines, the City of San José has determined that the project described below does not involve new significant effects beyond those analyzed in the Final EIR for the Cisco Systems, Inc. Site 6 Project (File No. PDC99-054), as addended. Therefore, the City of San José can take action on the project as being within the scope of the Cisco Site 6 EIR, as addended.

Purpose of the Project and Initial Study

The proposed project would implement the final component of development on the Cisco Site 6 campus by constructing two warehouse buildings which would consist of 209,603 square feet of warehouse space and 39,627 square feet of office space on the remaining undeveloped 10.47 acres of the Cisco Site 6 EIR; these buildings would be in the place of the two approved and unconstructed office buildings (which would have totaled 246,107 square feet) from the 2013 entitlement. The applicant has applied for a new Planned Development Permit to permit this remaining development.

The City of San José, as the Lead Agency, has prepared this Initial Study to 1) document the currently proposed project (that is the subject of the proposed Planned Development Permit) does not trigger any of the conditions calling for preparation of a subsequent EIR, and 2) identify the mitigation identified in the 2000 Cisco Site 6 EIR remains applicable to the project. The Initial Study complies with the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of San José, California.

The Initial Study analyzes the project's consistency to both the certified 2000 Cisco Site 6 Environmental Impact Report (Cisco Site 6 EIR) and Addenda thereto as well as the 2011 Envision San Jose 2040 General Plan Environmental Impact Report (General Plan EIR) and Addenda thereto,

where applicable. The discussion of water quality and water supply and GHG emissions will specifically tier from the GP EIR and the City's recently adopted Greenhouse Gas Emissions Reductions Strategy for 2030.

1.2 NOTICE OF DETERMINATION

If the project is approved, the City of San José will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15094(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Second Harvest Warehouse Project, Planned Development Permit File No. PD21-016

2.2 LEAD AGENCY CONTACT

City of San José
Department of Planning, Building, and Code Enforcement
Cassandra van der Zweep, Supervising Planner
200 East Santa Clara Street
San José, CA 95113-1905

Email: cassandra.vanderzweep@sanjoseca.gov
Phone: (408) 535-7659

2.3 PROJECT APPLICANT/PROPONENT

David Andris
South Bay Development Company
475 Alberto Way, Suite 150
Los Gatos, CA 95032

2.4 PROJECT LOCATION

The approximately 10.47-acre project site is located in the Alviso area of the northern part of San José. The site is on the west side of North First Street, north of State Route 237. The site is surrounded by North First Street, office/R&D buildings, school, religious assembly use, and library to the north, the two office buildings and hotel to the east, a surface parking lot, historic Guadalupe River channel, grassland, and Guadalupe River to the south, and recreational/commercial uses and open grassland to the south and west.

Regional and vicinity maps of the project site are shown on Figure 2.8-1 and Figure 2.8-2, respectively, and an aerial photograph shows the site and surrounding uses on Figure 2.8-3.

2.5 ASSESSOR'S PARCEL NUMBER

Assessor's Parcel Number (APN): 015-39-056

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

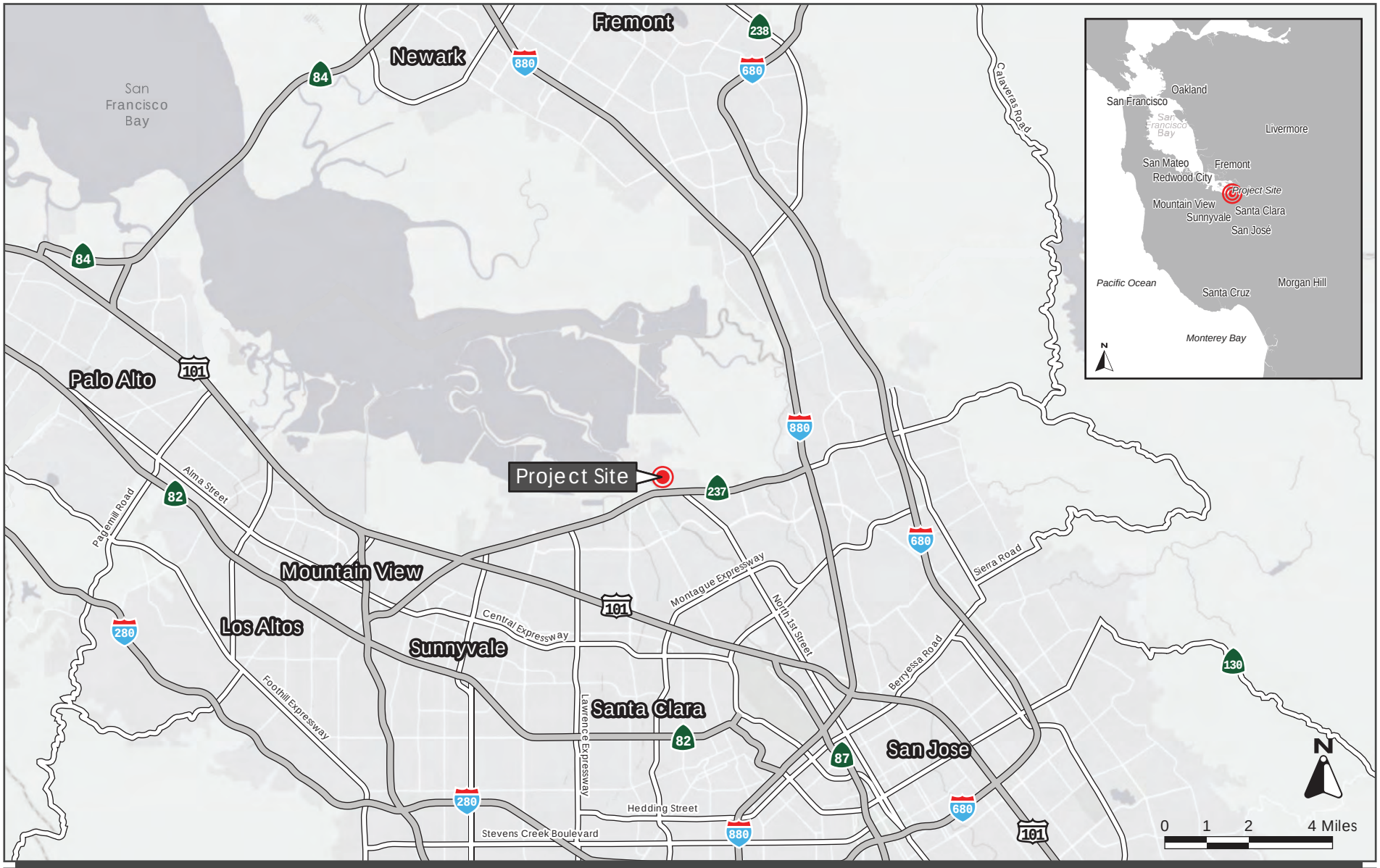
General Plan Land Use Designation:	Combined Industrial Commercial (CIC).
Zoning District:	A(PD) Planned Development (PDC99-054).

2.7 HABITAT PLAN DESIGNATION

Land Cover Designation:	California Annual Grassland
Land Cover Fee Zones:	Fee Zone A
Burrowing Owl Survey and Fee Zone:	Burrowing Owl Occupied Habitat

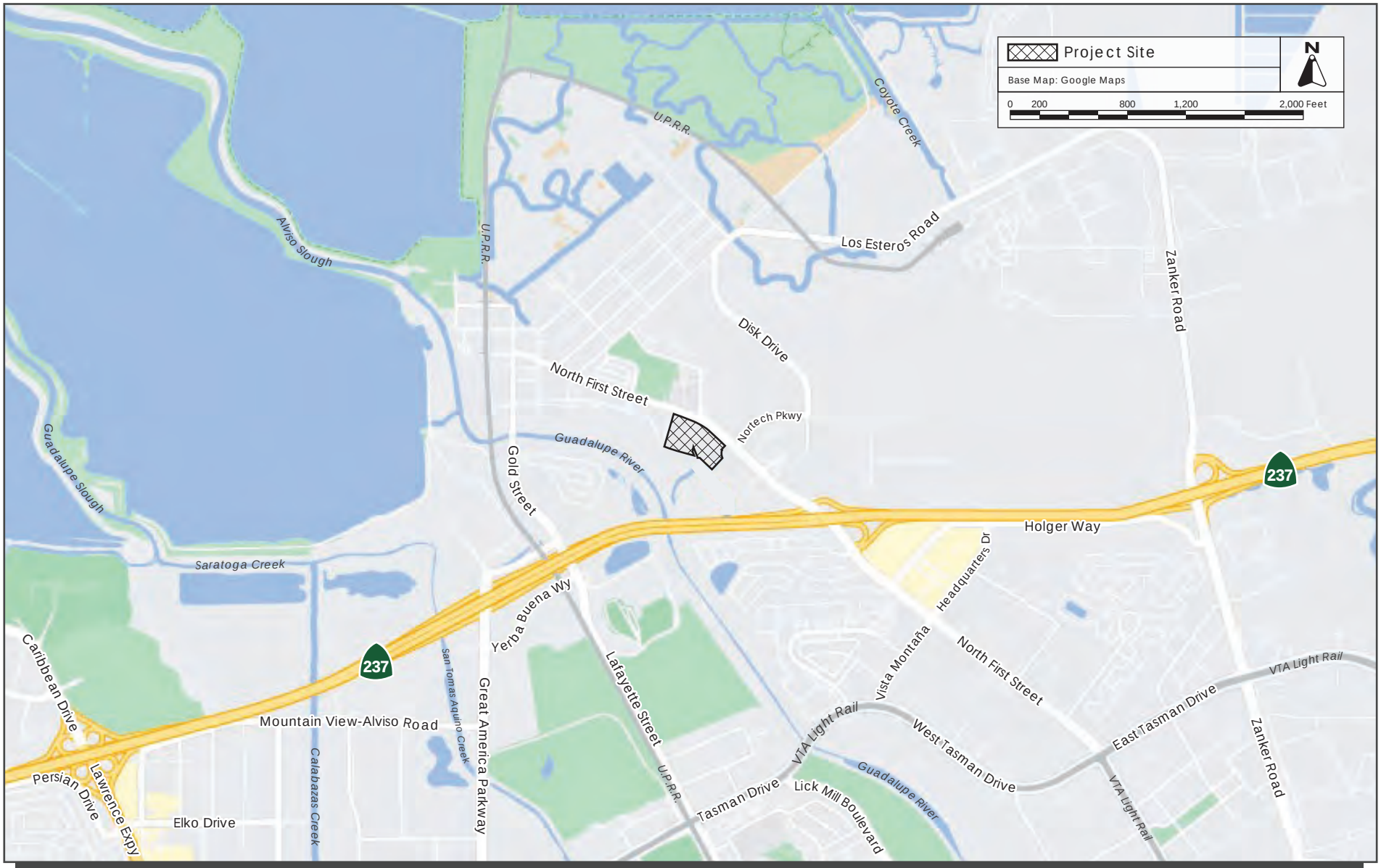
2.8 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

The project would operate under the existing A(PD) Planned Development Zoning. The project would require a Planned Development Permit for design review, and subsequent grading and building permits.



REGIONAL MAP

FIGURE 2.8-1



VICINITY MAP

FIGURE 2.8-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.8-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 OVERVIEW

The 10.47-acre project site (APN 015-39-056) is located at 4553 and 4653 North First Street in the City of San José. The proposed project would construct two warehouse/office buildings totaling 249,230 square feet on a 10.47-acre portion of a 152.6-acre site zoned for 2.325 million square feet of office/R&D/light manufacturing uses. The project has A(PD) Planned Development Zoning District (PDC99-054) and CIC Combined Industrial/Commercial General Plan land use designation. The project would be consistent with the current zoning and General Plan land use designation.

3.2 PROPOSED DEVELOPMEN

3.2.1 Site Design

3.2.1.1 *Building Design and Landscaping*

The project is proposing to construct a one-story building with a total of 249,230 square feet of building space including 106,364 square feet of warehouse space in Area 1of the proposed building, 103,239 square feet of warehouse space in Area 2, and 39,627 square feet of office space would be included in the mezzanine area. The maximum height of the buildings is 41 feet above the ground surface at the top of the roof/wall and 47.5 feet above the ground surface at the top of the roof screen. Refer to the project's site plan and elevations on Figures 3.2-1 through 3.2-3.

The project also proposes two emergency generators with capacities of 3,000 kilowatts (kW) and 600 kW. The generators would be located to the rear (south) of the proposed buildings. The project would include landscaping, including trees, around the building and site perimeter. The site would include an outdoor amenity space including outdoor tables and seating between Buildings 1 and 2. The conceptual site plan with landscaping included is provided on Figure 3.2-4.

3.2.1.2 *Site Access and Parking*

Access to and from the project site would be provided via the existing North First Street and Nortech Parkway intersection and two new driveways along North First Street north of Nortech Parkway. The 42-foot-wide northernmost driveway would be located approximately 300 feet north of Tony P. Santos Street. The 26-foot-wide southern driveway would be located at the existing median break along North First Street at its intersection with Tony P. Santos Street. The northernmost driveway along North First Street would be restricted to right turns out only due to the existing median along North First Street. Delivery trucks would access the site from the existing North First Street and Nortech Parkway intersection and exit southbound onto North First Street at the northernmost project driveway.

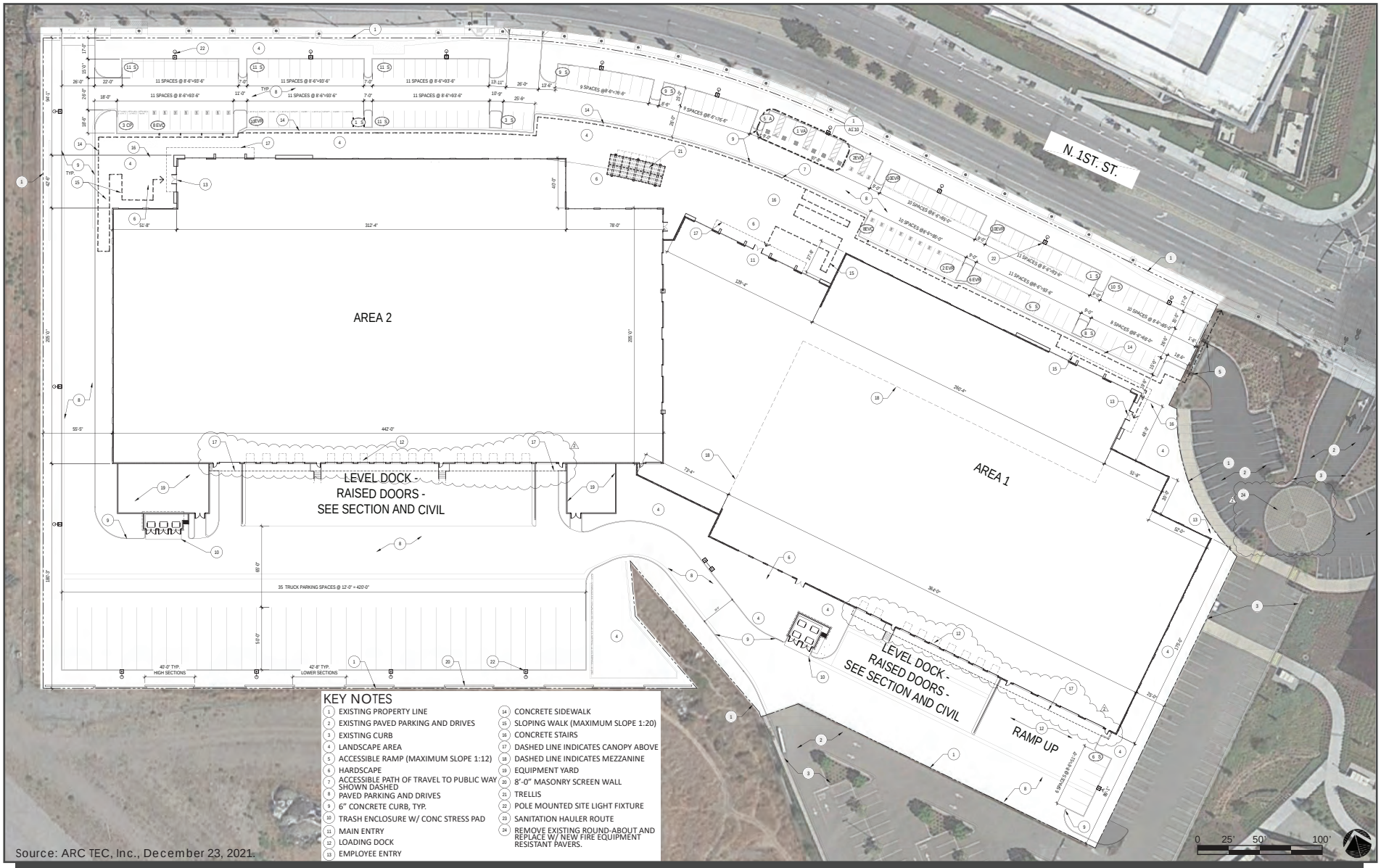
The project would include surface parking with 161 vehicular parking stalls, including 35 truck parking spaces. The project would also include 25 truck loading docks (nine at Building 1 and 16 at Building 2).

3.2.1.3 *Utilities*

Stormwater runoff from the site would be treated via on-site flow-through planters and bioretention areas and would then be directed to the City's Alviso and Oakmead storm drain systems on North First Street. The project would construct new on-site storm drains that would connect to an existing 18-inch storm drain. New water and sanitary sewer lines would be constructed on-site to connect to an existing 18-inch water main and eight-inch sanitary sewer line.

3.2.1.4 *Construction*

Construction of the proposed warehouse project would take approximately 15 months. The project would import approximately 14,600 cubic yards of soil/fill to raise the project site one foot out of the flood zone. Construction activities would include excavation, grading, building construction, and paving. Construction equipment would be staged on-site.



KEY NOTES

1. EXISTING PROPERTY LINE
2. EXISTING PAVED PARKING AND DRIVES
3. EXISTING CURB
4. LANDSCAPE AREA
5. ACCESSIBLE RAMP (MAXIMUM SLOPE 1:12)
6. HARDSCAPE
7. ACCESSIBLE PATH OF TRAVEL TO PUBLIC WAY SHOWN DASHED
8. PAVED PARKING AND DRIVES
9. 6" CONCRETE CURB, TYP.
10. TRASH ENCLOSURE W/ CONC STRESS PAD
11. MAIN ENTRY
12. LOADING DOCK
13. EMPLOYEE ENTRY
14. CONCRETE SIDEWALK
15. SLOPING WALK (MAXIMUM SLOPE 1:20)
16. CONCRETE STAIRS
17. DASHED LINE INDICATES CANOPY ABOVE
18. DASHED LINE INDICATES MEZZANINE
19. EQUIPMENT YARD
20. 8'-0" MASONRY SCREEN WALL
21. TRELLIS
22. POLE MOUNTED SITE LIGHT FIXTURE
23. SANITATION HAULER ROUTE
24. REMOVE EXISTING ROUND-ABOUT AND REPLACE W/ NEW FIRE EQUIPMENT RESISTANT PAVERS.

Source: ARC TEC, Inc., December 23, 2021.

SITE PLAN

FIGURE 3.2-1

NORTH ELEVATION

EAST ELEVATION

SOUTH ELEVATION

Source: ARC TEC, Inc., December 23, 2021.

BUILDING ELEVATIONS: AREA 1 | FIGURE 3.2-2

NORTH ELEVATION

PARTIAL EAST ELEVATION

WEST ELEVATION

SOUTH ELEVATION

Source: ARC TEC, Inc., December 23, 2021.

BUILDING ELEVATIONS: AREA 2 | FIGURE 3.2-3

Source: ARC TEC, Inc., December 23, 2021.

CONCEPTUAL SITE PLAN WITH LANDSCAPING | FIGURE 3.2-4

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section describes any changes that have occurred in existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project or the changed conditions and compares those impacts to the impacts identified in the 2000 Cisco EIR and the General Plan EIR, and Addenda thereto, as applicable. As explained below, the following issues have been adequately addressed in the Final Environmental Impact Report (SCH No. 199082003) certified by the City of San José in June 2000 for the Cisco Site 6 Project (File No. PDC99-054) that allows for 2.325 million square feet of new light industrial/ office/R&D uses on 152.6 acres on both sides of North First Street north of State Route 237, as well as the EIR certified for the Envision San Jose 2040 General Plan in 2011 and subsequent approved Addenda. The existing analysis contained in the EIR prepared for the Cisco Site 6 Project continues to adequately address **land use, agriculture/forestry resources, geology/soils, visual/aesthetic resources, public services, population/housing, recreation, and minerals,** in that:

1) the nature and scale of the proposed project has not substantially changed,
2) the FEIR did not indicate the need for additional analysis related to those topics at the time specific buildings were proposed for development, and
3) there has not been a substantial change in the circumstances involving these issues on the subject site nor in the local environment surrounding the site.

Resource Topics That Do Not Require Further Evaluation

Land Use: The proposed warehouse development is consistent with the allowed uses under the Planned Development Zoning District for the site (PDC99-054), and the site's relationship to sensitive uses (housing and a school) near the site has not changed. The project would not physically divide the existing community nor would the project conflict with the applicable land use requirements adopted to protect or mitigation impacts to the environment. The EIR identified a mitigation measure applicable to development on the east side of North First Street to incorporate a setback buffer of between 100 and 300 feet in order to reduce the impacts of development on adjacent residences and other sensitive land uses. There are no mitigation measures related to this topic area from the Cisco EIR that remain applicable to this project on the west side of North First Street.

Agriculture/Forestry: The site does not contain agricultural or forestry resources, nor are they present in the vicinity of the site. The Cisco EIR identified 72 acres of farmland that would be converted in the central-northern portion of the 152.6-acre Cisco Site 6, and that farmland has since been converted to urban uses. There are no mitigation measures related to this topic area from the Cisco EIR.

Geology/Soils: The site geologic conditions have not changed since preparation of the EIR, as the site remains in a stable, flat condition on the valley floor, and is not subject to unusual geologic hazards such as faults, landslides, lateral spreading. A design-level geotechnical report will be completed to address soil liquefaction conditions on site, consistent with the EIR's requirements for future buildings. Paleontological resources were not evaluated in the Cisco Site 6 EIR. However, the

Cisco Site 6 is not located within a paleontological sensitive area. Impacts to paleontological resources would not change with the implementation of the proposed project.

Visual/Aesthetics: The proposed warehouse development is consistent with the development standards established in the Planned Development Zoning District governing the site, and the Planned Development Permit is undergoing design review to ensure the project architecture is compatible with the surrounding area, consistent with the findings required to be made for issuance of a Planned Development Permit. The Cisco EIR found that industrial development on the site would have significant, unavoidable visual impacts by substantially altering the visual character of the site and blocking views of open space areas to the north. That impact has already occurred with implementation of the approved project across the majority of the 152.6-acre Cisco site, as only the subject 10.47 acres remains to be built. Additionally, the EIR required that tree removal would require tree replacements, however there are no trees present on the subject project site. There are no mitigation measures related to this topic area from the Cisco EIR applicable to the project.

Public Services: The proposed warehouse and office uses are consistent with the allowed uses under the Planned Development Zoning District governing the site. The two unconstructed office buildings totaling 246,107-square foot (and covered by the Cisco Site 6 EIR) would have generated up to 815 employees.[1] The proposed warehouse/office project would have up to 125 employees and 157 volunteers.[2] The warehouse employment would be less than the office/R&D employment assumed in the EIR, thereby decreasing demand for public services compared to the assumed office occupancy. The project would be served by existing public services and would not require new or physically altered public facilities to support the project. There are no mitigation measures related to this topic area from the Cisco EIR that remain applicable to the project.

Population/Housing: The proposed warehouse and office uses are consistent with the allowed uses under the Planned Development Zoning District and General Plan land use designation and the warehouse employment would be less than the office/R&D employment assumed in the EIR (the proposed project would generate up to 125 employees and 157 volunteers compared to 815 employees for the two approved/unconstructed office buildings), thereby decreasing demand for new housing compared to the assumed office occupancy. There are no mitigation measures related to this topic area from the Cisco EIR.

Recreation: The project would not include residential uses, which create the predominant demand for recreational facilities, and warehouse employees and volunteers who may occasionally use nearby recreational facilities, such as the Guadalupe River Trail, would not do so in numbers that would lead to the physical deterioration of those facilities. There are no mitigation measures related to this topic area from the Cisco EIR.

Minerals: There are no mineral resources present on the site. There are no mitigation measures related to this topic area from the Cisco EIR.

[1] The number of employees that would be accommodated in the two unconstructed office buildings is based on the standard 3.3 employees per 1,000 square feet ratio used for office developments. Personal communications: Del Rio, Robert, Hexagon Transportation Consultants: RE: Employees per Square Feet for Office Developments. May 6, 2022.Institute

[2] The number of proposed employees and volunteers is based on information provided by the project applicant.

Resource Evaluated in this Initial Study

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Air Quality	4.6	Hydrology and Water Quality
4.2	Biological Resources	4.7	Noise
4.3	Cultural Resources and Tribal Cultural Resources	4.8	Transportation
4.4	Greenhouse Gas Emissions	4.9	Utilities and Service Systems and Energy
4.5	Hazards and Hazardous Materials and Wildfire		

Initial Study Components

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant, including identifying any significant changes in the environmental setting since preparation of the 2000 Cisco Site 6 EIR and General Plan EIR and Addenda thereto, as applicable.

- **Prior EIRs –** This subsection provides a brief overview of the impacts and mitigation measures identified in the 2000 Cisco Site 6 EIR and General Plan EIR and Addenda thereto, as applicable.

- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts, 2) discusses the project's impact on the environmental subject as related to the checklist questions, and 3) identifies whether the project would trigger any of the requirements for preparation of a subsequent EIR. For significant impacts, this subsection also identifies whether the mitigation measures identified in the prior EIRs and Addenda remain applicable to the proposed project and are sufficient to mitigate identified significant impacts to a less than significant level, and in some cases provides updated mitigation measures that provide equivalent or increased mitigation for previously identified significant impacts. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AIR QUALITY

The following discussion is based, in part, on an Air Quality Analysis completed by Illingworth & Rodkin, Inc. on January 24, 2022, revised February 14. 2022. The technical report is attached as Appendix A of this Initial Study.

4.1.1 Environmental Setting

4.1.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[3] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.1-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.1-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone (O_3)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

[3] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further. The project would not contribute to an existing or projected violation of CO standards, and mitigation for local CO would not be required.

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxide (NO_X). These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM 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 emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel 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).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[4] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are 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, 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.

[4] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed February 3, 2022. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

4.1.1.2 *Regulatory Framework*

Provided below is an update to the regulations and policies listed in the Cisco Site 6 EIR.

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O_3, CO, SO_x, NO_x, and lead. CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_X.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent

climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[5]

CEQA Air Quality Guidelines

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. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to utilities and service systems and applicable to the proposed project:

General Plan Policies: Air Quality

Policy	Description
MS-10.1	Address 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.
MS-11.1	Require completion of air quality modeling for sensitive land uses such as new residential developments that are located near sources of pollution such as freeways and industrial uses. Require new residential development projects and projects categorized as sensitive receptors to incorporate effective mitigation into project designs or be located an adequate distance from sources of toxic air contaminants (TACs) to avoid significant risks to health and safety.
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.
MS-11.5	Encourage the use of pollution absorbing trees and vegetation in buffer areas between substantial sources of TACs and sensitive land uses.
MS-11.8	For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.
MS-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At a minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

[5] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

General Plan Policies: Air Quality

Policy	Description
MS-13.4	Adopt and periodically update dust, particulate, and exhaust control standard measures for demolition and grading activities to include on project plans as conditions of approval based upon construction mitigation measures in the BAAQMD CEQA Guidelines.

4.1.1.3 *Existing Conditions*

Air quality is determined by the concentration of various pollutants in the atmosphere. The amount of a given pollutant in the atmosphere is determined by the amount of pollutants released within an area, transport of pollutants to and from surrounding areas, local and regional meteorological conditions, and the surrounding topography of the air basin.

BAAQMD is responsible for assuring that the national and state ambient air quality standards are attained and maintained in the Bay Area. Air quality studies generally focus on four criteria pollutants that are most commonly measured and regulated: CO, O_3, NO_2, and suspended particulate matter (PM_{10} and $PM_{2.5}$). These pollutants are considered criteria pollutants by the U.S. EPA and CARB as they can result in health effects such as respiratory impairment and heart/lung disease symptoms. Table 4.1-2 shows violations of state and federal standards at the monitoring station in downtown San José (the nearest monitoring station to the project site) during the 2017 to 2019 period (the most recent years for which data is available).[6]

[6] PM refers to Particulate Matter. Particulate matter is referred to by size (i.e., 10 or 2.5) because the size of particles is directly linked to their potential for causing health problems.

Table 4.1-2: Ambient Air Quality Standards Violations and Highest Concentrations				
Pollutant	**Standard**	**Days Exceeding Standard**		
		2017	**2018**	**2019**
San José Station				
Ozone	State 1-hour	6	2	6
	Federal 8-hour	6	3	9
Carbon Monoxide	Federal 8-hour	0	0	0
	State 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	1	0	0
	Federal 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	1	0
	State 24-hour	6	6	5
$PM_{2.5}$	Federal 24-hour	18	18	1
Source: BAAQMD. Air Pollution Summaries (2017-2019). Available at: http://www.baaqmd.gov/about-air-quality/air-quality-summaries.				

"Attainment" status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB. The San Francisco Bay Area does not meet federal ambient air quality standards for $PM_{2.5}$ nor does it meet state standards for PM_{10}. The Bay Area is considered in attainment or unclassified for all other pollutants.

Toxic Air Contaminants

Besides criteria air pollutants, there is another group of substances found in ambient air referred to as TACs under the California CAA. In California, TACs are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs tend to be localized and are found in relatively low concentrations; however, exposure to low concentrations over long periods can result in adverse chronic health effects.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about two-thirds of the cancer risk from TACs (based on the statewide average). Diesel is of particular concern since it can be distributed over large regions, thus leading to widespread public exposure. CARB has adopted and implemented a number of regulations for stationary and mobile sources to reduce emissions of DPM.

Sensitive Receptors

The closest sensitive receptors to the project site are the Balaji Temple (which includes a single-family residence) 150 feet north of the site, George Mayne Elementary School located across North

First Street, approximately 170 feet north of the site; the Alviso Youth Center, approximately 300 feet northwest of the site; and single-family residences, approximately 770 feet northwest of the site.

4.1.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
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?	☐	☐	☐	☒	☐

Bay Area Air Quality Management District

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for 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 has considered the air quality 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 $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.1-3 below. These thresholds have been updated since the certification of the Cisco Site 6 EIR and are more stringent than those used in 2000.

Table 4.1-3: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operation Thresholds**	
	Average Daily Emissions (pounds/day)	**Annual Daily Emissions (pounds/year)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 µg/m^3	0.8 µg/m^3 (average)	

The Cisco Site 6 EIR concluded the Site 6 project's operational local and regional criteria pollutant emissions would exceed BAAQMD's thresholds and would result in a significant and unavoidable impact even with mitigation incorporated. The EIR included an air mitigation measure to implement TDM measures (e.g., preferential parking for carpool/vanpool, ride matching program, connections to existing pedestrian facilities) to help reduce the operational impact. The EIR also concluded that implementation of construction mitigation (BAAQMD's recommended dust control measures) would result in a less than significant impact from construction emissions.

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

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. A project is considered consistent if a) the plan supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with implementation of the 2017 CAP control measures. Further, BAAQMD has established thresholds of significance for ground-level O_3 precursor pollutants (ROG and NO_X), $PM_{2.5,}$ and PM_{10}. The 2000 Cisco Site 6 EIR concluded that buildout of the project would exceed these significance levels, resulting in significant and unavoidable air quality impacts.

Construction

Construction period emissions of criteria pollutants for on-site and off-site construction activities were estimated using the California Emissions Estimator Model (CalEEMod) for the proposed project. A construction duration for the proposed project would be 15 months, from July 2022 to October 2023, with the earliest year of full operation assumed to be 2024. The CalEEMod model provides emissions estimates for both on-site and off-site construction activities. On-site activities primarily include construction equipment emissions, while off-site activities include worker, hauling, and vendor traffic.

The average construction criteria pollutant daily emissions summary for the proposed project are shown in Table 4.1-4 below.

Table 4.1-4: Construction Period Emissions

Year	ROG	NO_X	PM_{10} Exhaust	$PM_{2.5}$ Exhaust
Construction Emissions Per Year (tons)				
2022	0.17	1.56	0.08	0.07
2023	1.59	2.12	0.11	0.09
Average Daily Construction Emissions Per Year (pounds/day)				
2022 (115 construction workdays)	2.96	27.05	1.34	1.15
2023 (215 construction workdays)	14.75	19.72	1.02	0.84
BAAQMD Thresholds (pounds/day)	54	54	82	54
Exceed Threshold?	No	No	No	No

Source: Illingworth & Rodkin. *Second Harvest Food Bank Air Quality Assessment*. January 24, 2022.

Construction emissions were not quantified in the Cisco Site 6 EIR, as the schedule and details of construction activity were unknown at the time. However, construction emissions were calculated in the 2013 Addendum for the four office/R&D buildings on the 28.5-acre site on the west side of North First Street (of which the project's 10.47 acres are the northernmost part). Of the four office buildings evaluated in the 2013 Addendum, two have been constructed (totaling 368,702 square feet) and two office/R&D/light industrial buildings were not constructed (totaling 246,107 square feet), for a total approved entitlement of 614,809 square feet. Construction of the proposed warehouse/office development (when compared to what the emissions would be to construct the two approved/unconstructed office buildings) would result in an additional 0.2 pounds of $PM_{2.5}$, 0.3 pounds of $PM_{10,}$ and 5.4 pounds per day of NO_x emissions. However, as shown in Table 4.1-4 above, the proposed project's construction emissions would be below the BAAQMD thresholds. In addition, the proposed project would result in 1.1 pounds less per day of ROG during construction compared to the two approved/unconstructed office buildings.

Construction activities, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soils. Unless properly controlled,

vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices (BMPs) are implemented to reduce these emissions. The Cisco Site 6 EIR included the following, then-current BAAQMD BMPs to be implemented during all phases of construction on the project site to control dust/construction emissions:

- Water all active construction areas at least twice daily.
- Water or cover stockpiles of debris, soil, sand or other materials that could be blown by the wind.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Damp sweep daily all paved access road, parking areas and staging areas at construction sites.
- Damp sweep streets daily if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (debris, dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Since the certification of the EIR, the BAAQMD has updated the BMPs to make them more effective and enforceable and the City has included them as standard permit conditions. These standard permit conditions include the reduction of idling times for construction equipment, maintenance requirements for construction equipment, and posting a sign with the Lead Agency contact information for dust complaints . Therefore, the project would implement the following standard permit conditions to update the EIR's construction mitigation to control dust and exhaust more effectively.

The project would implement the following standard permit conditions, consistent with the most recent BAAQMD BMPs, to control construction emissions.

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

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers a least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

Implementation of the standard permit conditions listed above would achieve greater than a 50 percent reduction in on-site fugitive $PM_{2.5}$ emissions compared to construction activities without standard permit conditions and would reduce potential impacts to less than significant levels. This would be the same impact as identified in the 2000 Cisco Site 6 EIR because the current standard permit conditions implemented by the project are similar to the mitigation measures proposed as part of the 2000 EIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

Operation

Operational air emissions from the project would be generated primarily from trucks using the industrial warehouse and from automobiles driven by future employees, volunteers, and visitors. Additionally, evaporative emissions from architectural coatings (e.g., paints) and maintenance products (e.g., cleaning products and solvents) are typical emissions from warehouse buildings. CalEEMod was used to estimate emissions from operation of the proposed project assuming full buildout. Assuming construction begins in 2022, the earliest full year of full operation would be 2024.

The warehouse/office project on the 10.47 acres would produce 888 daily vehicle trips (788 standard automobile trips and 100 heavy truck trips). The two approved (unconstructed) office buildings would have generated 1,969 daily trips. The project's trips would combine with the other uses previously implemented across the entire 152.6-acre Cisco Site 6 property, and the Cisco Site 6 EIR considered the combined emissions from full buildout, as discussed below. The warehouse/office development would include one 600-kW and one 3,000-kW generator for standby power in emergencies. These generators would be maintained and tested routinely. For modeling purposes, it was assumed the generators would be operated primarily for testing and maintenance purposes. CARB and BAAQMD requirements limit these engine operations to 50 hours per year of non-emergency operation, and the engines would be required to meet CARB and EPA emission standards. Additionally, of the 50 trucks using the project site daily (each assumed to make one trip in and one trip out, for 100 total daily truck trips), 45 trucks would be refrigerated, with the use of transportation refrigeration units (TRUs) which are powered by small diesel engines that have air pollutant and TAC emissions. Total operation of the TRUs for all trucks was assumed at two hours

daily per truck per day. For on-site emissions, 15 minutes of TRU operation per trip was assumed. TRUs are subject to emissions limits set by CARB.

The average operational period emissions for the proposed warehouse project are shown in Table 4.1-5 below. These emissions would combine with emissions from other development that has occurred on the balance of the 152.6-acre Cisco Site 6 development site.

Table 4.1-5: Operational Period Emissions

Scenario	ROG	NO_X	PM_{10}	$PM_{2.5}$
2024 Project Operational Emissions (tons/year)	1.97	4.91	1.36	0.28
BAAQMD Thresholds (tons/year)	*10*	*10*	*15*	*10*
Exceed Thresholds?	No	No	No	No
2024 Project Operational Emissions[1] (pounds/day)	10.8	26.9	7.5	1.5
BAAQMD Thresholds (pounds/day)	*54*	*54*	*82*	*54*
Exceed Threshold?	No	No	No	No

[1] Assumes 365-day operation.

Source: Illingworth & Rodkin. *Second Harvest Food Bank Air Quality Assessment*. January 24, 2022.

The Cisco Site 6 EIR provided estimated regional criteria pollutant emissions for the full buildout of the 152.6-acre development, including forecasts of operational ROG (320.7 pounds per day), NO_X (522.4. pounds per day), and PM_{10} (180.6 pounds per day) emissions. The estimated emissions were well above BAAQMD's thresholds, even after applying available mitigation. Under the Cisco Site 6 EIR, the criteria pollutant emissions were not calculated separately for the 10.47-acre portion of the project site where the warehouse project is now proposed, rather the emissions from the office/R&D development assumed on the 10.47-acre portion were included within the overall emissions noted above. However, a comparison can be made now between emissions from the not yet constructed 246,107 sf office R&D/light industrial buildings, which were entitled on the 10.47 acres and analyzed in the 2013 Addendum, and the project's proposed warehouse buildings on those 10.47 acres, as shown in Table 4.1-6 below.

Table 4.1-6: Operational Period Emissions Comparison				
Scenario	**ROG**	**NOx**	**PM_{10}**	**$PM_{2.5}$**
Approved Unconstructed Office/R&D Use – Annual emissions	2.10 tons	0.99 tons	1.29 tons	0.35 tons
Average daily emissions	11.5 lbs.	5.4 lbs.	7.1 lbs.	1.9 lbs.
Proposed Warehouse Use – Annual emissions	1.97 tons	4.91 tons	1.36 tons	0.28 tons
Average daily emissions	10.8 lbs.	26.9 lbs.	7.5 lbs.	1.5 lbs.
Difference (Proposed – Approved) annual emissions	**-0.13 tons**	**+3.92 tons**	**+0.07 tons**	**-0.07 tons**
BAAQMD Operational Thresholds (tons /year)	*10 tons*	*10 tons*	*15 tons*	*10 tons*
Difference (Proposed – Approved) daily emissions	**-0.7 lbs.**	**+21.5 lbs.**	**+0.4 lbs.**	**-0.4 lbs.**
BAAQMD Operational Thresholds (pounds/avg. day)	*54 lbs.*	*54 lbs.*	*82 lbs.*	*54 lbs.*
Source: Illingworth & Rodkin. *Second Harvest Food Bank Air Quality Assessment*. January 24, 2022.				

Based on the operational emissions comparison of development on the subject 10.47 acres shown in Table 4.1-6, the emissions for ROG, PM_{10}, and $PM_{2.5}$ would be similar, and therefore in keeping with the emissions levels disclosed in the Cisco Site 6 EIR. However, the NO_X emissions for the proposed project would be an average of 21.5 pounds per day above the previously approved office/R&D/light industrial uses, given the proposed project's use of trucks with diesel engines. As noted above, the Cisco Site 6 EIR disclosed NO_X emissions of 522.4. pounds per day from full buildout of the Cisco Site 6 project across 152 acres. The 26.9 daily pounds per day of NO_X emissions estimated for the proposed warehouse use would be an incremental increase beyond that amount, i.e., 21.5 pounds per day above the NO_x emissions from an office use. The warehouse NO_x emissions of 26.9 pounds per day, when viewed alone, are below the BAAQMD threshold of significance of 54 pounds per day, as is the incremental increase of 21.5 pounds per day compared to an office use. The increase is not a substantial increase when viewed in light of the entire inventory of 522.4 pounds per day of NO_x emissions originally identified for the buildout of the Cisco Site 6 project. The additional 21.5 pounds per day of NO_x emissions is approximately four percent of the previously disclosed 522.4 pounds per day, and a four percent increase would not constitute a substantial increase in severity of the previously disclosed significant and unavoidable NO_x impact. The Cisco Site 6 EIR identified that the Cisco Site 6 project would create emissions of regional air pollutants which would exceed identified BAAQMD thresholds of significance.

Impact AIR-1: The warehouse/office project would contribute to the exceedances in BAAQMD thresholds for regional criteria air pollutants identified in the Cisco Site 6 EIR.

Mitigation Measures: The project would implement the following mitigation measures from the Cisco Site 6 EIR to reduce the project's contribution to regional/operational criteria air pollutants:

MM AIR-1.1: The following mitigation measures would be included as part of the project to reduce regional air quality impacts.

- Provide physical improvements, such as sidewalk improvements, connections to existing pedestrian facilities, landscaping and bicycle parking that would act as incentives for pedestrian and bicycle modes of travel, including lunchtime travel.
- Connect the project site with the regional bikeway/pedestrian trail system.
- Provide preferential parking for carpool/vanpool vehicles.
- Provide showers and lockers for employees bicycling or walking to work.
- Implement feasible transportation demand management (TDM) measures, which could include a parking cash-out program, a ride-matching program, guaranteed ride home programs, coordination with regional ridesharing organizations, and a transit incentives program, such as participation in VTA's Eco Pass Program for all employees.

The 2000 Cisco Site 6 EIR concluded that implementation of the mitigation measure MM AIR-1.1 would have the potential to reduce regional air quality impacts of the project by five to 15 percent; however, the project's impacts remained significant and unavoidable.

Although the warehouse project's operational criteria emissions, considered in isolation, would be below BAAQMD thresholds, the proposed project is developing the final 10.47 acres under the Cisco Site 6 Planned Development Zoning and would contribute to the significant and unavoidable impact from regional criteria air pollutant emissions identified in the Cisco Site 6 EIR. As stated above, the additional 21.5 pounds per day of NO_x emissions compared to the 2013-approved office/R&D use is approximately four percent of the EIR's identified NO_x impact for the entire project's buildout and would not result in a substantial increase in severity of the previously disclosed significant and unavoidable NOx impact. [**Same as Approved Project (Significant and Unavoidable 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?

At the time that the Cisco Site 6 EIR was prepared, the Bay Area was in a nonattainment area for ozone and PM_{10}. It was concluded that the Cisco Site 6 project would result in a substantial increase in operational ROG and NO_X (two precursors of ozone) and PM_{10}. The Bay Area is currently in a

nonattainment area for ozone, $PM_{2.5}$ and PM_{10}. As shown in Table 4.6-1, the proposed project would result in a decrease in operational ROG emissions by 0.8 pounds and a decrease in operational $PM_{2.5}$ emissions by 0.4 pounds per day when compared to what the emissions would be for the approved unconstructed office/R&D buildings. The project would result in a slight increase in operational PM_{10} emissions (by 0.3 pounds per day) and an increase in operational NO_x emissions by 21.5 pounds per day, which as discussed above, is a four percent increase in NO_x emissions and, does not, represent a substantial increase in the severity of the Cisco Site 6 project's significant and unavoidable NO_x emissions.

As discussed under checklist question a) above, with the implementation of Standard Permit Conditions (i.e., BAAQMD BMPs to reduce construction emissions), the project would not result in a cumulatively considerable net increase of construction criteria pollutant emissions and would not exceed the BAAQMD significance thresholds. The project would continue contribute to operational emissions that would result in a cumulatively considerable net increase in operational criteria pollutants, as identified in the Cisco Site 6 EIR. The project would incorporate the Air Mitigation Measure identified in the Cisco Site 6 EIR and described above in MM AIR-1.1 to reduce the impacts of operational emissions, however, emissions would remain above established thresholds identified in the EIR and the project would contribute to significant and unavoidable criteria pollutant impacts. **[Same as Approved Project (Significant and Unavoidable Impact)]**

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

The 2000 Cisco Site 6 EIR identified a potentially significant impact to sensitive receptors as a result of construction emissions and included a mitigation measure (i.e., BAAQMD BMPs to reduce construction emissions) to reduce impacts to less than significant levels.

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, a known TAC. Project construction activity would generate dust and equipment exhaust that would affect nearby sensitive receptors. Construction exhaust emissions of DPM and $PM_{2.5}$ were modeled as part of the construction health risk assessment for the proposed project. The maximum modeled annual DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors to find the maximally exposed individuals (MEI), which is defined as the sensitive receptor that is most impacted by the project's construction and operation. The project's off-site MEI is located at the Balaji Temple (including a residence), approximately 150 feet from the project site across North First Street.

As shown in Table 4.1-3, under the BAAQMD CEQA Air Quality Guidelines, an incremental cancer risk of greater than 10 cases per million for a 70-year exposure duration at the MEI would result in a significant impact. The BAAQMD Air Quality Guidelines consider exposure to annual $PM_{2.5}$ concentrations that exceed 0.3 $\mu g/m^3$ from a single source to be significant. Cancer risks that exceed 100 cases per million and annual $PM_{2.5}$ concentrations that exceed 0.8 $\mu g/m^3$ from cumulative sources are also significant. The BAAQMD significance threshold for non-cancer hazards is 1.0.

Table 4.1-7 summarizes the maximum cancer risk, $PM_{2.5}$ concentration, and health hazard index for project related construction activities affecting the off-site MEIs for the proposed project. The maximum increased health risks that would be experienced by children attending George Mayne Elementary School are also reported in Table 7. Note that cancer risks for school children

are computed differently than residences mainly because of the shorter exposure duration and type of receptor. Health risks to other off-site sensitive receptors would be lower than these risks to the off-site MEI.

Table 4.1-7: Project Health Risk Impacts at the Off-Site MEI			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Project Impact at MEI			
Project Construction (Years 0-2), Unmitigated	6.81 (child)	0.05	<0.01
Project Operation (Years 2-30), Unmitigated	1.48	<0.01	<0.01
Total/Maximum Project Impact (Years 0-30), Unmitigated	8.30	0.05	<0.01
Project Impact at George Mayne Elementary School			
Project Construction (Years 0-2), Unmitigated	3.88 (child)	0.07	<0.01
Project Operation (Years 2-30), Unmitigated	2.03 (child)	0.01	<0.01
Total/Maximum Project Impact (Years 0-30), Unmitigated	5.91 (child)	0.07	<0.01
BAAAQMD Recommended Threshold	*10*	*0.3*	*1.0*
Threshold Exceeded?	*No*	*No*	*No*
Source: Illingworth & Rodkin. *Second Harvest Food Bank Air Quality Assessment*. January 24, 2022.			

As shown in Table 4.1-7, the proposed project would not exceed the BAAQMD recommended thresholds for cancer risk; therefore, with the implementation of Standard Permit Conditions implementing BAAQMD's BMPs) and consistent with the Cisco Site 6 EIR, the proposed project would have a less than significant impact to sensitive receptors. [**Same Impact as Approved Project (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 2000 Cisco Site 6 EIR identified a less than significant impact for odors.

No new stationary odor sources are proposed as part of the proposed project and the project would not expose existing nearby sensitive receptors to new odor sources. Operation of construction equipment could create objectionable odors, however, due to the localized and temporary nature of construction-related odors, construction of the project would not generate odors that would affect a substantial number of people. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.1.2.2 *Cumulative Air Quality Impacts*

The Cisco Site 6 EIR concluded that under cumulative conditions, the Cisco Site 6 project would result in a significant contribution to the exceedances of local and regional air pollutants. As discussed in checklist questions a) and b), the proposed warehouse/office project would not substantially increase the severity of this cumulative impact. The proposed project's contribution to significant cumulative air quality impacts is consistent with the Cisco Site 6 EIR conclusions. **[Same Impact as Approved Project (Significant and Unavoidable Cumulative Impact)]**

4.2 BIOLOGICAL RESOURCES

The following discussion is based in part upon a Due Diligence Report completed September 15, 2021, by WRA, Inc. and a Biological Resources Report prepared by H.T. Harvey & Associates dated February 4, 2022. Copies of these reports are included in Appendix B of this Initial Study.

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

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 United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (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" these 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, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. The taking and killing of birds resulting from an activity are not prohibited by the MBTA when the underlying purpose of that activity is not to take birds.[7] Nesting birds are considered special-status species and are protected by the USFWS. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local

[7] United States Department of the Interior. "Memorandum M-37050. The Migratory Bird Treaty Act Does Not Prohibit Incidental Take." December 2017. Accessed February 1, 2022. https://www.doi.gov/sites/doi.gov/files/uploads/m-37050.pdf

regulations, and are generally subject to regulation by the United States 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.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Regional and Local

Santa Clara Valley Habitat Plan/Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (Habitat Plan) covers approximately 520,000 acres, or approximately 62 percent of Santa Clara County. It was developed and adopted through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District (Valley Water), Santa Clara Valley Transportation Authority (VTA), USFWS, and CDFW. The Habitat Plan is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in southern Santa Clara County. The Santa Clara Valley Habitat Agency is responsible for implementing the plan.

City of San José Riparian Corridor Protection and Bird Safe Design Policy

In 2016, the City released Council Policy 6-34 to provide guidance on the implementation of riparian corridor protection consistent with all City policies and requirements that provide for riparian protection. Council Policy 6-34 indicates that riparian setbacks should be measured from the outside edges of riparian habitat or the top of bank, whichever is greater, and that development of new buildings and roads generally should be set back 100 feet from the riparian corridor. However, Council Policy 6-34 also indicates that a reduced setback may be considered under limited circumstances, including the existence of legal uses within the minimum setback, and utility or equipment installations or replacements that involve no significant disturbance to the riparian corridor during construction and operation and that generate only incidental human activity.

In addition, Council Policy 6-34 provides guidance for bird-safe design on buildings located in areas north of State Route 237 in riparian and bayland habitats. To be bird-safe, buildings should: 1) avoid mirrors and large areas of reflective glass; 2) avoid transparent glass skyways, walkways, or entryways, free-standing glass walls, and transparent building corners; 3) avoid funneling open space to a building façade; 4) strategically place landscaping to reduce reflection and views of foliage inside or through glass; 5) avoid or minimize up-lighting and spotlights; and 6) turn non-emergency lighting off, or shield it, at night to minimize light from buildings that are visible to birds, especially during bird migration season (February to May and August to November).

General Plan Policies: Biological Resources

Policy	Description
ER-4.1	Preserve and restore habitat areas that support special-status species. Avoid development in such habitats unless no feasible alternatives exist, and mitigation is provided of equivalent value.
ER-4.3	Prohibit planting of invasive non-native plant species in natural habitats that support special-status species.
ER-4.4	Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special-status species.
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 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.
ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
ER-6.3	Employ low-glaring lighting in areas developed adjacent to natural areas, including riparian woodlands. Any high-intensity lighting used near natural areas will be placed as close to the ground as possible and directed downward or away from natural areas.
ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.
ER-6.7	Include barriers to animal movement within new development and, when possible, within existing development, to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species.
ER-7.1	In the area north of Highway 237 design and construct buildings and structures using bird-friendly design and practices to reduce the potential for bird strikes for species associated with the baylands or the riparian habitats of lower Coyote Creek.
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.
MS-21.4	Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.
MS-21.5	As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

General Plan Policies: Biological Resources

Policy	Description
MS-21.6	As a condition of new development, require, where appropriate, 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.
MS-21.9	Where urban development occurs adjacent to natural plant communities (e.g., oak woodland, riparian forest), landscape plantings shall incorporate tree species native to the area and propagated from local sources (generally from within 5-10 miles and preferably from within the same watershed).

4.2.1.2 *Existing Conditions*

The 10.47-acre project site is undeveloped and mostly consists of grassland with graveled pedestrian paths that transect the site. The site is surrounded by North First Street, a school, a religious assembly use, and office/R&D uses to the north, office and parking lot uses (a part of Cisco Site 6) to the east, the historic Guadalupe River Channel, Guadalupe River, and grassland and graded land to the west and southwest and recreation, commercial uses, open space, and Bay Vista Drive to the south and west. Refer to Figure 2.8-3. There are no trees on the project site. There are trees located on the office parking lot adjacent to (south of) the site, and street trees along North 1st Street. No ordinance-sized trees are present.

Burrowing owls are a CDFW species of concern and a covered species under the Habitat Plan. Congdon's tarplant is listed on the CNPS California Rare Plant Inventory.

A reconnaissance field survey was completed for the 152.6-acre Cisco Site 6 project in August 1998 as part of the EIR process. The survey found western burrowing owls (burrowing owls) and burrowing owl nests (to the north and east of North First Street) and California ground squirrel burrows with no evidence of use by burrowing owls to the east of North First Street and south of the proposed Second Harvest site, near where the current office/R&D and hotel buildings are now located. Congdon's tarplant, a special status plant species, was found to the north and east of the 10.47-acre site, on the other side of North First Street on the larger 152.6-acre Cisco Site 6 property.

On October 22, 2021, reconnaissance-level field surveys of the project site and surrounding areas were completed by H.T. Harvey and Associates to observe the 10.47-acre site's current conditions. The purpose of these surveys was to assess impacts to biological resources specific to the proposed construction of the project warehouse project. Specifically, surveys were completed to (1) assess existing biotic habitats and plant and animal communities on the project site (refer to Figure 4.4-1), (2) assess the project site for its potential to support special-status species and their habitats, and (3) identify potential jurisdictional and sensitive habitats, such as waters of the U.S./state and riparian habitat. A focused survey was conducted for suitable burrowing owl roosting and nesting habitat and for any evidence of recent burrowing owl occurrence within 250 feet of the site. A focused survey for Congdon's tarplant was also completed by WRA ecologists on September 10, 2021, and H.T. Harvey and Associates on October 22, 2021.

The October 2021 surveys also identified the existing conditions of the adjacent historic channel of the Guadalupe River habitat, 150 feet southwest of the site (the location of the channel is shown on Figure 4.2-1), and the Guadalupe River habitat, approximately 500 feet southwest of the site.

On-site Land Cover Type: California Annual Grassland

Description of Habitat

The 10.47-acre project site is covered by California annual grassland, as shown on Figure 4.2-1. This habitat type is dominated by non-native grasses such as wild oat and rigput brome, as well as weedy forbs such as field bindweed, short-podded mustard broadleaved pepperweed, and salsify. Small patches of non-native stickwort and wild fennel, as well as patches of native coyote brush and seaside heliotrope occur sporadically throughout the grassland. A small cluster of native alkali-mallow was observed along the south edge of the project site nearest the historical channel of the Guadalupe River.

The grassland habitat has been regularly mowed for decades, forming a dense thatch layer composed of loose grass fragments. This thatch layer crowds out other species. Patches of bare ground are evident where fragments of construction material were discarded and along the graveled path that transects the site.

Wildlife Use

Wildlife use of grasslands on the project site is limited by human disturbance (e.g., due to mowing), the limited extent of the grassland area, and the isolation of this habitat from more extensive grasslands in the region (i.e., in the Diablo Range to the east). As a result, some of the wildlife species associated with extensive grasslands in the South Bay, such as the grasshopper sparrow, are absent from the grasslands on the project site. Many of the wildlife species that use this grassland area are more regularly associated with adjacent developed, landscaped, or marsh areas and use the grasslands on the project site for foraging. These species include birds such as the Brewer's blackbird, house finch, bushtit, and lesser goldfinch, which forage on seeds in grassland areas. The black phoebe, cliff swallow, and Mexican free-tailed bat forage over grassland habitats for insects. Great blue herons, which forage in the nearby aquatic habitat of the Guadalupe River, may also forage terrestrially for small mammals on the project site.

Sparsely clustered burrows of California ground squirrels were observed at the project site, primarily along the northwestern boundary, during the October 2021 surveys. This mammal species is an important component of grassland communities, providing a prey base for diurnal raptors and terrestrial predators and providing burrows that can be used by burrowing owls. However, no ground squirrels were observed during reconnaissance surveys, and many of the burrows appeared inactive (i.e., no fresh scat was present, and cobwebs covered many burrow openings). Also, many of the burrows were too small or shallow for burrowing owls to inhabit, and many were collapsed or otherwise inaccessible due to age and disuse.

Other rodent species that can potentially occur in the grassland habitat on the project site include the Botta's pocket gopher, California vole and deer mouse. Diurnal raptors such as red-tailed hawks and

Source: H.T. Harvey & Associates, November 24, 2021.

LAND COVER MAP | FIGURE 4.2-1

red-shouldered hawks forage for these small mammals over grasslands during the day, and at night nocturnal raptors, such as barn owls, will forage for nocturnal rodents.

Several reptile species regularly occur in grassland habitats, including the southern alligator lizard, which was observed during the October 2021 surveys, and the western fence lizard and gopher snake. Burrows of California ground squirrels provide refuges for these reptile species.

Mammals observed during the October 2021 surveys included the native black-tailed jackrabbit and nonnative feral cat. Other mammals expected to forage here include the native striped skunk and raccoon, and the nonnative Virginia opossum.

Adjacent Habitat Areas

As stated above, the project site is located approximately 500 feet northeast of the Guadalupe River and 150 feet east of the historical channel of the river. The two channels support coastal and valley freshwater marsh. The eastern top of bank of the Guadalupe River adjacent to the project site is bordered by the Guadalupe River Trail. This lower reach is where the river transitions from freshwater wetlands to wetlands influenced by brackish water. Within the banks of the Guadalupe River, brackish marsh habitat is characterized by a dense groundcover of marsh jaumea and fat hen. Clustered throughout the groundcover is coast gumplant and the non-native short-podded mustard. The margin of the river's edge supports narrow stands of cattails and several large stands of bulrush. The banks of the adjacent levee are dominated by non-native annual grasses and herbs.

The historical channel appears to have been cut off from the main channel due to the construction of a levee. No clear culvert connecting the two channels hydrologically was observed. The historical channel contains poor water quality with water originates from tidally influenced groundwater. The margins of the bare banks support a narrow band of saltmarsh including pickleweed and saltgrass. Non-native herbs such as perennial pepperweed and short-podded mustard are clustered throughout the banks.

Large amounts of debris have been placed in and around the historical channel. Native vegetation has been severely trampled in many locations.

Wildlife

Since the water within the historical channel and the nearby reach of the Guadalupe River is brackish, it is unlikely to support amphibians. Small numbers of shorebirds, such as sandpipers, and greater yellowlegs, the latter being observed during the October 2021 surveys, may forage in the historical channel of the Guadalupe River. However, the salt marsh vegetation surrounding the historical channel is too limited in extent and disturbed to provide suitable cover or breeding habitat for common and special-status salt marsh species, such as the salt marsh wandering shrew and the salt marsh harvest mouse. Several species of birds, including the Alameda song sparrow, San Francisco common yellowthroat, and red-winged blackbird nest in the marshes along the Guadalupe River, and ducks and other waterfowl forage at the river year-round. Southwestern pond turtles may also be present in this reach of the Guadalupe River. The California vole is a common small mammal species found in the project vicinity which breeds in terrestrial habitats and forages in the brackish marshes; it in turn serves as prey for the great blue heron and great egret, as well as raptors.

Special Status Species

A search of the California Native Plant Society (CNPS) Rate Plant Inventory and California Natural Diversity Database (CNNDB) for natural communities of special concern and special status animal and plant species within a five mile radius of the site was completed in 2021.

Special Status Plant Species

The CNPS Rare Plant Inventory and CNNDB identified 52 special-status plant species as potentially occurring in at least one of the nine USGS 7.5-minute quadrangles containing the project site. Of the 52 potentially occurring special-status plant species, all but one were determined to be absent from the project site for at least one of the following reasons: (1) absence of suitable habitat types; (2) lack of specific microhabitat or edaphic requirements, such as serpentine soils; (3) the elevation range of the species is outside of the range of the project site; and/or (4) the species is presumed extirpated from the project region. Many species are known to occur in marsh habitat associated with the San Francisco Bay to the northwest, or serpentine and alkaline soils associated with the Diablo Range to the northeast where outcrops of serpentine geology and soils are present. Serpentine soils do not occur within or adjacent the project site. The site's California annual grassland is regularly disturbed by routine mowing.

Suitable habitat, soil requirements, and elevation range are present on the project site for only one special-status plant species, Congdon's tarplant. Congdon's tarplant has been documented by the CNDDB in the project vicinity and can persist in disturbed grasslands, including grasslands that are regularly mowed. A discussion of this species is provided below.

Congdon's tarplant

Congdon's tarplant is an annual herb that is endemic to California. It has a variable blooming period extending from May through November. Congdon's tarplant occurs in valley and foothill grassland habitat, floodplains, and swales, particularly those with alkaline substrates; and in disturbed areas with nonnative grasses such as wild oat, ripgut brome, Italian rye grass, and seaside barley. In Santa Clara County, populations are known to occur in ruderal grassland at Moffett Federal Airfield; in ruderal grassland and seasonal wetland habitats within Sunnyvale Baylands Park; in annually disked ruderal grassland in Alviso, north of Highway 237 and east of North First Street; and in ruderal grassland along railroad tracks in Milpitas.

Four occurrences of Congdon's tarplant were recorded on CNDDB within five miles of the project site. The closest record is about 0.3-mile north of the site and contains highly disturbed, ruderal grassland habitat and Clear Lake clay, similar to the habitat and soil on the project site.

The California annual grassland habitat located within the project site provides some suitable habitat for Congdon's tarplant. Due to the dense annual grass thatch cover and regular disturbance from mowing, the habitat on the project site is considered only marginally suitable for this species. The focused survey for this species completed in September and October 2021 included all areas of California annual grassland on the project site.

No Congdon's tarplant was observed on the project site by either survey. Therefore, Congdon's tarplant is determined to be absent from the 10.47-acre project site.

Special Status Animal Species

Most of the special-status species identified in the CNNDB (listed in Appendix B, Biological Resources Report, Table 1) are not expected to occur on the project site because it lacks suitable habitat, is outside the known range of the species, and/or is isolated from the nearest known existing populations by development or otherwise unsuitable habitat.

A number of special-status bird species could occasionally occur on the project site as nonbreeding foragers, but they do not nest on the site. These are the Bryant's savannah sparrow, tricolored blackbird, white-tailed kite, northern harrier, golden eagle, and American peregrine falcon. These species are not expected to nest or roost in or immediately adjacent to the project site due to a lack of suitable habitat, and they are expected to forage on the site infrequently.

The monarch butterfly may occur on the project site as a nonbreeder, especially during spring and fall migration. No milkweeds, which provide this species' larval host plant, were detected on the site during reconnaissance surveys and, therefore, monarchs are not expected to breed on the site. Similarly, this species is not known to form wintering roosts anywhere in Santa Clara County and, therefore, this species would occur only as an occasional nonbreeding visitor, in low numbers.

There are no CNDDB records of burrowing owls on the project site, however, there are several within one mile of the site. As mentioned above, focused surveys completed as a part of the 2000 Cisco Site 6 EIR identified three breeding pairs of owls in proximity to the project site, in the open lands on the northeast side of North First Street. While development now separates the project site from these known nesting areas, suitable foraging habitat is present on the project site (open grasslands with suitable burrows), and burrowing owls may occasionally disperse onto the project site to forage or roost.

Special Status Animal Species at Adjacent Habitats

No aquatic habitats to support special-status fish species are present on the project site. The site is located approximately 500 feet northeast of the Guadalupe River, which provides habitat for the Central California Coast steelhead, Central Valley fall-run Chinook salmon, Pacific lamprey, Sacramento hitch, and Central California roach, and possibly the longfin smelt. An approximately 10-foot-tall levee exists between the project site and the Guadalupe River.

The Alameda song sparrow and San Francisco common yellowthroat nest in marsh habitat along the Guadalupe River west of the project site. However, the distance of the project from the Guadalupe River will preclude any effects of the project on nesting individuals. The yellow warbler (Setophaga petechia), considered a California species of special concern during nesting, may forage in the riparian vegetation of the Guadalupe River during migration, as well, but it is not expected to nest there. None of these species are expected to occur on the project site itself, which does not provide suitable nesting or foraging habitat.

4.2.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
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 (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒	☐
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?	☐	☐	☐	☐	☒

The Cisco Site 6 EIR concluded the Cisco Site 6 project would result in significant and unavoidable impacts to burrowing owl habitat (with mitigation incorporated). Mitigation for burrowing owls included the designation of 21.7 acres of preservation area (set aside for habitat) on the northern portion of Site 6 (located on the east side of Disk Drive). This area also was used for mitigation of impacts to Congdon's tarplant and wetlands. It was determined that impacts to special status species

steelhead, white-tailed kites, northern harriers, individual burrowing owls, salt marsh wandering shrew, salt marsh harvest mouse, and Congdon's tarplant, jurisdictional waters and aquatic, habitats, and ordinance trees could be reduced to less than significant with mitigation incorporated.

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 CDFW or USFWS?

Impacts on Special Status Plant Species and California Annual Grassland Habitat

As stated in Section 4.2.1, identified special status plant species (including the Congdon's tarplant) in the CNNDB and CNPS Rare Find Plant Inventory are determined to be absent from the site primarily due to lack of suitable habitat. The project would, therefore, have no impact on special status plant species. This impact to special status plant species would be less than the impact identified in the Cisco Site 6 EIR given the project would have no impact on the Congdon's tarplant. The mitigation measures identified in the Cisco Site 6 EIR for Congdon's tarplant have been completed; no mitigation is required for the project. **[Less Impact than Approved Project (No Impact)]**

The proposed project would result in permanent impacts on 10.47 acres of California annual grassland habitat on the project site. The loss of this habitat was also identified in the Cisco Site 6 EIR. Impacts to this habitat would reduce the extent of vegetation within the impact area and would result in a reduction in abundance of some of the common plant and wildlife species that occur on the site. However, the site's California annual grassland occurs in a location in San José that has been subject to disturbance and fragmentation in the past and is located within a highly developed urban area, such that these areas do not provide regionally rare or especially high-value habitat for native vegetation or wildlife, or special-status species, aside from the burrowing owl. In addition, California annual grassland is abundant and widespread regionally, and the habitat on the project site is not considered valuable (in terms of providing important plant or wildlife habitat) or an exemplary occurrence of this habitat type. Therefore, consistent with the Cisco Site 6 EIR conclusions, the project's impacts on this habitat would be less than significant. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impacts on Special Status Species Fish and Habitat

The 2000 Cisco Site 6 EIR concluded that a special status fish species, Steelhead rainbow trout, is known to be present in the Guadalupe River. The EIR concluded that with the implementation of mitigation to reduce the Cisco Site 6 project's impacts on water quality, the impacts on Steelhead rainbow trout would be less than significant.

The proposed project would not result in any direct impacts to the bed and banks of the Guadalupe River, water quality within the channel, or fish species inhabiting the river. In addition to the distance from the project site, the river is separated from the project site by an approximately 10-foot-tall levee, and any unanticipated fuel leaks or spills within the project site would be well contained by the intervening levee. No outfalls from the site to the Guadalupe River are proposed as part of the project. Therefore, the project would have no direct impact on water quality within the Guadalupe River or special-status fish species within the river channel.

As discussed in Section 4.6, Hydrology and Water Quality's setting and standard permit conditions, project construction would comply with state requirements to control the discharge of storm water pollutants under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit; Water Board Order No. 2009-0009-DWQ, as amended and administratively extended). A Storm Water Pollution Prevention Plan would be developed and maintained during the project and would include the use of BMPs to protect water quality until the site is stabilized.

In compliance with Condition 3 of the Habitat Plan presented in checklist question (f) below, the project would also implement BMPs and incorporate Low Impact Development practices into the design to prevent stormwater runoff pollution, promote infiltration, and hold/slow down the volume of water coming from a site after construction has been completed. In order to meet these permit and policy requirements, projects must incorporate the use of bio-retention areas, pervious pavement and flow-through planters (as described in Section 4.6 Hydrology and Water Quality).

Thus, with compliance with NPDES permit requirements described above and Habitat Plan Condition 3, the project's impacts on special status fish and their habitat would be less than significant. Since the project would implement standard permit conditions and Habitat Plan Condition 3 to reduce these impacts, the project's impact is the same as the impact identified in the Cisco Site 6 EIR. As stated in the standard permit condition under checklist question (f), the project would be subject to applicable Habitat Plan fees. With implementation of these requirements, implementation of the mitigation Cisco EIR mitigation measures for steelhead trout would not be required for the project. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impacts to Non-breeding Special-Status Invertebrates, Birds, and Mammals

The 2000 Cisco Site 6 EIR concluded that impacts associated with the loss of occasional foraging habitat for non-breading special-status animal species would be less than significant. The Cisco Site 6 EIR concluded that the salt marsh harvest mouse and salt marsh wandering shrew had the potential to forage at the Cisco Site 6 project site due to the presence of pickleweed on the eastern boundary in the wetlands adjacent/east of the 152.6-acre site. The EIR included mitigation measures to reduce impacts to the salt marsh harvest mouse and salt marsh wandering shrew to less than significant. Based on the 2021 Biological Resources Report completed for the site and surrounding area, the salt marsh vegetation surrounding the historical channel (150 feet west of the 10.47-acre project site) is too limited in extent and disturbed to provide suitable cover or breeding habitat for common and special-status salt marsh species, such as the salt marsh wandering shrew and the salt marsh harvest mouse. Therefore, mitigation from Cisco Site 6 EIR to reduce impacts to these species would not be required for the proposed project.

The Cisco Site 6 EIR identified significant impacts to nesting white-tailed kites and northern harriers; mitigation, including pre-construction surveys, was included to reduce these impacts to less than significant. The EIR mitigation for these species would not be required for the proposed project since the white-tailed kite (which are state fully protected species), and the northern harrier (a California species of special concern), are not expected to breed on or near the project site due to a lack of suitable nesting habitat.

Several special-status invertebrate, bird, and mammal species may occur on the project site as nonbreeding migrants, transients, or foragers, but they are not known or expected to breed or occur in large numbers within or near the project impact area. These include the monarch butterfly, tricolored blackbird, Bryant's savannah sparrow, American peregrine falcon, golden eagle, white-tailed kite, and northern harrier.

Proposed project activities would impact potential foraging habitats and/or may disturb foraging individuals of these species. Construction activities might result in a temporary direct impact through the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels during maintenance activities) but would not result in the loss of individuals, as individuals of these species would fly away from any construction areas or equipment before they could be injured or killed. Further, the project site does not provide important foraging habitat used regularly or by large numbers of individuals of any of these species. As a result, the project would not result in a significant impact to these species' foraging habitat or a substantive impact on regional populations of these species. Consistent with the conclusions of the Cisco Site 6 EIR, the project would result in a less than significant impact on non-breeding wildlife species. [**Same Impact as Approved Project (Less than Significant Impact)]**

Impacts to Burrowing Owls

The 2000 Cisco Site 6 EIR concluded that impacts to individual burrowing owls would be less than significant with mitigation consisting of pre-construction surveys, avoidance of occupied burrows during the nesting season, and passive relocation of owls outside of the nesting season. However, impacts related to the loss of burrowing owl nesting and foraging habitat would be significant and unavoidable despite the Site 6 project's preservation and dedication of 21.7 acres of burrowing owl habitat as mitigation, which would not fully mitigate for the substantial loss of habitat.

Impacts to Individual Burrowing Owls

While the 2000 Cisco Site 6 EIR documented three breeding pairs adjacent to the proposed project site in 1998, these habitats have since been developed, and burrowing owls no longer breed in the developed portions of the Cisco Site 6 project area. However, they continue to breed in small but declining numbers on adjacent open lands at the nearby San José-Santa Clara Regional Wastewater Facility (RWF). These lands include the 21.7-acre portion of the Cisco Site 6 preserved for nesting habitat (including construction of artificial burrows).

The remaining undeveloped 10.47-acre project site does not provide high-quality roosting habitat for this species due to the low numbers of suitable ground squirrel burrows on the site. Further, the species has not been detected on the site during a number of focused surveys for the species conducted since 2012. However, burrowing owls may occur at the site as wintering residents or migrants, and nonbreeding individuals could potentially forage and roost on the project site in small numbers. Given the approximately 0.5-mile distance between the project site and areas where burrowing owls are currently present on the San José-Santa Clara RWF bufferlands, and intervening development, burrowing owls breeding near the RWF likely forage infrequently on the project site. However, it is possible that owls breeding near the RWF forage on the site and that they or owls from other populations roost on the site.

If burrowing owls use the project site, project activities could potentially disturb foraging and roosting individuals. Because they roost underground, burrowing owls may be killed or injured during construction activities if occupied burrows are destroyed or compacted by heavy equipment. Construction activities that occur in proximity to active burrows may disturb owls and result in the owls abandoning their burrows, exposing them to increased predation risk as they disperse. Therefore, the loss of individual burrowing owls would result in a significant impact to these species.

The project would comply with avoidance measures described in Habitat Plan Condition 15, which incorporate current and more effective approaches to reducing impacts to burrowing owls than the mitigation identified in the 2000 Cisco Site 6 EIR.

Standard Permit Condition: The project would implement the following measure to reduce impacts to burrowing owls as a standard permit condition.

- **Condition 15. Western Burrowing Owl**: Condition 15 requires the implementation of measures to avoid and minimize direct impacts on burrowing owls, including pre-construction surveys, establishment of 250-foot non-disturbance buffers around active nests during the breeding season (February 1 through August 31), establishment of 250-foot non-disturbance buffers around occupied burrows during the nonbreeding season, and construction monitoring. Pre-construction surveys for burrowing owls are required by the Habitat Plan in areas mapped as breeding habitat. Additional fees in-lieu of providing compensatory mitigation are required for Habitat Plan covered projects that impact burrowing owls or their habitat.

With the implementation of the of Habitat Plan Condition 15, the project would result in a less than significant impact to individual burrowing owls. This impact to individual burrowing owls would be consistent with the impact identified in the Cisco Site 6 EIR. Implementation of the Cisco Site 6 EIR mitigation measure for impacts to burrowing owls would not be required, because implementation of Habitat Plan Condition 15 would be implemented to prevent a significant impact from occurring. **[Same Impact as Approved Project (Less than Significant Impact)]**

Impacts to Burrowing Owl Habitat

The project would result in the loss of suitable burrowing owl foraging and roosting habitat. The 2000 Cisco Site 6 EIR identified significant, unavoidable impacts to burrowing owls via the loss of approximately 130.9 acres of breeding and foraging habitat. While 21.7 acres in the northern corner of the original Cisco Site 6 project area was preserved and enhanced as burrowing owl habitat to compensate for impacts, the 2000 Cisco Site 6 EIR determined that, even with this mitigation, the development of the 152.6-acre Cisco Site 6 project would result in significant and unavoidable impacts to burrowing owl habitat.

Because the 10.47-acre warehouse project site includes habitat for burrowing owls as mapped by the Habitat Plan, a specialty fee for impacts on habitat for this species apply. The payment of burrowing owl impact fees to the Habitat Plan would reduce the proposed project's impacts to burrowing owl habitat to less than significant levels. The Habitat Agency would use such funds to further the conservation of the South Bay burrowing owl population through management of existing burrowing

owl habitat and by implementing conservation actions directed toward increasing the survival and productivity of individual owls.

Since the Habitat Plan was adopted in October 2013, mitigation via payment of in-lieu fees was not available at the time that the Cisco Site 6 EIR was prepared in 2000; however, this method of mitigation for impacts to burrowing owls and their habitat is now the standard approach to burrowing owl mitigation for Habitat Plan-covered projects in the City of San José and elsewhere in the Habitat Plan area. The City of San José considers payment of such fees to constitute adequate mitigation to reduce impacts on burrowing owls and their habitat from Habitat Plan-covered projects to less than significant levels. Therefore, payment of Habitat Plan fees is now a feasible mitigation alternative for burrowing owl impacts, which would reduce the impacts to burrowing owls and their habitat to less than significant.

As stated above and discussed in more detail in checklist question (f) below, the applicant will pay applicable Habitat Plan fees to reduce any impacts to the burrowing owl. Implementation of this standard condition would ensure project impacts would less than significant and would be consistent with the 2000 Cisco Site 6 EIR. **[Less Impact than Approved Project (Less than Significant Impact)]**

Impacts Due to Bird Collisions

The Cisco Site 6 EIR did not evaluate the impacts to birds due to collisions. The project's proposed one-story Buildings would have moderate amounts of glazing on the north façade along North First Street, minimal glazing on the east and west façades, and minimal to no glazing on the south façades. The glazed façades of the buildings would result in some bird collisions. Landscape vegetation would be planted immediately adjacent to the buildings' glazing on the north façade, which has the most extensive glazing. This vegetation is expected to attract small numbers of birds, drawing them towards the glass on the buildings. Also, the vegetation would reflect in the glass of the buildings' walls, potentially causing birds to attempt to fly into the reflected vegetation and strike the glass. As a result, some birds that are attracted to the trees and other landscaping that is adjacent to the glass walls are expected to collide with the glass. However, the number of birds that would collide with the proposed buildings would be low because the buildings on the project site would be nearly a mile inland and separated from higher quality habitats by development. The majority of birds that occur on the site are expected to approach from the undeveloped habitats of the historical Guadalupe River channel and the Guadalupe River to the southwest; therefore, the near absence of glass on the buildings' south façades (which face these undeveloped habitats) would substantially reduce the potential for avian collisions with the proposed buildings. In addition, larger areas of glazing on the buildings' north façades incorporate overhangs and vertical columns, which break up the expanses of glass and make it more visible to birds.

The project would be consistent with the Council Policy 6-34: Riparian Corridor Protection and Bird-Safe Design Policy. The buildings do not include any exterior mirrors; large areas of reflective glass; transparent glass skyways, walkways, or entryways; free-standing glass walls; or transparent building corners. Further, the location of building façades would not be facing large open spaces, thus, avoiding a funneling effect of migratory birds passing through the project area; landscaping would strategically be placed to reduce reflections of foliage inside or through glass; and building operations would avoid or minimize up-lighting, spotlights, and non-emergency lighting at night

from buildings that are visible to birds. Therefore, the proposed project would result in a less than significant impact to birds due to collisions. **[Same Impact as Approved Project (Less than Significant Impact)]**

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, regulations, or by the CDFW or USFWS?

Riparian habitat or other sensitive natural communities are not present on the project site. The Guadalupe River and its associated riparian habitat occurs outside the project site approximately 500 feet to the southwest. The historical channel of the Guadalupe River, and associated brackish marsh habitat, occur approximately 150 feet outside the project site. Therefore, the proposed project would have no direct impacts on sensitive natural communities or riparian habitat. As described in Section 4.6, Hydrology and Water Quality, the project will implement the construction period BMPs and post-construction storm water requirements of the NPDES permit. In addition, the project will comply with all applicable Habitat Plan conditions, including Condition 3. Consistent with the conclusions of the Cisco Site 6 EIR, with implementation of the above-mentioned measures, indirect impacts on riparian or sensitive natural community habitat along the Guadalupe River and the historical channel would be avoided and considered less than significant. As stated in the standard permit condition under checklist question (f) below, the project would be subject to applicable Habitat Plan fees. With implementation of these requirements, implementation of the Cisco EIR mitigation measures for degradation of aquatic habitat would not be required. **[Same Impact as Approved Project (Less than Significant Impact)]**

c) Would the project have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means?

Wetlands and other waters of the U.S./state are not present on the project site. Therefore, no wetland habitat will be impacted directly by the project. The project would comply with water quality protection requirements in NPDES permit requirements (within Habitat Plan Condition 3 and the City's standard permit conditions) and, as a result, indirect impacts to the historical river channel approximately 150 feet outside the project site and the Guadalupe River would be avoided. Therefore, indirect impacts from the project on wetlands and waters of the U.S./State off-site would be less than significant. The Cisco Site 6 EIR evaluated the removal of 3.2 acres of non-jurisdictional habitat east of North First Street which required mitigation to create 0.68 acres of new jurisdictional wetlands in the 21.7-acre habitat preserve. Since this mitigation was completed and the proposed project would not remove wetlands, the project would not be required to implement this mitigation. The Cisco EIR also evaluated indirect construction related impacts to on-site jurisdictional waters and required mitigation to protect on-site jurisdictional waters. Because jurisdictional waters on the 132-acre site have been filled and replaced on the 21.7-acre habitat preserve, which is separated from the 10.47-acre site by urban development, no indirect construction impacts to on-site jurisdictional waters would occur and the project would not be required to implement this mitigation. The impacts to wetlands from developing the subject 10.47 acres with the proposed warehouse/office uses, therefore, is less than the impact identified in the Cisco Site 6 EIR. **[Less Impact than Approved Project (Less than Significant 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?

The project site consists of disturbed and fragmented habitat that is currently of little value to migrating wildlife. The marsh and upland habitats along the Guadalupe River serve as a movement pathway for terrestrial species, and the marshes of the San Francisco Bay to the north provide important coastal wintering and migratory stopover foraging habitats for Pacific Flyway shorebirds and waterfowl. However, the project site does not extend into these habitats and does not link these habitats with other natural areas; therefore, development of the site would not interfere with animal movement along these pathways. The development of the project site would not have a significant impact on wildlife movement, particularly since the nearby movement corridors would remain intact and navigable. Also, the terrestrial wildlife species that use the habitats on the project site have adapted to high levels of disturbance and habitat fragmentation in the area. The Cisco Site 6 EIR did not identify significant impacts to the marsh and upland habitats long Guadalupe River or the marshes of the San Francisco Bay (which serve as movement pathways for terrestrial species and stopover for migratory birds) since Cisco Site 6 152.6-acre site did not extend into these areas. Therefore, consistent with the conclusions of the Cisco Site 6 EIR, construction of the project would not result in significant impacts on the movements of individuals and would not have a substantial adverse effect on habitat connectivity and wildlife movement. **[Same Impact as Approved Project (Less Than Significant 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 site consists of California annual grassland and does not contain any trees. No trees are located immediately adjacent to the site. The project would include the planting of trees throughout the site. 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 (PBCE). The project, therefore, would have no impact on trees and would not conflict with the City's tree ordinance. The project would have less impact on trees than the Cisco Site 6 project, given the 2000 Cisco Site 6 EIR identified trees on other portions of the 152.6-acre development area and mitigation measures to reduce impacts to ordinance-sized trees. The EIR mitigation requiring tree replacement would not be required for the proposed project. **[Less Impact than Approved Project (No Impact)]**

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

The proposed project is a covered activity under the Habitat Plan. All Habitat Plan-covered species that may be affected by the proposed project have been evaluated in this section, including the burrowing owl. The project will comply with all applicable Habitat Plan conditions including the payment of burrowing owl impact fees (discussed in the standard permit condition under checklist question a) and nitrogen deposition fees (discussed in the standard permit condition below).

Nitrogen Deposition Impacts on Serpentine Habitats

The General Plan EIR identified that future development would generate vehicle emissions that could lead to indirect cumulative impacts to special status plants and animal species. All development covered by the Habitat Plan is required to pay a nitrogen deposition fee as mitigation for cumulative impacts to serpentine plants in the Habitat Plan area. Nitrogen deposition is known to have damaging effects on many of the serpentine plants in the Habitat Plan area, as well as the host plants that support the Bay Checkerspot butterfly. All major remaining populations of the 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 tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, facilitating the spread of invasive plant species. The displacement of these species, and subsequent decline of the several federally listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County.

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. 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 nitrogen deposition fees collected under the Habitat Plan for new vehicle trips will be used as mitigation to purchase and manage conservation land for the Bay Checkerspot butterfly and other sensitive species.
The project would implement the following standard permit condition to comply with the Habitat Plan including payment of the Nitrogen Deposition Fee to offset the project's contribution to the indirect cumulative impacts from nitrogen deposition.

Standard Permit Condition:

- Santa Clara Valley Habitat Plan. The project may be subject to applicable Habitat Plan conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project applicant shall submit the Santa Clara Valley Habitat Plan Coverage Screening form (https://www.scv-habitatagency.org/DocumentCenter/View/151/Coverage-Screening-Form?bidId=) to the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee for approval and payment of all applicable fees prior to the issuance of a grading permit. The Habitat Plan and supporting materials can be viewed at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan.

The project would implement the above Standard Permit Condition which requires compliance with all applicable conditions in the Habitat Plan (described in this section) that reduce or offset impacts to protected species. The Habitat Plan was not adopted when the Cisco Site 6 EIR was prepared, and the 2013 approved office project was not subject to the Habitat Plan as a 'pipeline project' meaning its nitrogen emissions were not addressed by payment of Habitat Plan fees. Since the Habitat Plan is now adopted and the warehouse project is a covered activity under the Habitat Plan, the project would comply with applicable Habitat Plan conditions and would not conflict with the Habitat Plan. **[Less Impact than Approved Project (Less Than Significant Impact)]**

4.2.2.2 *Cumulative Biological Resources Impacts*

The Cisco Site 6 EIR concluded that the Cisco Site 6 project would contribute to a significant loss of foraging burrowing owl habitat. This was considered a significant cumulative impact. Since the certification of the Cisco Site 6 EIR, the Habitat Plan was adopted in October 2013. The Habitat Plan addresses cumulative impacts to burrowing owls through the project applicant's payment of burrowing owl impact fees. The Habitat Agency has used the payment of these fees to further the conservation of the South Bay burrowing owl population through management of existing burrowing owl habitat and by implementing conservation actions directed toward increasing the survival and productivity of individual owls. Given the project applicant would pay the Habitat Plan burrowing owl impact fees, in accordance with the Standard Permit Condition listed in checklist question a) above, which offsets impacts to burrowing owls, the project would result in a less than cumulatively considerable contribution toward the significant burrowing owl impact. **[Less Impact than Approved Project (Less Than Significant Impact)]**

4.3 CULTURAL RESOURCES

The following discussion is based, in part, on an Archaeological Resources Assessment completed by PaleoWest in November 2021. The report is on file with the City of San José.

4.3.1 Environmental Setting

4.3.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[8]

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

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

[8] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed January 20, 2022. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Local

City of San José Municipal Code – Historic Preservation Ordinance

In accordance with the City of San José's Historic Preservation Ordinance (Chapter 13.48 of the Municipal Code), a resource qualifies as a City Landmark if it has "special historical, architectural, cultural, aesthetic or engineering interest or value of an historic nature" and is one of the following resource types:

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof.

The ordinance defines the term "historical, architectural, cultural, aesthetic, or engineering interest or value of an historic nature" as deriving from, based on, or related to any of the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state, or national history, heritage or culture, in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant, or important work or vestige:
    a. Of an architectural style, design, or method of construction;
    b. Of a master architect, builder, artist, or craftsman;
    c. Of high artistic merit;

d. The totality of which comprises a distinctive, significant, or important work or vestige whose component parts may lack the same attributes;
e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
f. That the construction materials or engineering methods used in the proposed landmark are unusual or significant of uniquely effective.

3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it may have such effect if a more distinctive, significant or important example thereof no longer exists (Section 13.48.020 A).

The ordinance also provides a designation of a district: "a geographically definable area of urban or rural character, possessing a significant concentration or continuity of site, building, structures or objects unified by past events or aesthetically by plan or physical development (Section 13.48.020 B).

Any potentially historic property can be nominated for designation as a City landmark by the City Council, the Historic Landmarks Commission or by application of the owner or the authorized agent of the owner of the property for which designation is requested.

Envision San José 2040 General Plan

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

General Plan Policies: Cultural Resources

Policy	Description
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 their 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.
ER-10.3	Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
LU-13.4	Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.
LU-13.15	Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

4.3.2 Existing Conditions

A cultural resources records search was completed at the Northwest Information Center (NWIC) of the California Historical Resources Information System in September 2021. The NWIC, an affiliate of the Office of Historic Preservation, is the official State repository of archaeological resources records and reports for Santa Clara County. The search included a review of the project site and a 0.25-mile search radius around the site (i.e., the study area).

The NWIC search included a review of all recorded resources and cultural resource reports on file for the study area. The results from the NWIC identified two cultural resource investigations within the project site, and 15 within the 0.25-mile search radius. A total of seven previously recorded cultural resources, three archaeological and four built environment, have been identified within the 0.25-mile search radius. No previously recorded cultural resources were identified within the project site based on previous cultural resource investigations and studies.

The Cisco Site 6 EIR addressed impacts to archaeological and historic resources. Assembly Bill (AB 52) became effective in July 2015 and established a new category of resources for consideration by public agencies called tribal cultural resources (TCRs). AB 52 requires lead agencies to provide notice of non-exempt projects, which are subject to a Notice of Intent or Notice of Availability, to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Given the Cisco Site 6 EIR was prepared prior to when AB 52 was established on September 25, 2014, neither the EIR nor the 2013 Addendum evaluated TCRs. The project is consistent with the Cisco Site 6 EIR, as addended, and will not require a new Notice of Intent or Notice of Availability, therefore, the proposed project is not subject to AB 52 (PRC Code 21080.3.1.(b).

Historic Resources/Structures

Historic-era maps of the project area show that the project site is within the region of the historic Rancho Rincon de Los Esteros granted to Ignacio Alviso in 1838. According to topographical maps from 1889 through 1947, the project site was used for agricultural purposes (i.e., the site was occupied by orchards). From the 1960s to the 1980s, up to four structures (including two residential and two possible storage or ancillary structures) were located on-site. From the late 1980s to the early 1990s, the site was mostly vacant with a portion of it used as a Christmas tree lot and pumpkin patch. Since the late 1990s, the site has been vacant with no structures are located on-site. Therefore, no historic structures that qualify for the California Register, National Register, or the City's Historic Resources Inventory, are located on the site.'[9]

The nearest historic structure is a residence located at 1364 Michigan Avenue, approximately 0.4 miles northwest of the site .[10] However, no historic resources have been identified within or adjacent to the site.

[9] City of San José. Historic Resources Inventory. Accessed January 20, 2022. Available at https://www.sanjoseca.gov/your-government/departments/planning-building-code-enforcement/planning-division/historic-preservation/historic-resources-inventory

[10] PaleoWest. *2nd Harvest Food Bank Project.* November 10, 2021. P. 4.

Archaeological Resources

Archival research has revealed three known prehistoric resources (P-43-000486, P-43-000025, and P-43-003145) within 0.25-mile of the project site. No prehistoric or archaeological resources have been recorded on the project site. However, based on the project site's proximity to nearby resources and to Guadalupe River (located approximately 150 feet west of the site), the site has a moderate sensitivity for archaeological resources.

4.3.3 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒	☐
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☐	☐	☒	☐

Similar to the 2000 Cisco Site 6 EIR, with the implementation of mitigation measures to reduce potential impacts to archaeological resources, the project would result in a less than significant cultural resources impact, as described below.

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

The 2000 Cisco Site 6 EIR identified no impact to historical resources on Cisco Site 6. The project site does not contain any historic structures. As discussed in Section 4.5.2 Existing Conditions, the nearest historic structure is approximately 0.4 miles northwest of the site; however, no historic resources have been discovered on the project site or adjacent to the site. Given the distance of the project site from the nearest historic structures, the project would not impact a designated historic resources. The elementary school and place of worship north of North First Street (which are not designated historic buildings) were constructed in the 1950s and 1960s and the office/R&D buildings were constructed by 2016. The project site is separated from the school and the place of worship by North First Street. For these reasons, construction of the proposed project would not result in impacts to historic resources. This is the same impact as disclosed in the 2000 Cisco Site 6 EIR. **[Same Impact as Approved Project (No Impact)]**

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

As stated in Section 4.3.1, although no archaeological resources have been discovered on-site nor during the construction of the Cisco Site 6 development on the 142 acres of the 152.6-acre overall site, the 10.47-acre project site has moderate sensitivity for prehistoric archaeological resource due to its proximity to the Guadalupe River and three prehistoric resources identified within one quarter mile of the project site.

Consistent with the Cisco Site 6 EIR conclusions, given the project is located in an archaeologically sensitive area, archaeological monitoring will be required during ground disturbance activities.

Impact CUL-1.1: Destruction of a buried archaeological site during construction of the project or any of its associated infrastructure would be a significant adverse impact.

Mitigation Measures: Implementation of the below mitigation measure (included in the Cisco Site 6 EIR) would reduce impacts to archaeological resources.

MM CUL-1.1: The project shall include archaeological monitoring for all excavations into native soil, including site grading, trenching for utilities, and excavation for building footings.

As discussed above, the Cisco Site 6 EIR included mitigation that required archaeological monitoring during construction. The EIR also included measures to be implemented for the recovery of any discovered unknown archaeological resources, in the case that any were unearthed during project construction. The Cisco Site 6 EIR cultural resources mitigation measure states that in the event that archaeological resources are encountered, all construction within a 50-meter radius of the find would be halted, the Director of Planning, Building and Code Enforcement would be notified, and an archaeologist would examine the find and make appropriate recommendations. Since the certification of the Cisco Site 6 EIR, the City has adopted standard permit conditions that have replaced measures pertaining to the discovery of unknown archaeological resources listed in the Cisco Site 6 EIR (which reflects current professional archaeological practice).

Standard Permit Condition: The project shall implement the following standard permit condition during construction to reduce and/or avoid impacts to unknown buried archaeological resources (if present on-site) to a less than significant level:

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

With implementation of the mitigation measure and standard permit condition described above, the project's impacts to archaeological resources would be considered less than significant and the Cisco Site 6 EIR cultural mitigation measure pertaining to the discovery of unknown archaeological resources during construction would not apply to the project. This is the same impact as disclosed in the 2000 Cisco Site 6 EIR. [**Same Impact as Approved Project (Less Than Significant Impact with Mitigation Incorporated)]**

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

Consistent with the conclusions of the Cisco Site 6 EIR, construction activities, such as grading and excavation, may result in the accidental destruction or disturbance of human remains. The EIR includes mitigation to reduce impacts to human remains during construction. Since the certification of the EIR, the City adopted standard permit conditions to reduce impacts to human remains during construction. The Cisco Site 6 EIR mitigation for impacts to human remains will be replaced with the following standard permit condition (which is similar to the mitigation in the EIR).

Standard Permit Condition: The project shall implement the following standard permit condition during construction to reduce and/or avoid impacts to unknown human remains (if present on-site) to a less than significant level:

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

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

With the implementation of the above standard permit condition during construction, the project would have a less than significant impact on unknown human remains and the Cisco Site 6 EIR mitigation for impacts to human remains would not apply to the project. This is the same impact as disclosed in the 2000 Cisco Site 6 EIR. [**Same Impact as Approved Project (Less than Significant Impact)]**

4.3.3.2 *Cumulative Cultural Resources Impacts*

The Cisco Site 6 EIR concluded the Cisco Site 6 project combined with other pending/approved projects would result in a less than significant cumulative impact. Consistent with the conclusions of the Cisco Site 6 EIR, with the implementation of standard permit conditions (identified as mitigation measures in the Cisco Site 6 EIR) to reduce impacts to archaeological resources and human remains, the proposed project, combined with other pending/approved projects in the area, would result in a less than significant cumulative impact to cultural resources. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4 GREENHOUSE GAS EMISSIONS

The following discussion is based, in part, on a Greenhouse Gas Reduction Strategy Compliance Checklist completed for the project. The checklist is attached as Appendix C of this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO_2 and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes, and drought; and increased levels of air pollution.

4.4.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2E ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs). Plan Bay Area 2050 was adopted by MTC and ABAG on October 21, 2021. However, Plan Bay Area 2050 has not yet been approved by CARB.

Regional

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce 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.

CEQA Air Quality Guidelines

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. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The

guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

City of San José Municipal Code

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

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

City of San José 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. Future development under the proposed Downtown Strategy 2040 would be subject to this policy.

Climate Smart San José

Climate Smart San José is a plan to reduce air pollution, save water, and create a stronger and healthier community. The City approved goals and milestones in February 2018 to ensure the City can substantially reduce GHG emissions through reaching the following goals and milestones:

- All new residential buildings will be Zero Net Carbon Emissions (ZNE) by 2020 and all new commercial buildings will be ZNE by 2030 (Note that ZNE buildings would be all electric with a carbon-free electricity source).
- San Jose Clean Energy (SJCE) will provide 100-percent carbon-free base power by 2021.
- One gigawatt of solar power will be installed in San Jose by 2040.
- 61 percent of passenger vehicles will be powered by electricity by 2030.

Reach Code Ordinance

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

infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

Envision San José 2040 General Plan

Various policies in the City's 2040 General Plan have been adopted for reducing or avoiding impacts related to greenhouse gas emissions, as listed in the following table.

General Plan Policies: Greenhouse Gas Emissions

Policy	Description
MS-2.11	Require new development to incorporate green building policies, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize effectiveness of passive solar design).
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.
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.
CD-5.1	Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.
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.
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.

San José 2030 Greenhouse Gas Reduction Strategy

The 2030 Greenhouse Gas Reduction Strategy (GHGRS) is the latest update to the City's GHGRS and is designed to meet statewide GHG reduction targets for 2030 set by Senate Bill 32. As a qualified Climate Action Plan, the 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA. The GHGRS identifies General Plan policies and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. Projects that comply with the policies

and strategies outlined in the 2030 GHGRS, would have less than significant GHG impacts under CEQA.[11]

4.4.1.3 *Existing Conditions*

The 10.47-acre project site is currently vacant and undeveloped therefore, it is assumed no GHG emissions are generated on-site. The remainder of the Cisco Site 6 campus has been implemented and emissions from operations on those 120.3 acres are part of the existing baseline (the 21.7-acre area preserved for burrowing owl habitat that is part of the Cisco Site 6 site is undeveloped and therefore does not produce GHG emissions).

4.4.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Generate greenhouse gas (GHG) 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 GHGs?	☐	☐	☐	☒	☐

Greenhouse gas emissions were not evaluated in the 2000 Cisco Site 6 EIR, as CEQA did not explicitly require analysis of GHG emissions until passage of AB 97 in 2010. However, the impacts of greenhouse gases were known in 2000. Since the certification of the EIR, the City has adopted a GHGRS, initially for 2020 emissions and most recently a GHGRS for 2030 emissions, consistent with statewide reduction targets established by SB 32.

Based on the conclusions of the GHGRS 2030 Update Initial Study/Addendum to the Envision San José 2040 General Plan Greenhouse Gas Reduction Strategy EIR, without the implementation of the GHGRS, the City's emissions are estimated to increase by seven percent from 2017 to 2030 (6.1 million MT CO_2e/year which is 0.8 million MT CO_2e/year above the City's target of 5.3 million MT CO_2e/year in 2030). The 2030 GHGRS would reduce overall citywide GHG emissions by approximately 1.2 MMT CO_2e per year, resulting in citywide GHG emissions of 4.9 MMT CO_2e in 2030, which is below the 2030 target of 5.3 MMT CO_2e per year. The GHGRS concluded that the implementation of the City's General Plan EIR would result in less than significant GHG emissions impact. Projects that are consistent with the General Plan and 2030 GHGRS would result in a less than significant GHG emissions impact.

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

Construction Emissions

Short-term GHG emissions from the construction phase of the project would consist of primarily heavy equipment exhaust, worker travel, materials delivery, and solid waste disposal. The project would implement the identified Standard Permit Conditions during all phases of construction to reduce dust and other particulate matter emissions as discussed in Section 4.3, Air Quality. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction related GHG emissions. Although construction GHG emissions were not evaluated in the Cisco Site 6 EIR, construction activities at the site would be consistent with what was assumed in the EIR. Because construction would be temporary (15 months) and would not result in a permanent increase in emissions, the construction of the project would not interfere with the implementation of AB 32 or SB 32. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Operational Emissions

Since the project is consistent with the General Plan land use designation for the site and would comply with the mandatory measures required by the 2030 GHGRS, as discussed below and in Appendix C, the project would result in a less than significant GHG emissions impact. **[Same Impact as Approved Project (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 GHGs?

Consistency with 2030 San José Greenhouse Gas Reduction Strategy

As discussed in Section 4.4.1.2, Regulatory Framework, the project would be subject to the City's recently approved 2030 GHGRS.

The 2030 GHGRS identifies required General Plan policies and strategies to be implemented by development projects in the areas of green building/energy use, multimodal transportation, water conservation, and solid waste reduction. Compliance with these mandatory policies and strategies and any voluntary measures proposed by the project ensure a project's consistency with the GHGRS. The proposed project is consistent with the General Plan designation of Combined Industrial Commercial. The proposed project would be required to comply with Policy 6-32, the City's Green Building Ordinance, and California Building Code (CBC) requirements as well as General Plan GHGRS policies. The proposed project incorporates applicable mandatory measures of the GHGRS (refer to Appendix C for the list of measures in the GHGRS Checklist that the project complies with), including bicycle facilities on-site (in compliance with measure TR-2.8, which requires new developments to provide on-site facilities such as bicycle storage), and planting of trees to reduce energy use (in compliance with measure MS-26.1 which requires the planting and maintenance of both street trees and trees on private property discussed in the GHGRS Checklist). The proposed project would be required to comply with the Reach Code (as the project does not propose natural gas use) which aligns with Climate Smart San José goals. In addition, all new development

(including the proposed project) would be required to be designed for energy efficiency and conservation per Climate Smart San José. The project would comply with Building Energy Efficiency Standards (Title 24) and the City's Green Building Ordinance and the most recent CALGreen requirements. The project would implement green building measures, in compliance with GHGRS measure MS-3.2, which requires projects to implement green building technology or techniques that can help reduce the depletion of the City's potable water supply; the project would include low flow water fixtures to decrease water demand.

As a result, the proposed project would be consistent with applicable GHGRS strategy intended to reduce GHG emissions.

Climate Smart San José

Climate Smart San José, adopted by the City, is a communitywide initiative intended to create a more sustainable, connected, and economically inclusive City. Climate Smart San José is aligned with General Plan growth patterns and General Plan policies which prioritize automobile-alternative transportation modes, encourage denser development, and ensure energy-efficient features are included in new buildings.

As stated above, the project would be designed and constructed in compliance with the City of San José Council Policy 6-32 and the City's Green Building Ordinance. In addition, Action MS-2.11 of the General Plan requires new development to incorporate energy conservation and efficiency through site design, architectural design, and construction techniques. For architectural and site design, the project is consistent with the City's Industrial Design Guidelines including the orientation of the proposed buildings which allows for natural heating and cooling effects. Construction techniques that would conserve energy include the implementation of standard permit conditions (refer to Section 4.1, Air Quality) that would reduce the idling times allowed for construction equipment. For these reasons, the project is consistent with the City's climate action goals as set forth in Climate Smart San José.

The proposed project would be consistent with the City's climate action goals in Climate Smart San José and would be consistent with the applicable GHGRS measures intended to reduce GHG emissions. Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.4.2.2 *Cumulative Greenhouse Gas Emissions Impacts*

The discussion above addresses the project's contribution to the cumulative GHG emissions impacts on a regional, statewide, and global basis. Based on the conclusions of the General Plan Greenhouse Gas Reduction Strategy EIR and the 2030 Update, cumulatively considerable GHG emission impacts from cumulative development in San José would be avoided by implementing measures included in the City's GHGRS. Since the project with the GHGRS and would implement GHGRS measures, the project would not result in a cumulatively considerable contribution to a significant cumulative GHG impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.5 HAZARDS AND HAZARDOUS MATERIALS

This discussion is based in part upon a Phase I Environmental Site Assessment prepared by AEI Consultants, July 2021 and a Closure/Post-Closure Land Use Plan completed by Crawford Consulting Inc. in February 2015. These reports are included in Appendix D of this Initial Study.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. Over five years, $1.6 billion was collected and the tax went to a trust fund for cleaning up abandoned or uncontrolled hazardous waste sites. CERCLA accomplished the following objectives:

Established prohibitions and requirements concerning closed and abandoned hazardous waste sites;

Provided for liability of persons responsible for releases of hazardous waste at these sites; and

Established a trust fund to provide for cleanup when no responsible party could be identified.

The law authorizes two kinds of response actions:

Short-term removals, where actions may be taken to address releases or threatened releases requiring prompt response; and

Long-term remedial response actions that permanently and significantly reduce the dangers associated with releases or threats of releases of hazardous substances that are serious, but not immediately life-threatening. These actions can be completed only at sites listed on the EPA's National Priorities List.

CERCLA also enabled the revision of the National Contingency Plan (NCP). The NCP provided the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.[12]

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA), enacted in 1976, is the principal federal law in the United States governing the disposal of solid waste and hazardous waste. RCRA gives the EPA the authority to control hazardous waste from the "cradle to the grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also sets forth a framework for the management of non-hazardous solid wastes.

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization, phasing out land disposal of hazardous waste, and corrective action for releases. Some of the other mandates of this law include increased enforcement authority for the EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program.[13]

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and 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

[12] United States Environmental Protection Agency. "Superfund: CERCLA Overview." Accessed January 18, 2022. https://www.epa.gov/superfund/superfund-cercla-overview.
[13] United States Environmental Protection Agency. "Summary of the Resource Conservation and Recovery Act." Accessed January 18, 2022. https://www.epa.gov/laws-regulations/summary-resource-conservation-and-recovery-act.

substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[14]

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides the EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. The TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint.

California Code of Regulations (CCR) Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by the Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

CCR Title 27, Section 21190, Post-closure Land Use

Based on CalRecycle regulations in CCR Title 27, Section 21190 (a), proposed post-closure land uses shall be designed and maintained to:

- protect public health and safety and prevent damage to structures, roads, utilities and gas monitoring and control systems;
- prevent public contact with waste, landfill gas and leachate; and
- prevent landfill gas explosions.

Based on subsection (c), All proposed post-closure land uses, other than non-irrigated open space, on sites implementing closure or on closed sites shall be submitted to the Local Enforcement Agency (LEA), San Francisco Bay Regional Water Quality Control Board (RWQCB), local air district and local land use agency. The LEA shall review and approve proposed post-closure land uses if the project involves structures within 1,000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste.

Local

In addition to the above regulations, various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the City. The proposed project would be subject to the hazards and hazardous materials policies of the City's General Plan, including the following:

[14] California Environmental Protection Agency. "Cortese List Data Resources." Accessed January 18, 2022. https://calepa.ca.gov/sitecleanup/corteselist/.

General Plan Policies: Hazards and Hazardous Materials

Policy	Description
EC-6.6	Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.
EC-6.8	The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.
EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state, and federal laws, regulations, guidelines and standards.
EC-7.3	Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
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.
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.
EC-7.8	Where an environmental review process identified the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This

General Plan Policies: Hazards and Hazardous Materials

Policy	Description
	applies to hazardous materials found in the soil, groundwater, soil vapor, or in existing structures.
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.
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.
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.

4.5.1.2 *Existing Conditions*

A Phase I Environmental Site Assessment (ESA) and Phase II Soil and Groundwater Investigation were prepared for the Cisco Site 6 EIR in March and September of 1998, respectively. An updated Phase I ESA was prepared for the 28.5-acre site in August 2013 for the 237 at First Street Office Addendum, which encompassed the 10.47 acres that are the subject of the current warehouse project proposal. The three studies accounted for the 10.47-acre project site. In July 2021, an updated Phase I ESA was prepared for the 10.47-acre project site to document any changes in existing conditions.

On-site Current and Historic Uses

The project site is a vacant lot that has been graded and disturbed and contains grassland and a graveled path that transects the site.

Based on a review of historical sources, the project site was used for agricultural purposes as early as the late 1800s through 1956. By 1968, two structures were built along the north of the site that included a residential building with parking and a commercial building as well as numerous stockpiles of soil. Two additional buildings that included a storage yard were present on-site in 1974. In 1975, three of the structures were removed leaving one small building remaining. A parking lot for vehicle storage was present from 1979 to 1982 and two small residential buildings were present in 1983. By 1987, the remaining buildings had been removed and the vacant property was used as a Christmas tree lot and pumpkin patch in 1993 and a temporary parking lot in 1998. Since the late 1990s, the site has remained vacant with soil stockpiles on-site observed as late as 2016.

<u>On-site Sources of Contamination</u>

Stockpiles of unregulated waste debris fill occurred on site between the 1950s and late 1980s on the larger 28.5-acre site (evaluated as a part of the 2013 office project). Investigations for residual

volatile organic compounds (VOCs), in areas where the unregulated waste material/fill were located, have been completed at the 28.5-acre site (including the 10.47-acre project site) since 1989. The unregulated waste previously placed on-site was discussed in the Cisco Site 6 EIR.

Soil investigations including the collection and testing of over 100 soil samples reported few detections of VOCs in soil/waste at low levels. Additional investigations were completed at the site in 2014 and 2015.

In September 2000, a Voluntary Cleanup Program (VCP) was established between CalEPA DSTC and Cisco Systems for Cisco Site 6. A Soil Management Plan (SMP) was prepared which included soil handling procedures. The project site is also a part of certified EnviroStor case as a Voluntary Cleanup Program (VCP) site with a current status of Certified Operation and Maintenance (O&M) – Land Use Restrictions as of February 5, 2007.

In 2014 and 2015, soil samples were collected from five soil borings and four test pits on the project site. VOCs were not detected in soil borings or test pits, with the exception of trichloroethylene (TCE) and cis-dichloroethylene. These detections were below the San Francisco Bay Regional Water Quality Control Board (RWQCB) environmental screening levels.

It is possible that VOCs from unregulated waste/fill previously placed on-site leached to groundwater. Previous groundwater sample results showed a plume of chlorinated VOCs extending northwest from the southeast corner to the northwest corner of the larger 28.5-acre site entitled in 2013 with four office buildings, of which two buildings were approved but not yet constructed on the subject 10.47 acres now proposed for warehouse/office uses. Principal VOC release included TCE and originated beneath a fill layer southeast of Syntax Court (southeast of the project site). Since the plume extends to the project site, during 2014 and 2015 investigations, grab samples were collected from eleven soil borings at the site. Ten of these samples showed no VOCs or VOCs below regulatory screening levels. One sample showed that 1,1-DCE exceeded the San Francisco Bay Area RWQCB ecological habitat goal but not the vapor intrusion environmental screening level.

The main source of VOCs in soil vapor at the site is from residual VOCs within the unregulated waste material previously placed on-site (as stated above). In 2014 and 2015, soil vapor samples were collected from 26 soil borings on the site. Twenty-four (24) soil vapor samples showed no detectable VOCs or VOCs below regulatory screening levels. Two of the samples showed elevated concentrations of vinyl chloride.

The subject 10.47 acre Second Harvest site (project site) and the adjacent property, on which two of the office buildings entitled in 2013 have been constructed (together comprising the 28.5-acre site that was the subject of PD13-012 approved in 2013), were a part of the investigation area for the Syntax Court Disposal Site (SCDS) due to contamination from undocumented waste/fill, as noted above. The SCDS is an undocumented solid waste disposal site discovered in 1995 during an excavation for the construction of Syntax Court. There are no records to indicate the site was ever operated as a landfill. The SCDS facility is divided into three legal parcels (Parcel 1 [where two office buildings have been constructed under PD13-012], Parcel 2 [the subject Second Harvest site], and the Hotel Parcel southeast of the site, as shown in Appendix D of this Initial Study, Figure 3) and

is listed as a Spills, Leaks, Investigations, and Cleanup (SLIC) case dated August 25, 2015.[15] The potential contaminants of concern include 1,1,1-trichloroethane (TCA), dichloroethane (DA), dichloroethene (DCE), tetrachloroethylene (PCE), trichloroethylene (TCE), and vinyl chloride (VC). The SCDS is subject to landfill closure, post-closure maintenance, and post closure development requirements pursuant to Title 27 of the CCR, Section 21190. A Closure/Post-Closure Land Use Plan was prepared for the Syntax Court Disposal Site (refer to Appendix D of this Initial Study) at the SR 237 "Hotel Site" and "Parcel 1" located southeast of the Second Harvest site, due to the waste fill materials associated with the SCDS. The Plan, approved by the City of San José LEA on June 5, 2015, is primarily an engineering document to address construction on the former undocumented landfill site, south of the southeast of the Second Harvest site. The Plan stated that a waste debris layer found on Parcel 1 and the Hotel Parcel does not occur beneath Parcel 2 (the subject Second Harvest site).

Additionally, the "Hotel Site" and "Parcel 1", approximately 19 acres, are under a DTSC Deed Restriction. This Deed Restriction does not include the Second Harvest site (Parcel 2). Parcel 2 is identified as Unrestricted. The 2003 DTSC Deed Restriction includes conditions for elevated concentrations of metals (primarily lead) found in fill materials but concluded that the property did not present an unacceptable threat to human safety or the environment if used for commercial or industrial purposes.

Surrounding Land Uses

The 10.47-acre project site is surrounded by a school, religious assembly use, and library to the north, the two office buildings and hotel (developed under the 2000 Cisco Systems EIR) to the east, a surface parking lot, a detention basin, open field, and Guadalupe River to the south, and recreation uses and an open field to the west.

The Cisco Site 6 EIR identified a solvent release site (Stearns Research Center) located at Nortech Parkway and Fortran Drive, approximately 0.4 miles northeast of the project site. Based on the RWQCB screening levels, concentrations of trichloroethane (PCE) and phenols in groundwater beneath the research center were low and did not pose a significant risk to future users of the Cisco Site 6 development. The 2021 Phase I ESA completed for the project site included a review and analysis of the results from state and federal environmental database searches to determine if the project site was listed as a hazardous materials site (or a potentially hazardous site). No off-site properties were identified as a recognized environmental concern.

Other Hazards

Airports

The Norman Y. Mineta San José International Airport is located approximately 3.4 miles south of the project site. Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), requires that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which otherwise stand at least 200

[15] Spills, Leaks, Investigation, and Cleanup (SLIC) sites are areas where chemical releases have contaminated soil and/or groundwater.

feet in height above ground. For the project site, any structure exceeding 215 feet in height above the ground level would require submittal to the FAA for airspace safety review.

Wildland Fire Hazards

The project site is located in an urban area and is not within a Very-High Fire Hazard Severity Zone for wildland fires.[16]

4.5.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒	☐

[16] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. Accessed January 20, 2022. https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
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?	☐	☐	☐	☒	☐

The Cisco Site 6 EIR concluded that with the implementation of mitigation measures that would reduce the risk of release of hazardous materials into the environment, the Cisco Site 6 project would have a less than significant impact related to hazards and hazardous materials.

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

Site Operation

The 2000 Cisco Site 6 EIR identified a less than significant impact associated with the use and storage of hazardous materials by the project as a general office and engineering space and light manufacturing. The project's proposed use as a warehouse for food and food-related items would have similar impacts and would include the use of warehouse and cleaning materials, and small quantities of herbicides and pesticides for landscaping maintenance. The transport of food and food-related items associated with the project would not include hazardous materials. Therefore, the project would have the same impact as disclosed in the 2000 Cisco Site 6 EIR. **[Same Impact as Approved Project (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?

Construction

Undocumented Waste Materials

The 2000 Cisco 6 EIR identified that the Cisco Site 6 impacts from potentially contaminated soils from previous car maintenance activities at the northwestern portion of the Cisco Site 6 (north of

Wilson Way) and fill material would be less than significant with the implementation of appropriate handling and/or disposal.

The 2000 Cisco Site 6 EIR also identified impacted fill on the southwestern portion of the Cisco Site 6 site, south of the project site (now developed with a parking lot). Soil testing of the impacted fill found elevated concentrations of arsenic, beryllium, and mercury. The EIR concluded that soils from these areas would not be removed from the site for disposal without further testing. Disposal would be conducted in conformance with relevant laws and regulations and therefore the Cisco Site 6 project would result in a less than significant hazardous materials impact from the impacted fill.

The Cisco Site 6 EIR also identified stockpiles on the eastern portion of the 10.47-acre project site. Soil samples from stockpiles showed concentrations of motor oil were below regulatory screening levels and, therefore, would not be hazardous. The EIR concluded that based on soils samples analyzed for agricultural chemicals and metals (i.e., dichlorodiphenyltrichloroethane [DDT], lead and arsenic), these contaminants do not pose a significant concern for commercial/industrial development, since the majority of the site showed background or low concentrations.

Consistent with the Cisco Site 6 EIR mitigation to prepare a health and safety plan and the City's current practice to prepare a Site Management Plan (SMP), the project would implement the following updated mitigation measure in lieu of the Cisco Site 6 EIR mitigation. The City has updated mitigation to provide a more detailed description of what components are included in a Health and Safety Plan. In addition, the Health and Safety Plan identified in the Cisco Site 6 EIR included measures specific to soils containing elevated concentrations of arsenic and pockets of mercury for different portions of the 152.6-acre Cisco Site 6 site. The mitigation measure below would be applicable to soils with any hazardous contaminants. The mitigation has also been updated to include a SMP which describes management practices for handling impacted groundwater and/or soil material that may be encountered during site development and soil-disturbing activities.

As stated in Section 4.5.1, the project site is part of the SCDS SLIC case, currently overseen by the San Francisco RWQCB, is listed on GeoTracker as "Open – Assessment and Interim Remedial Action as of August 25, 2015" and is listed in the CalRecycle Solid Waste Information System (SWIS) database as a closed, solid waste disposal site. The following mitigation and condition of approval will be implemented to further reduce hazards from contaminated undocumented waste/fill at and adjacent to the project site, consistent with the Cisco Site 6 EIR. Undocumented waste/fill at the southwestern portion of the Cisco Site 6 (which includes the project site) was identified in the Cisco Site 6 EIR and no new impact is identified. The below mitigation is included due to updated regulatory requirements by the City and regulatory agencies since the Cisco Site 6 EIR, and not as a result of any change in the circumstances under which the project would occur. Impacts would remain less than significant.

Mitigation Measure: The following mitigation measure shall be implemented:

MM HAZ-1.1: Prior to issuance of grading permits, the project applicant shall retain a qualified environmental consultant to evaluate the proposed site improvements and the potential to encounter residual soil, soil gas, and/or groundwater contamination. The evaluation must include whether there is a potential for vapor intrusion conditions beneath the proposed building and

propose suitable vapor intrusion mitigation measures, if deemed necessary. A Site Management Plan (SMP) shall be developed to address existing and unknown contamination that may be encountered during development. The applicant shall notify the appropriate regulating agencies that are currently responsible for the oversight of the SCDS case (i.e., RWQCB, DTSC) and work with the appropriate agency to prepare the SMP under regulatory oversight. The applicant shall notify the Director of the City's Planning, Building, and Code Enforcement or the Director's designee and the Environmental Compliance Officer in the San José Environmental Services Department prior to construction and provide a copy of the SMP.

The Cisco Site 6 EIR identified fill material on the southwestern portion of the site, where the subject Project site is located, that had fill with high levels of mercury, beryllium and arsenic due to pockets of unknown fill. The Cisco Site 6 EIR stated the soils would be subject to further testing and because the project would be mostly capped and disposal of soils would occur in accordance with applicable laws and regulations, the site would not pose a significant threat to human health or the environment.

As part of further investigation required by applicable regulatory oversight bodies, such as DTSC and San José's LEA, the 10.47-acre Second Harvest site was identified as part of the investigation area for the SCDS SLIC case. The City of San José's LEA approved the SCDS at 237 Closure/Post-Closure Land Use Plan in June 2015; the approved plan identified that no waste debris was documented below the Second Harvest site, as Parcel 2 was identified as Unrestricted. While no deed restrictions or conditions of approval were identified for the Second Harvest site ("Parcel 2") in the SCDS Closure/Post-Closure Land Use Plan, to be conservative and in accordance with the City's General Plan Policy 7.3 and Title 27 Section 21190 of the CCR, the following condition of approval would be implemented to ensure conformance with the state and local regulations for on-site construction within 1,000 feet of a previous closed disposal site.

Condition of Approval:

- **LEA Coordination**: In accordance with Title 27 CCR Section 21190 and due to the site's proximity to the disposal site Syntax Ct (SWIS #43-AN-0021), prior to issuance of building permits, the project applicant shall contact the Local Enforcement Agency (LEA) for CalRecycle. The applicant shall provide evidence of the LEA coordination and compliance to the Director of the City's Planning, Building and Code Enforcement or the Director's designee and the Environmental Compliance Officer in the San José Environmental Services Department.

Contaminated soil from impacted fill was identified in the Cisco Site 6 EIR, and the proposed project would not create a new impact related to contamination from unregulated waste/fill. The project would implement above mitigation and condition of approval, which provide an update to the Cisco Site 6 EIR hazardous materials mitigation related to current, updated regulations, and would conservatively comply with state and local regulations for sites within 1,000 feet of disposal sites. The project would not result in a significant impact to nearby land use due to hazardous materials contamination from undocumented fill, consistent with the Cisco Site 6 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Former Agricultural Uses

In addition, mitigation has been updated from what was presented in the Cisco Site 6 EIR to include on-site sampling for pesticide-related chemicals and metals (due to the former agricultural uses of the site) in accordance with the City's Policy EC-7.11 (adopted after the Cisco Site 6 EIR) which requires sampling for residual agricultural chemicals, based on the history of land use, on sites to be used for any new development or redevelopment (refer to Section 4.5.1.1, Regulatory Framework of this Initial Study). The site's former agricultural uses were identified in the Cisco Site 6 EIR, and there are no changed circumstances under which the project would occur, rather as noted, the City now routinely requires sampling for residual agricultural chemicals, whereas it did not in 2000. No new hazards and hazardous materials impacts from the site's former agricultural uses would result from the project.[17]

Consistent with the Cisco Site 6 EIR, development of the proposed project would not result in a significant hazardous materials impact to nearby land uses. However, given the project was formerly used for agricultural purposes, mitigation measure MM HAZ-1.2 that includes sampling for agricultural chemicals and metals will be implemented by the project, which is consistent with the City's General Plan Policy EC-7.11, which did not exist at the time the Cisco Site 6 EIR was required. The soil sampling identified in the mitigation measure below is required as a result of Policy EC-7.11, which did not exist at the time the Cisco Site 6 EIR was prepared, and not due to any changed circumstances under which the project would occur. Impacts would remain less than significant, as stated in the Cisco Site 6 EIR.

Mitigation Measure: The following mitigation measure would be implemented:

MM HAZ-1.2: Prior to the issuance of a site grading permit the applicant will hire a qualified environmental professional to complete a Phase II Environmental Site Assessment to include the collection of shallow soil samples in the proposed project area for analysis of 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. Results of the Phase II will be provided to the City of San José Planning, Building and Code Enforcement Supervising Planner, and the Environmental Services Department Municipal Compliance Officer.

If the Phase II results indicate soil, soil gas, and/or groundwater contamination above regulatory environmental screening levels, the applicant must obtain regulatory oversight from the RWQCB, DTSC, or Santa Clara County Department of Environmental Health (SCCDEH) under their Site Cleanup Program. Regulatory oversight can be combined with MM HAZ-1.1

[17] The Cisco Site 6 EIR addressed potential impacts to future users of the proposed project. Per 2015 California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD), which occurred after the certification of the Cisco Site 6 EIR, effects of the environment on the project are not considered CEQA impacts. Thus, the proposed warehouse project is not required to address potential impacts to future users and the impact statement has been revised to discuss the potential hazardous materials impacts on the public/construction workers and environment.

(described above) if allowed by the regulatory agency. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document must be prepared by a qualified hazardous materials consultant. The plan must 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 Director of Planning, Building and Code Enforcement, or the Director's designee, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

The project would implement mitigation measure MM HAZ-1.2, consistent with General Plan Policy EC-7.11, which would reduce the impact of potential agricultural chemicals and metals on construction workers, adjacent land uses, and the general environment. The project would not result in any significant impacts related to agricultural soils, as stated in the Cisco Site 6 EIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The nearest school is George Mayne Elementary School, located at 5030 North First Street, approximately 170 feet north of the project site across North First Street, as identified in the Cisco Site 6 EIR. This school was identified in the Cisco Site 6 EIR and, therefore, the proposed project is not creating a new impact. As discussed in question a), the project does not propose the uses of substantial hazardous materials on-site during operations. The project would comply with mitigation measures MM HAZ-1.1 and MM HAZ-1.2, (an update to the Cisco Site 6 EIR hazardous materials mitigation measures) and condition of approval (in accordance with updated CalRecycle regulations) to avoid significant contaminant releases into the environment during construction. In addition, the project would comply with the Standard Permit Conditions to reduce fugitive dust emissions during construction (refer to Section 4.3, Air Quality). For these reasons, the project would not emit hazardous emissions or handle hazardous materials that would impact the nearby school. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

As discussed in Section 4.4.1, the project site is listed on DTSC's EnviroStor as a Voluntary Cleanup Program (VCP) site with a current status of Certified Operation and Maintenance (O&M) – Land Use Restrictions as of February 5, 2007. The project is not on a hazardous materials site list pursuant to Government Code Section 65962.5, which is separate list of hazardous waste and substances sites of concern established by DTSC's Site Mitigation and Restoration Program.

As discussed above, the Cisco Site 6 EIR evaluated impacts from contaminated fill and, therefore, the proposed project does not create a new impact. As discussed in question b), the project has the potential to expose unregulated contaminated fill material into the environment. The project would

comply with mitigation measures MM HAZ-1.1 and MM HAZ-1.2 and the condition of approval to reduce the risk of release of hazardous materials into the environment, and Standard Permit Conditions to reduce fugitive construction emissions. For these reasons, the project would not create a significant hazard to the public or the environment. **[Same Impact as Approved Project (Less than Significant with Mitigation Incorporated)]**

e) If 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 Cisco Site 6 EIR did not evaluate hazards related to airports and, therefore, did not identify a significant risk. The project site is not located within the AIA of Norman Y. Mineta San José International Airport and, therefore, is not subject to the policies in the CLUPs (including those for safety/height and noise). The proposed project's maximum height of 47.5 feet above the ground surface does not exceed the FAA notification surface of 215 feet above ground level and would not require FAA regulatory review pursuant to FAR Part 77. **[Same Impact as Approved Project (No Impact)]**

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

The 2000 Cisco Site 6 EIR did not evaluate the Site 6 project's effects on an emergency response or evacuation plan. However, the project would be constructed in accordance with current Building and Fire Codes to ensure structural stability and safety. The San José Fire Department (SJFD) and San José Building Division would review the site development plan to ensure fire protection design features are incorporated and adequate emergency access is provided. For these reasons, the proposed project would not impair implementation of, or physically interfere with, the City's Emergency Operations and Evacuation Plans. **[Same Impact as Approved Project (Less than Significant 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 2000 Cisco Site 6 EIR did not evaluate wildfire hazards. However, the project site is not located within a Very High Fire Hazard Severity Zone for wildland fires designated by CAL FIRE.[18] Therefore, the project would not expose people or structures to hazards involving wildfire. **[Same Impact as Approved Project (No Impact)]**

4.5.2.2 *Cumulative Impacts*

The Cisco Site 6 EIR concluded that the cumulative impacts related to hazardous materials would be less than significant. With the implementation of mitigation measure HAZ-1.1, the cumulative

[18] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. November 6, 2007. Accessed January 24, 2022. https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/

projects identified in the Cisco Site 6 EIR (including the proposed project), would result in a less than significant cumulative hazardous materials impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

4.6 HYDROLOGY AND WATER QUALITY

The following discussion is based, in part, on a Storm Drain Impact Study completed by Schaaf & Wheeler on January 26, 2022. The technical report is attached as Appendix E of this Initial Study.

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3.

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-

permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[19] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP requires that stormwater treatment measures to be properly installed, operated, and maintained.

Water Resources Protection Ordinance and District Well Ordinance

The Santa Clara Valley Water District (Valley Water) operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Post-Construction Urban Runoff Management (City Council Policy No. 6-29)

The City of San José's Policy No. 6-29 implements the stormwater treatment requirements of Provision C.3 of the MRP. City Council Policy No. 6-29 requires new development and redevelopment projects to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs). This policy also established specific design standards for post-construction TCMs for projects that create or replace 10,000 square feet or more of impervious surfaces.

Post-Construction Hydromodification Management (City Council Policy No. 8-14)

The City of San José's Policy No.8-14 implements the hydromodification management requirements of Provision C.3 of the MRP. Policy No. 8-14 requires new development and redevelopment projects that create or replace one acre or more of impervious surface area and are located within a subwatershed that is less than 65 percent impervious, to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt generation, or other impacts to local rivers, streams, and creeks. The policy requires these projects to be designed to control project-related hydromodification through a Hydromodification Management Plan (HMP). Projects that do not meet the minimum size threshold, drain into tidally influenced areas or directly into the Bay, or are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious would not be subject to the HMP requirement.

[19] MRP Number CAS612008

Envision San José 2040 General Plan

The General Plan includes policies for the purpose of avoiding or mitigating impacts resulting from planned development projects in the City. The proposed project would be subject to applicable policies of the City's General Plan, including the following:

General Plan Policies: Hydrology and Water Quality

Policy	Description
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements per City standards.
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.
ER-8.1	Manage stormwater runoff in compliance with the City's Post-Construction Urban Runoff (6-29) and Hydromodification Management (8-14) Policies.
ER-8.3	Ensure that private development in San José includes adequate measures to treat stormwater runoff.
ER-8.5	Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.
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 stormwater controls.
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 1 and April 15.
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.
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.

4.6.1.2 *Existing Conditions*

Hydrology and Drainage

The project site is located within the alluvial plains of the Santa Clara Valley, bounded by the Santa Cruz Mountains to the west and Diablo Range to the east. There are no waterways present within the boundaries of the project site. However, the closest segment of the Guadalupe River is located approximately 500 feet southwest of the site. [20] Stormwater runoff from the project site drains to the Guadalupe River.

The 10.47-acre project site is the last undeveloped portion of the 152.6-acre Cisco Site 6, and is currently vacant and undeveloped, with approximately 453,168 square feet of the site covered in pervious surfaces (99.3 percent) and 3,105 square feet of the site covered in impervious surfaces (less than one percent). The project site overlaps two subcatchments in the City's storm drain system model: subcatchment sc357 flows to a pipe in the Oakmead storm drain system, and subcatchment sc578 flows to a pipe in the Alviso storm drain system.

Flooding and Other Hazards

There are no waterways present on the site; however, as discussed above, the closest segment of the Guadalupe River is located approximately 500 feet southwest of the site. According to the FEMA FIRM maps, the 10.47-acre project site is within Zone AE, defined as an area subject to inundation by the one-percent annual chance flooding event.[21]

According to the General Plan EIR, the project site is located within the Anderson/Coyote dam failure inundation area.[22]

A seiche is the oscillation of water in an enclosed body of water and a tsunami a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. Due to the project site's inland location and distance from large bodies of water (i.e., the San Francisco Bay), it is not subject to seiche or tsunami hazards, or sea level rise.[23] Areas subject to mudflows are typically located on or adjacent to hillsides. The project site is located on the valley floor and is not adjacent to any hillside, therefore, the site is not subject to mudflows.

Water Quality

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as "non-point," source pollutants, are washed from streets, construction sites, parking lots, and other

[20] EPA. *Waterbody Quality Assessment Report. 2016 Waterbody Report for Guadalupe River.* Accessed February 1, 2022. https://ofmpub.epa.gov/waters10/attains_waterbody.control?p_au_id=CAR2054005019980928160437&p_cycle=2016&p_state=CA&p_report_type=

[21] FEMA. National Flood Hazard Layer Viewer. FIRM Panel 06085C0062J. Accessed February 1, 2022. Available at https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd

[22] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 11. Figure 3.7-5. P. 375.

[23] California Geological Survey. *CGS Information Warehouse: Tsunami Hazard Area Map*. Accessed February 1, 2022. https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/.

exposed surfaces into storm drains. Surface runoff from the project site and surrounding area is collected by storm drains and discharged into the Guadalupe River. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, and animal feces), pesticides, litter, and heavy metals. In sufficient concentrations, these pollutants have been found to adversely affect the aquatic habitats to which they drain.

Under existing conditions, the project site is largely undeveloped. Runoff from the site itself likely consists mostly of sediments. Runoff from the site vicinity contains sediment, metals, trash, oils, and greased from paved areas. Runoff from the project site flows directly into catch basins and into the City's storm drainage system and is untreated.

Groundwater

The project site is located in the Santa Clara Plain within the Santa Clara groundwater sub-basin. The Santa Clara Plain is estimated to have an operational storage capacity of 350,000 acre-feet (AF) and has a maximum pumping limit of 200,000 AF per year.[24] Recharge of the Santa Clara Plain is achieved through an equal combination of natural in-stream recharge and recharge activities managed by Valley Water each totaling about 35,100 AF per year. The site is not located within an aquifer recharge area designated by the Valley Water.

4.6.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
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:	☐	☐	☐	☒	☐
- result in substantial erosion or siltation on- or off-site;	☐	☐	☐	☒	☐

[24] DWR, Bulletin 118, California's Groundwater Update 2003.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
- substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	☒	☐
- 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	☐	☐	☐	☒	☐
- 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?	☐	☐	☐	☒	☐

Consistent with the conclusions of the 2000 Cisco Site 6 EIR, the project would result in a less than significant hydrology and water quality impact, as described below.

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

Construction-Related Water Quality Impacts

Construction of the proposed project, including grading and excavation activities, may result in temporary impacts to surface water quality. Surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. The project would disturb approximately 10.5 acres of soil. Since construction of the project would disturb more than one acre of soil, compliance with the National Pollution Discharge Elimination System (NPDES) General Permit for Construction Activities is required. As part of development of the proposed project, a Notice of Intent (NOI) would be submitted to the SWQCB. Prior to initiation of construction or demolition activities, a Storm Water Pollution Prevention Plan (SWPPP) would be prepared in accordance with the NPDES requirements. The SWPPP would identify specific Best Management Practices (BMPs) that would be used at the project site to treat and control stormwater, reduce sedimentation, and prevent erosion. The Cisco Site 6 EIR identified a less than significant impact with mitigation incorporated, based on then-current construction water quality measures.
All development projects in San José must comply with the City's Grading Ordinance. The City of San José Grading Ordinance requires the use of erosion and sediment controls to protect water quality while a site is under construction. Prior to issuance of a permit for grading activity occurring

during the rainy season (October 1 to April 30), the applicant is required to submit an Erosion Control Plan to the Director of Public Works for review and approval. The Erosion Control Plan must detail the BMPs that would be implemented to prevent the discharge of stormwater pollutants. The BMPs include, but are not limited to, the following standard permit conditions. The standard permit conditions replace and supersede the construction water quality mitigation measures presented in the 2000 Cisco Site 6 EIR.

Standard Permit Conditions: Consistent with the General Plan, standard permit conditions that shall be implemented to prevent stormwater pollution and minimize potential sedimentation during construction include, but are not limited to the following:

- 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 required to be covered trucks or maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas, and residential streets adjacent to the construction site 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 knock mud from truck tires prior to entering City streets. A tire wash system may also be employed at the request of the City.

  The project proponent 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.
- A Storm Water Permit shall be administered by the SWRCB. Prior to construction grading for the proposed land uses, the project proponents will file an NOI to comply with the General Permit and prepare a SWPPP which addresses measures that would be included in the project to minimize and control construction and post-construction runoff. Measures will include, but are not limited to, the aforementioned RWQCB Best Management Practices.
- The SWPPP shall be posted at the project site and shall be updated to reflect current site conditions.
- When construction is complete, a Notice of Termination for the General Permit for Construction shall be filed with the SWRCB. The Notice of Termination shall document that all elements of the SWPPP have been executed, construction materials and waste have been properly disposed of, and a post-construction stormwater management plan is in place as described in the SWPPP for the site.

The project, with the implementation of the SWPPP and standard permit conditions, would not result in significant construction-related water quality impacts. This would be the same impact as identified in the Cisco Site 6 EIR, since the standard permit conditions listed above are similar to, and replace, the mitigation measures. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Post-Construction Water Quality Impacts

Under existing conditions, the 10.47-acre project site is approximately 99.3 percent pervious. The project would add approximately 394,138 square feet of impervious surfaces, which would result in a total of 397,223 square feet of impervious surfaces under post-project conditions. Upon completion of the proposed redevelopment, the 10.47-acre project site would be approximately 87 percent impervious and 13 percent pervious. This substantial increase in impervious area could adversely impact water quality. After a project has been constructed and landscaping has been installed, erosion and sedimentation from developments are minimal. Pollutants and chemicals associated with urban development drain from new impervious areas into the Guadalupe River and ultimately to the San Francisco Bay. Such pollutants include, but are not limited to, pesticides, insecticides, heavy metals from automobile emissions, oil, grease, debris, and air pollution residue. Untreated contaminated urban runoff may result in incremental long-term degradation of water quality. The Guadalupe River is listed as an impaired water body by the EPA 303(d) for trash and diazinon, a pesticide linked to aquatic toxicity. Potential sources for these pollutants include urban runoff and storm sewers.

The project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and the RWQCB Municipal Regional NPDES permit. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The RWQCB Municipal Regional NPDES permit mandates the City of San José use its planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control, and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. The MRP requires regulated projects to include LID practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures to be properly installed, operated, and maintained.

The MRP 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. Projects that create and/or replace one acre or more of impervious surfaces 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 shall not exceed estimated pre-project rates and durations.

Based on its size and location in a subwatershed or catchment that is greater than 65 percent impervious, the proposed project would not be required to comply with the hydromodification requirements of Provision C.3 of the Municipal Regional Permit and City Council Policy 8-14. In order to meet these requirements, stormwater runoff from the site would be collected via new on-site catch basins, most of which would be located in proposed flow-through planters, bio-retention areas, and pervious pavement on-site. Stormwater collected in the bio-retention areas would be treated, then collected by on-site catch basins. The proposed treatment facility would be numerically

sized and would have sufficient capacity to treat the runoff entering the storm drainage system consistent with the NPDES requirements.

The General Plan EIR concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. The regulatory programs replace and supersede the post-construction water quality mitigation measures presented in the Cisco Site 6 EIR. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would have a less than significant water quality impact. **[Same Impact as Approved Project (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?

As discussed under 4.6.1.2 Existing Conditions, the project site is located in the Santa Clara Plain within the Santa Clara groundwater subbasin. The Cisco Site 6 EIR did not evaluate the Cisco Site 6 project's impact to groundwater supplies or recharge. However, consistent with the General Plan EIR conclusions, the site is not located within an aquifer recharge area designated by Valley Water. The project would include bio-retention basins that could infiltrate stormwater runoff into the groundwater. The project would not rely upon groundwater pumped from wells on site. Given the lack of active aquifer recharge on-site and the plans to promote runoff through the use of bio-retention basins, the project's impacts would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

c) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; 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 impede or redirect flood flows?

The Cisco Site 6 EIR concluded that development would contribute to an existing storm drainage system and would require additions to the existing collection systems to serve the additional area. The EIR mitigation required a detailed hydraulic analysis of the adequacy of the existing storm drain collection systems to ensure the City's systems could accommodate additional development. As a result, as discussed under checklist question a), the new impervious surface area would increase the amount and rate at which surface runoff leaves the site and enters the existing storm water drainage systems. Table 4.6-1 below provides a comparison between existing and proposed impervious/pervious surfaces.

Table 4.6-1: Pervious and Impervious Surface Area				
	Existing Condition		Proposed Condition	
	Oakmead Subcatchment	Alviso Subcatchment	Oakmead Subcatchment	Alviso Subcatchment
Pervious Area (percent)	82.9	87.5	61.0	37.5
Impervious Area (percent)	17.1	12.5	39.0	62.5
Total Area (acre)	22.5	6.0	22.5	6.0
Source: Schaaf & Wheeler. *Second Harvest Food Bank Storm Drain Impact Study*. January 26, 2022.				

The Cisco Site 6 EIR concluded that development would contribute to an existing storm drainage system and would require additions to the existing collection systems to serve the additional area. The EIR mitigation required a detailed hydraulic analysis of the adequacy of the existing storm drain collection systems to ensure the City's systems could accommodate additional development. The mitigation required future projects to install any identified improvements prior to completion of construction. With the implementation of this mitigation, the drainage and flooding impacts from the Cisco Site 6 project were identified as less than significant. As noted previously, the proposed warehouse/office development would occur on 10.47 acres that were entitled in 2013 for two office/R&D buildings as part of a 28.5-acre development with four office buildings. Based on the Cisco Site 6 EIR mitigation requirements, storm drain system modeling completed in 2013 for the four office buildings has been updated, in Appendix E, to reflect current conditions and to account for the proposed warehouse/office project replacing the two un-built office buildings on the 10.47 acres . Storm drain system models have been used to evaluate the proposed project's impact to flood conditions and to existing storm drain system capacity. Models for existing and proposed conditions were run for 10-year and 100-year storm events, per City policy.

The project's site stormwater flows to the City's storm drain systems including the Alviso storm drain system (northwest of the site) and Oakmead system (northeast of the site). Based on the storm drain modeling for the 10-year storm-event, the maximum rise in water surface elevation post-project construction would be 0.4 feet, just downstream of the project connection to the Alviso storm drain system. There is 3.5 feet of freeboard at this location,[25] therefore, the rise in water surface elevation would have no impact on system performance nor cause additional storm water inundation anywhere in the system.

The maximum rise in water surface elevation during the 10-year event in the Oakmead system due to proposed development at the project site is 0.1 foot. This occurs at and immediately downstream of the connection point to the storm drain system. The freeboard at this location is 8.7 feet.

Flooding does occur during the 100-year storm event under existing conditions within the Alviso storm drain segment the site connects to, however, there is no rise in water surface elevation caused by the proposed development at this location. The greatest rise in flood elevation due to the

[25] Freeboard = An additional amount of height above the base flood elevation.

development during a 100-year storm occurs downstream of the Oakmead connection point. However, the rise is less than 0.1 foot in magnitude and is not considered significant.

Results show that development of the proposed project would not have a significant impact on the City's system. The storm drain segments that the site connects to do not experience flooding in the existing or proposed condition during the 10-year storm event. As discussed, flooding does occur within the Alviso storm drain segment under existing conditions during the 100-year storm event; however, the proposed development would not cause a rise in water surface elevation. For these reasons, the project would not have a significant impact on the City's storm drain system or cause substantial flooding. This is consistent with Cisco Site 6 EIR conclusions. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

As discussed under Section 4.6.1.2 Existing Conditions, there are no watercourses on or immediately adjacent to the site. The Cisco Site 6 EIR concluded that Cisco Site 6 project site is in the 100-year tidal flood plain due to levee overtopping or levee failure in the salt pond areas north of the New Chicago Marsh at the Don Edwards National Wildlife Refuge, approximately 1.5 miles northeast of the 10.47-acre site. Mitigation was identified that required the Cisco Site 6 project buildings to be designed to have first floor elevations above the 100-year tidal floodplain elevation, which would require first floor elevations for the proposed project building to be approximately 13 feet above mean sea level to reduce the impacts of property damage and safety hazards. The EIR concluded that implementation of this mitigation would result in a less than significant impact associated with tidal flooding. Although this mitigation addressed an impact from existing environmental conditions to the project, which is no longer an impact under CEQA, the proposed project would be consistent with the City's Flood Ordinance and implement the EIR mitigation as a condition of approval.

Condition of Approval: Consistent with the City's Flood Ordinance, the following measures shall be implemented as a condition of approval.

- Placement of fill within parking and open space areas would be minimized to limit potential flood depths in the street areas.

  The project would be designed to have first floor elevations above the 100-year tidal floodplain elevation. This would result in first floor elevations of nine feet.

The 10.47-acre project site is located 500 feet northeast of the Guadalupe River. The project site is located within Zone AE of the FEMA FIRM. The Cisco Site 6 EIR also concluded that Cisco Site 6 project is within the 100-year flood plain of the Guadalupe River. It was concluded that placement of fill could increase the extent and elevation of ponding in the New Chicago Marsh and adjacent areas during flood events from the Guadalupe River. The EIR concluded that the project would place approximately 10-acre feet of fill within the Guadalupe River floodplain area and that this would increase the estimated 100-year flood elevation in the New Chicago Marsh area by less than 0.02 feet. The EIR concluded there would be a less significant impact due to the increase of Guadalupe River flood elevations due to project fill material. Since the Cisco Site 6 EIR accounted for the fill

material at the 10.47-acre site and given the distance of the project site from the New Chicago Marsh area, the project would not result in a new significant impact related to the inundation of the New Chicago Marsh area.

Although the Cisco Site 6 EIR did not evaluate the risk of release of pollutants due to dam failure, the Cisco Site 6 project area (including the 10.47-acre project site) was in the inundation area for Anderson/Coyote dam. Therefore, flood risks due to dam failure is not considered a new impact. Routine inspections and analyses of the potential risks to the Anderson Dam are performed by Valley Water. While the project site is subject to inundation should the Anderson/Coyote dam fail, the dam is inspected twice a year by Valley Water in the presence of representatives from the California Division of Safety of Dams and the Federal Energy Regulatory Commission. Additionally, Anderson Reservoir is managed to prevent significant damage during a maximum credible earthquake. While potential inundation resulting from dam failure could damage property and proposed structures within the project site posing a severe safety hazard, the probably of such failure is remote, and is therefore considered less than significant. The project site is not subject to inundation by tsunami or seiche; therefore, there would be no risk of release of pollutants at the project site due to tsunamis or seiches. In the unlikely event of a flood or inundation (discussed above), the project would not risk the release of pollutants because the small quantities of any cleaning supplies, herbicides, and pesticides stored on-site would be managed in accordance with existing laws and regulations that ensure proper containment (such as the California Code of Regulations Section 5164).[26] **[Same Impact as Approved Project (Less than Significant Impact)]**

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

As discussed in responses to questions a) and b), the proposed project would implement identified Standard Project Conditions, would comply with the NPDES MRP, and would not impact groundwater recharge consistent with Valley Water's Groundwater Management Plan. The project would not install or utilize on-site wells or use groundwater beneath the site for water supply. For these reasons, the project would not conflict with the implementation of a water quality or groundwater management plan. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.6.2.2 *Cumulative Impacts*

The Cisco Site 6 EIR concluded that the cumulative impacts related to hydrology and water would be less than significant. With the implementation of standard permit conditions to reduce construction water quality impacts to less than significant, the cumulative projects identified in the Cisco Site 6 EIR (including the proposed project), would result in a less than significant cumulative hydrology and water quality impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

[26] State of California. *California Code of Regulations Section 5164: Storage of Hazardous Substances.* Accessed February 1, 2022. https://www.dir.ca.gov/title8/5164.html.

4.7 NOISE

The following discussion is based, in part, on a Noise and Vibration Assessment completed by Illingworth & Rodkin, Inc. on April 1, 2022. The technical report is attached as Appendix F of this Initial Study.

4.7.1 Environmental Setting

4.7.1.1 *Background Information*

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[27] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

4.7.1.2 *Regulatory Framework*

The below policies and regulations are updates to the noise and vibration policies listed in the Cisco Site 6 EIR to reflect current professional practice.

[27] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

Local

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to utilities and service systems and applicable to the proposed project:

General Plan Policies: Noise

Policy	Description
EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan or Table 4.13-1 in this Initial Study) 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.
EC-1.3	Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
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.
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.
EC-1.11	Require safe and compatible land uses within the Mineta International Airport noise zone (defined by the 65 CNEL contour as set forth in State law) and encourage aircraft operating procedures that minimize noise.
EC-2.3	Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings 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

General Plan Policies: Noise

Policy	Description
	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 a historical building, or building in poor condition. On a project-specific basis, this distance of 300 feet may be 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.

Table 4.7-1: General Plan Land Use Compatibility Guidelines

Land Use Category	Exterior DNL Value in Decibels 55 60 65 70 75 80
1. Residential, Hotels and Motels, Hospitals and Residential Care[1]	
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	
3. Schools, Libraries, Museums, Meeting Halls, and Churches	
4. Office Buildings, Business Commercial, and Professional Offices	
5. Sports Arena, Outdoor Spectator Sports	
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters	

Notes:

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

Normally Acceptable:

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

Conditionally Acceptable:

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

Unacceptable:

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

City of San José Municipal Code

The Municipal Code restricts construction hours within 500 feet of a residential unit to 7:00 AM to 7:00 PM Monday through Friday, unless otherwise expressly allowed in a Development Permit or other planning approval.

The Zoning Ordinance limits noise levels to 55 dBA L_{eq} at any residential property line and 60 dBA L_{eq} at commercial property lines, unless otherwise expressly allowed in a Development Permit or other planning approval. The Zoning Ordinance also limits noise emitted by stand-by/backup and emergency generators to 55 decibels at the property line of residential properties. The testing of generators is limited to 7:00 AM to 7:00 PM, Monday through Friday.

4.7.1.3 *Existing Conditions*

As described in the Cisco Site 6 EIR, the existing noise environment at the project site results primarily from local vehicular traffic along SR 237 and North First Street. Aircraft associated with the Norman Y. Mineta San José International Airport also contribute to the noise environment.

An updated noise monitoring survey, consisting of two long-term and three short-term measurements, was made at the project site between November 16 and November 19, 2021, to document the current noise levels at the site and surrounding environment (as shown on Figure 4.7-1 and in Table 4.7-2).

Long-term measurement LT-1 was made from a utility pole near the corner of North First Street and Bay Vista Drive and quantifies the traffic noise along North First Street. The measurement was made approximately 30 feet from the centerline of the roadway. Hourly average noise levels at LT-1 typically ranged from 65 to 69 dBA L_{eq} during daytime hours (7:00 AM to 10:00 PM) and from 45 to 67 dBA L_{eq} during nighttime hours (10 PM to 7 AM). The day-night average noise level on November 17 and November 18, 2021, ranged from 70 to 71 dBA DNL.

Long-term measurement LT-2 was made from a utility pole near the entrance of the Homewood Suites Hotel along North First Street. LT-2 measured the traffic noise along SR 237 North First Street, with a setback of approximately 40 feet from the centerline of North First Street. Hourly average noise levels at LT-2 typically ranged from 71 to dBA L_{eq} during daytime hours and from 57 to 72 dBA L_{eq} during nighttime hours. The day-night average noise levels on November 17 and November 18, 2021, was 76 dBA DNL.

Short-term measurement ST-1 was made at the rear of the project site, approximately 500 feet from the centerline of North First Street. The primary noise source at the location of ST-1 was distant traffic noise, with noise levels ranging from 50 to 52 dBA. Occasional airplane flyovers generated noise levels of 53 to 54 dBA. The 10-minute L_{eq} measured at ST-1 was 51 dBA.

Short-term measurement ST-2 was made near the playground at the George Mayne Elementary School, along Tony P. Santos Way. The primary noise source at the location of ST-2 was traffic noise along North First Street, with noise levels ranging from 48 to 52 dBA. Vehicular noise levels along Tony P. Santos Way consisted of heavy trucks with noise levels ranging from 68 to 70 dBA

NOISE MEASUREMENT LOCATIONS | FIGURE 4.7-1

and automobiles with noise levels ranging from 62 to 64 dBA. During the measurement, a ringing school bell generated noise levels of 62 dBA, and airplane flyovers generated noise levels of 62 to 66 dBA. The 10-minute L_{eq} measured at ST-2 was 61 dBA.

Short-term measurement ST-3 was made at the mobile home park southwest of the project site, along Channel Drive. Ambient noise levels at ST-3 ranged from 42 to 44 dBA. The primary noise source at the location of ST-3 was airplane flyovers, which generated levels of 52 to 73 dBA. The 10-minute L_{eq} measured at ST-3 was 59 dBA.

Table 4.7-2: Summary of Short-Term Measurements (dBA)

Noise Measurement Location (Date, Time)	**L_{max}**	**$L_{(1)}$**	**$L_{(10)}$**	**$L_{(50)}$**	**$L_{(90)}$**	**L_{eq}**
ST-1: Rear of the project site (November 16, 2021, 12:00 to 12:10 PM)	56	54	53	50	48	51
ST-2: Near George Mayne Elementary School playground (November 16, 2021, 12:30 to 12:40 PM)	73	71	66	55	46	61
ST-3: At the mobile home park southwest of the project site (November 16, 2021, 1:10 to 1:20 PM)	73	71	64	45	43	59

Notes:

L_{max} = The maximum A-weighted noise level during the measurement period.

$L_{(1)}$, $L_{(10)}$, $L_{(50)}$), $L_{(90)}$ = The A-weighted noise levels that are exceeded one percent, 10 percent, 50 percent, and 90 percent of the time during the measurement period.

$L_{eq(10)}$ = The average A-weighted noise level during the measurement period (over a 10-minute interval)

DNL = Day/night average noise level, the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 PM and 7:00 AM

Source: Illingworth & Rodkin. *Second Harvest Food Bank Noise and Vibration Assessment*. April 1, 2022.

Noise Sensitive Receptors

Noise sensitive receptors in the project area include George Mayne Elementary School approximately 170 feet north of the site, the Balaji Temple (containing a residence) approximately 150 feet north of the site,[28] the single-family residences approximately 770 feet west of the site, the mobile home park approximately 1,635 feet southwest of the site, and the hotel approximately 1,260 feet east of the site.

[28] Based on the project's noise assessment, the City's noise standards applicable to residential uses were also applicable the Balaji Temple across North First Street.

4.7.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
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?	☐	☐	☐	☒	☐

The Cisco Site 6 EIR concluded that with the implementation of noise control mitigation measures to reduce project-generated traffic noise impacts to the George Mayne School (across North First Street) and nearby residences, and standard construction noise mitigation, the Cisco Site 6 project would result in a less than significant noise impact. It was also included that if pile driving is implemented during construction, the Cisco Site 6 project would result in a significant and unavoidable noise impact with mitigation.

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?

Temporary Noise Increase from Project Construction

A significant temporary noise impact would be identified if construction would occur outside of the hours specified in the City's Municipal Code or if construction noise levels were to exceed the City's construction noise limits at adjacent noise sensitive land uses.

Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, the distance between construction noise sources and noise sensitive receptors and shielding. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (e.g., early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise-sensitive land uses, or when construction lasts over extended periods of time.

Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. Construction of the proposed project would involve excavation, grading, building construction, and paving. The hauling of excavated materials and construction materials would generate truck trips and local roadways, which would contribute to noise levels.

Construction activities for individual projects are typically carried out in phases. During each phase of construction, there would be a different mix of equipment operating, and noise levels would vary by phase and within phases, based on the amount of equipment in operation and the location at which the equipment is operating. The typical range of maximum instantaneous noise levels for the proposed project would be 70 to 90 dBA L_{max} at a distance of 50 feet. Hourly average noise levels generated by construction are about 75 to 89 dBA L_{eq} for warehouse buildings, measured 50 feet from the center of a busy construction site. Construction-generated noise levels drop off at a rate of about six dBA per doubling of the distance between the source and the receptor. Shielding by buildings or terrain often result in lower construction noise levels at distant receptors.
Project construction would have a duration of 15 months. Since project site is within 500 feet of existing residential uses and within 200 feet of existing commercial uses, this temporary construction impact would be subject to standard permit conditions to reduce construction noise in accordance with Policy EC-1.7 of the City's General Plan.

The Cisco Site 6 EIR identified mitigation measures that would reduce noise impacts to sensitive receptors from general project construction activities to a less than significant level. These measures include providing notice of planned construction activities, limiting construction hours, avoiding unnecessary idling of equipment, and the use of noise suppression devices. Since the certification of the Cisco Site 6 EIR, the City has updated the standard construction mitigation measures identified in the EIR. Therefore, the proposed project would implement the following standard permit conditions which are the functional equivalent of the construction mitigation identified in the Cisco Site 6 EIR and would replace the construction mitigation measures identified in the Cisco Site 6 EIR. Since construction activities would have a duration of more than 12 months, the proposed project is required to implement a noise logistics plan, per General Plan Policy EC-1.7. The standard permit conditions (which includes components of a noise logistics plan) include construction of solid plywood fences around construction sites adjacent to operational businesses, residences, or noise-sensitive land uses and temporary noise barriers to screen stationary noise-generating equipment near adjoining noise-sensitive land uses.

The proposed project would not result in any new or more significant construction-related impacts than were described in the Cisco Site 6 EIR. The proposed project would result in a short-term increase in noise levels in the project area during site preparation and construction activities, which could, if unregulated, adversely affect a noise-sensitive use.

Standard Permit Conditions: Consistent with the City's General Plan Policy EC-1.7, will implement the following measures, as documented in a noise logistics plan, to reduce construction noise levels as low as practical. A typical construction noise logistics plan will include, but would not be limited to, the following measures to reduce construction noise levels:

- 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 construction sites adjacent to operational businesses, residences, or noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers, which are in good condition and appropriate for the equipment.
- Prohibit all unnecessary idling of internal combustion engines.
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining noise-sensitive land uses.
- Utilize "quiet" models of 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 businesses, 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 the surrounding building facades that face the construction sites.
- Designate a disturbance coordinator who would be responsible for responding to 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. The telephone number of the disturbance coordinator shall be posted at the construction site and included in the notice sent to neighbors regarding the construction schedule.

With implementation of the above standard permit conditions listed, the temporary increase in noise levels from construction would be a less than significant impact, consistent with the Cisco Site 6 EIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

Permanent Noise Increases

A significant permanent noise increase would occur if project traffic resulted in an increase of 3 dBA DNL or greater at noise-sensitive land uses where existing or projected noise levels would equal or exceed the noise level considered satisfactory for the affected land use (60 dBA DNL for single-family residential areas) and/or an increase of 5 dBA DNL or greater at noise-sensitive land uses where noise levels would continue to be below those considered satisfactory for the affected land use.

A significant noise impact would be identified if on-site project operations (i.e., mechanical equipment or parking) would exceed 55 dBA DNL at adjacent residential property lines or 60 dBA DNL at adjacent commercial property lines.

Project-Generated Traffic Noise

The Cisco Site 6 EIR identified mitigation measures, including noise insulation treatments and window replacement, to reduce the Site 6 project traffic-generated traffic noise at the George Mayne Elementary school and nearby residential buildings to less than significant levels. The EIR concluded that outdoor uses at the park adjacent to George Mayne Elementary School were intermittent and that noise from the Cisco Site 6 project would not significantly impact the use of this active recreation area.

Based on the transportation analysis completed for the proposed project, the proposed warehouse/office project would generate 788 daily trips. The approved two unconstructed office/R&D buildings (246,107 square feet) entitled on the subject 10.47 acres would have generated 1,969 daily trips. The proposed warehouse/office project would generate 1,181 less daily trips than the approved office/R&D project.

Traffic Noise Model (TNM) modeling was completed for heavy trucks and standard vehicle traffic along North First Street that would be generated by the two approved/unconstructed office buildings (totaling 246,107 square feet) and the proposed 249,230 square foot warehouse/office project. It was assumed that one percent of AM and PM vehicle trips would be heavy trucks. This would result in eight heavy trucks during the AM and 11 trucks during the PM peak hours generated by the approved/unconstructed office buildings and 23 heavy trucks during the AM and 26 during the PM peak hours generated by the proposed warehouse/office project. The noise level increase due to peak hour traffic noise (including truck noise) generated by proposed project compared to the approved unconstructed office buildings during the peak hours was estimated to be 0.4 dB, which is a negligible/immeasurable (0 dBA DNL) noise increase.[29]

Therefore, the proposed warehouse/office project would not generate a measurable traffic noise increase when compared to the approved office/R&D project covered by the Cisco Site 6 EIR.

The Cisco Site 6 EIR identified noise mitigation measures to reduce traffic noise impacts from buildout of the project on George Mayne Elementary School and included implementation of noise treatments at George Mayne Elementary School along North First Street and two residences located at the intersection of North First Street and Tony P. Santos Street. These measures have been implemented since the certification of the Cisco Site 6 EIR. Therefore, no further mitigation is required for the proposed project's traffic noise.

Given the proposed project would generate less traffic than the entitled office project covered by the Cisco Site 6 EIR, the project would result in less of an increase in ambient noise levels when compared to the approved office/R&D project. Mitigation measures identified in the Cisco Site 6 EIR to reduce impacts to George Mayne Elementary School and nearby residences to less than significant have already been implemented. The proposed warehouse/office project would, therefore, not require mitigation to reduce traffic noise impacts to less than significant. **[Less Impact than Approved Project (Less than Significant Impact)]**

[29] Personal Communications. Email: Janello, Carrie, Illingworth & Rodkin (noise consultant). Re: 2nd Harvest Staff Comments on Air and Noise - For DJP&A Mtg with City on Fri 3/25/22. March 24, 2022

Mechanical Equipment Noise

The Cisco Site 6 EIR assumed that rooftop equipment would be shielded and would not have a significant impact on adjacent land uses. The EIR noted that if any subsequent projects proposed louder outdoor equipment such as generators, an acoustical analysis of the potential noise impacts of that equipment would be required as a part of the PD Permit. The noise analysis for the proposed warehouse/office development assessed worst-case scenario conditions for noise impacts from mechanical equipment (such as heating, ventilation, air conditioning systems, exhaust fans, chillers). The locations of such equipment were assumed to be the nearest building façade to the surrounding land uses. Assuming no reductions due to shielding effects or building elevations, the estimated mechanical equipment noise levels is summarized in Table 4.7-3.

Table 4.7-3: Estimated Mechanical Equipment Noise Levels at Receiving Land Uses

Receptor	Distance from Nearest Warehouse Building Façade	Hourly L_{eq}	DNL
School, north	180 feet	42 – 43 dBA	49 dBA
Religious assembly, north	190 feet	41 – 42 dBA	49 dBA
Residences, west	465 feet	34 – 25 dBA	41 dBA
Mobile homes, southwest	1,185 feet	26 – 27 dBA	33 dBA
Topgolf, west	295 feet	38 – 39 dBA	45 dBA
Commercial, east	165 feet	43 – 44 dBA	50 dBA
Commercial, north	195 feet	41 – 42 dBA	49 dBA
Hotel, east	840 feet	29 – 30 dBA	36 dBA

Hourly average noise levels would not exceed 55 dBA at the property lines of the surrounding noise-sensitive land uses or 60 dBA at commercial uses, and the day-night average thresholds included in the General Plan and Municipal Code would not be exceeded. Additionally, mechanical equipment noise would not result in a measurable or detectable increase over existing ambient noise levels (0 dBA DNL increase). Therefore, impacts from the project's mechanical equipment on adjacent land uses is less than significant, consistent with the Cisco Site 6 EIR conclusions.

The project also proposes two emergency generators with capacities of 3,000 kW and 600 kW. Typically, an unhoused (not covered with soundproofing or silencing material) 3,000 kW generator would produce up to 99 dBA at a distance of 23 feet, while a 600-kW generator would produce noise levels up to 91 dBA at 23 feet. With the inclusion of industrial silencers, exhaust noise would be reduced by 12 to 18 dBA, and with critical grade silencers, exhaust noise would be reduced by 25 to 35 dBA. Emergency generators are typically tested monthly for a period of one hour between 7:00 AM and 10:00 PM. Table 4.7-4 below summarizes the hourly average noise levels and day-night average noise levels expected at the property lines of the surrounding receptors, assuming the generators are located at the rear of the buildings. The generators would be located to the rear (south) of the proposed buildings. With this orientation, the school, temple, and commercial office buildings to the north of the site would be well shielded from the generator noise. Therefore, noise levels from

on-site generators at these receptors would be lower than noise levels at the receptors listed in the Table 4.7-4.

Table 4.7-4: Estimated Operational Noise Levels During Testing of the Emergency Generators at the Receiving Property Lines of the Surrounding Receptors

Receptor	Distance to Receiving Property Lines	Hourly L_{eq}, dBA	DNL, dBA	Noise Level Increase, DNL dBA
Residences, west	585 feet (west warehouse) 1,035 feet (east warehouse)	Up to 71 dBA[1] Up to 56 dBA[2] Up to 41 dBA[3]	58 dBA 43 dBA 28 dBA	0 dBA 0 dBA 0 dBA
Mobile homes, southwest	1,200 feet (west warehouse) 1,540 feet (east warehouse)	Up to 65 dBA Up to 50 dBA Up to 35 dBA	51 dBA 36 dBA 21 dBA	0 dBA 0 dBA 0 dBA
Topgolf, west	300 feet (west warehouse) 800 feet (east warehouse)	Up to 77 dBA Up to 62 dBA Up to 47 dBA	63 dBA 48 dBA 33 dBA	1 dBA 0 dBA 0 dBA
Commercial, east	630 feet (west warehouse) 175 (east warehouse)	Up to 82 dBA Up to 67 dBA Up to 52 dBA	68 dBA 53 dBA 38 dBA	1 dBA 0 dBA 0 dBA
Hotel, southeast	1,300 feet (west warehouse), 840 feet (east warehouse)	Up to 68 dBA Up to 53 dBA Up to 38 dBA	54 dBA 39 dBA 24 dBA	0 dBA 0 dBA 0 dBA

[1] Assuming the 3,000-kW generator is located at the nearest warehouse building and both generators are unhoused.

[2] Assuming the 3,000-kW generator is located at the nearest warehouse building and both generators have industrial silencers with an average reduction of 15 dBA.

[3] Assuming the 3,000-kW generator is located at the nearest warehouse building and both generators have critical grade silencers with an average reduction of 30 dBA.

Source: Illingworth & Rodkin. *Second Harvest Food Bank Noise and Vibration Assessment*. April 1, 2022.

Based on the estimated noise levels show in Table 4.7-4 above, testing of the emergency generators would potentially exceed the City's General Plan threshold of 55 dBA DNL at the existing residences west of the project site if the generators are unhoused.[30] The City's Municipal Code requirements for receiving commercial uses would also potentially be exceeded at the adjoining commercial properties. Hourly average noise levels would also exceed 55 dBA at the residential property lines and exceed 60 dBA at the commercial property lines.

The project is required to ensure the proposed generators comply with the noise limits set forth by the Municipal Code. Thus, to ensure the project's consistency with the Municipal Code, the project will implement the following condition of approval.

[30] The noise assessment completed for the project assumed the generators were unhoused, to provide a conservative estimate.

Condition of Approval: The following condition of approval shall be implemented to reduce potential noise impacts.

- A detailed acoustical study shall be prepared during final building design to evaluate the potential noise generated by building mechanical equipment and demonstrate the necessary noise control to meet the City's 55 dBA DNL goal for nonresidential building equipment at residential property lines and the 60 dBA DNL at commercial property lines. Noise control features such as sound attenuators, baffles, and barriers shall be identified and evaluated to demonstrate that mechanical equipment noise would not exceed 55 dBA DNL at noise-sensitive locations or 60 dBA DNL at commercial properties around the project site. The noise control features identified by the study shall be incorporated into the project prior to issuance of a building permit.

  Additionally, final design plans would be revised by a qualified acoustical consultant to address any potential conflicts with the General Plan or Municipal Code.

Consistent with the Cisco Site 6 EIR conclusions, with implementation of the condition of approval listed above, noise levels from mechanical equipment would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Parking Lot Noise

The Cisco Site 6 EIR did not evaluate noise generated from parking lots The project proposes to include a surface parking lot containing 161 automobile spaces and 35 truck spaces. Noise sources associated with the use of the parking lots would include vehicular circulation, engine noise, door slams, and human voices. The maximum noise level of a passing car at 15 mph typically ranges from 45 to 55 dBA L_{max} at a distance of 100 feet. The noise generated during an engine start is similar. Door slams cause slightly lower noise levels. The hourly noise levels resulting from all of these noise-generating activities in a busy parking lot typically ranges from 40 to 50 dBA L_{eq} at a distance of 100 feet from the lot. Noise levels decrease at a rate of 6 dB per doubling of distance. Table 4.7-5 below shows the estimated parking lot noise at the surrounding receptors when the noise source is centered at the nearest parking area on the project site.

Table 4.7-5: Estimated Parking Lot Noise Levels

Receptor	Distance from Center of Nearest Parking Area	Hourly L_{eq}	DNL	Noise Level Increase, DNL
School, north	135 feet	37 – 47 dBA	41 dBA	0 dBA
Religious temple, north	150 feet	37 – 47 dBA	40 dBA	0 dBA
Residences, west	570 feet	25 – 35 dBA	28 dBA	0 dBA
Mobile homes, southwest	1,530 feet	16 – 26 dBA	20 dBA	0 dBA

Table 4.7-5: Estimated Parking Lot Noise Levels				
Receptor	**Distance from Center of Nearest Parking Area**	**Hourly L_{eq}**	**DNL**	**Noise Level Increase, DNL**
Topgolf, west	475 feet	27 – 37 dBA	30 dBA	0 dBA
Commercial, east	450 feet	27 – 37 dBA	30 dBA	0 dBA
Commercial, north	150 feet	37 – 47 dBA	40 dBA	0 dBA
Hotel, southeast	1,100 feet	19 – 29 dBA	22 dBA	0 dBA
Source: Illingworth & Rodkin. *Second Harvest Food Bank Noise and Vibration Assessment*. April 1, 2022.				

As shown in Table 4.7-5, noise levels resulting from parking activities would be well below ambient noise levels due to traffic along local roadways, and the proposed parking lot and associated parking activities would not contribute to ambient noise levels in the area. Therefore, impacts would be less than significant. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Truck Deliveries

The Cisco Site 6 EIR indicated that loading dock operational noise would be limited to 55 dB L_{dn} at the property line to meet the General Plan guideline in effect at the time, but because specific locations had not been determined, the EIR indicated that a noise analysis of loading dock operation would be submitted prior to PD Permit verifying that noise would meet the guideline. The City's current standard for on-site project operations in the Envision San Jose 2040 General Plan is 55 dBA DNL at adjacent residential property lines or 60 dBA DNL at adjacent commercial property lines.

The proposed project would include about 100 daily truck trips, 41 of which would be refrigerated trucks. Twenty-five total truck loading docks would be located at the rear of the proposed warehouses. According to the traffic study (refer to Appendix F), 96 truck trips at the project site would occur between 7:00 AM and 10:00 PM, with peak AM and peak PM trips of 18 trucks each. The remaining four truck trips would occur between 10:00 PM and 7:00 AM, which would be considered nighttime hours.

Truck delivery noise would include maneuvering activities occurring at the loading docks and truck parking spaces at the rear of the buildings, as well as truck pass-by activities occurring at driveways and along roadways, specifically along the eastern and western boundaries of the project site.

Trucks maneuvering would generate a combination of engine, exhaust, and tire noise, as well as the intermittent sounds of back-up alarms and releases of compressed air associated with truck/trailer air brakes. Heavy trucks used for incoming deliveries typically generate maximum instantaneous noise levels of 70 to 75 dBA L_{max} at a distance of 50 feet. The noise level of backup alarms can vary depending on the type and directionality of the sound, but maximum noise levels are typically in the range of 65 to 75 dBA L_{max} at a distance of 50 feet. Hourly average noise levels due to truck maneuvering would range from 65 to 75 dBA L_{eq} at 50 feet. Due to the orientation of the buildings, the religious assembly use (including the residence), elementary school, and the offices to the north

would be shielded from all traffic maneuvering and would not be considered receptors for this noise source. Table 4.7-6 below summarizes the estimated truck maneuvering noises at the surrounding receptors.

Table 4.7-6: Estimated Truck Maneuvering Noise Levels at Receiving Land Uses				
Receptor	**Distance from Center of Nearest Truck Parking Area**	**Hourly L_{eq}**	**DNL**	**Noise Level Increase, DNL**
School, north	525 feet	45 – 50 dBA	43 dBA	0 dBA
Residences, west	640 feet	43 – 48 dBA	41 dBA	0 dBA
Mobile homes, southwest	1,100 feet	38 – 43 dBA	36 dBA	0 dBA
Topgolf, west	340 feet	48 – 53 dBA	46 dBA	0 dBA
Commercial, east	180 feet	54 – 59 dBA	52 dBA	0 dBA
Hotel, east	835 feet	41 – 46 dBA	39 dBA	0 dBA

Noise levels resulting from truck maneuvering activities would be at or below ambient noise levels due to existing traffic along local roadways. The proposed truck maneuvering activities would not measurably contribute to ambient noise levels in the area.

Additionally, noise levels resulting from diesel refrigerated trucks under high-speed driving conditions would be at or below ambient noise levels, as shown in Table 4.7-7 below.

Table 4.7-7: Estimated Refrigerated Truck Noise Levels at Receiving Land Uses				
Receptor	**Distance from Center of Nearest Truck Parking Area**	**Hourly L_{eq}**	**DNL**	**Noise Level Increase, DNL**
School, north	525 feet	52 dBA	48 dBA	0 dBA
Residences, west	640 feet	50 dBA	47 dBA	0 dBA
Mobile homes, southwest	1,100 feet	45 dBA	42 dBA	0 dBA
Topgolf, west	340 feet	55 dBA	52 dBA	0 dBA
Commercial, east	180 feet	61 dBA	58 dBA	0 dBA
Hotel, southeast	835 feet	48 dBA	44 dBA	0 dBA

Table 4.7-8 below shows the estimated pass-by noise levels resulting from heavy trucks traveling at speeds of 15 to 25 mph. The Federal Highway Administration's Traffic Noise Model was used to model various hourly scenarios for truck traffic, based on the daily trip distribution provided in the traffic study for the project.

Table 4.7-8: Estimated Truck Pass-by Noise Levels at Receiving Land Uses				
Receptor	**Distance from Center of Nearest Driveway**	**Hourly L_{eq}**	**DNL**	**Noise Level Increase, DNL**
School, north	105 feet	47 – 54 dBA	49 dBA	0 dBA
Religious temple, north	450 feet	34 – 41 dBA	36 dBA	0 dBA
Residences, west	390 feet	36 – 42 dBA	37 dBA	0 dBA
Mobile homes, southwest	1,160 feet	26 – 33 dBA	28 dBA	0 dBA
Topgolf, west	270 feet	39 – 45 dBA	40 dBA	0 dBA
Commercial, east	95 feet	48 – 54 dBA	49 dBA	0 dBA
Commercial, north	160 feet	43 – 50 dBA	45 dBA	0 dBA
Hotel, southeast	765 feet	30 – 36 dBA	31 dBA	0 dBA

As shown in Table 4.7-8, neither hourly noise levels nor day-night average thresholds would exceed the 55 dBA residential threshold (also used for the nearby religious temple, school, and hotel) or 60 dBA commercial threshold. Therefore, noise levels generated by the project's truck deliveries would not be in excess of City standards. **[Same As Approved Project (Less Than Significant Impact)]**

Total Combined Operational Project-Generated Noise

The operational noise levels produced by the proposed project combined (traffic, mechanical equipment, parking lot, truck loading/unloading activities, refrigeration trucks, and truck pass-bys) would not substantially increase ambient noise levels in the project vicinity. As discussed previously, traffic noise mitigation has been implemented for the combined effects of all Cisco Site 6 traffic roadway noise impacts. The total noise level increase due to the proposed project would be one dBA DNL or less. Operational noise levels would not exceed 55 dBA DNL at the nearest residential, elementary school, or religious temple land uses or 60 dBA at the nearest commercial land uses with the incorporation of the City's standard permit conditions. For these reasons, the proposed project would have a less than significant impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

A significant impact would be identified if the construction of the project would expose persons to excessive vibration levels. Groundborne vibration levels exceeding 0.2 in/sec PPV would have the potential to result in cosmetic damage to buildings of normal conventional construction and vibration

levels exceeding 0.08 in/sec PPV could result in cosmetic damage to historic buildings or buildings documented as structurally weakened.

Project construction may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation work, foundation work, and new building framing and finishing. Pile driving equipment, which can cause excessive vibration, is not expected to be required for the proposed project. Accordingly, the project shall implement the below condition of approval.

- **Condition of Approval:** Pile driving shall not be used during construction of the proposed project.

Table 4.7-9 below presents typical vibration levels that could be expected from construction equipment at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 4.7-9 also summarizes the distances to the 0.08 in/sec PPV threshold for historical buildings and to the 0.2 in/sec PPV threshold for all other buildings.

Table 4.7-9: Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 feet (in/sec)	Minimum Distance to Meet 0.08 in/sec PPV (feet)	Minimum Distance to meet 0.2 in/sec PPV (feet)
Clam shovel drop		0.202	59	26
Hydromill (slurry wall)	in soil	0.008	4	2
	in rock	0.017	7	3
Vibratory roller		0.210	61	27
Hoe ram		0.089	28	13
Large bulldozer		0.089	28	13
Caisson drilling		0.089	28	13
Loaded trucks		0.076	24	11
Jackhammer		0.035	12	6
Small bulldozer		0.003	2	<1

According to Policy EC-2.3 of the City's General Plan, a vibration limit of 0.08 in/sec PPV shall be used to minimize the potential for cosmetic damage to sensitive historical resources, and a vibration limit of 0.20 in/sec PPV shall be used to minimize damage at buildings of conventional construction.

The nearest historical building is located 0.4-mile northwest of the project site. At this distance, vibration levels due to construction activities at the project site would be 0.002 in/sec PPV or below and would not impact the historical building. All buildings in the immediate vicinity of the project site consist of conventional construction materials and would be subject to the City's 0.2 in/sec PPV threshold.

Vibration levels at each of the surrounding buildings in the project vicinity were summarized in the noise assessment (see Appendix F, Table 12). The construction of the project would not generate vibration levels exceeding the General Plan threshold of 0.08 in/sec PPV at the nearest historic properties or the City's 0.2 in/sec PPV threshold at the nonhistorical buildings surrounding the project site.

The Cisco Site 6 EIR assumed that pile driving during construction could occur and concluded this activity would result in a significant and unavoidable impact to adjacent receptors. However, the proposed project would not include pile driving or the use of other high vibratory equipment during construction. As a result, the project's construction-related vibration impact would be less than the impact assumed in the Cisco Site 6 EIR. The Cisco Site 6 EIR pile driving mitigation measures would not be necessary for the project. **[Less Impact than Approved Project (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 four miles southwest of the proposed project site. The Cisco Site 6 EIR concluded that according to Mineta San José International Airport contour maps prepared for the aircraft noise levels at the project site during the fourth quarter of 1997 were less than 65 CNEL. According to the City's current 2018 Airport Master Plan EIR, the project site lies well outside the 60 dBA CNEL/DNL contour line. The proposed project would be compatible with the City's exterior noise standards for aircraft noise. Therefore, consistent with the Cisco Site 6 project, the proposed project would not expose the project site or area to excessive aircraft noise levels. **[Same Impact as Approved Project (No Impact)]**

4.7.2.2 *Cumulative Impacts*

The Cisco Site 6 EIR concluded that cumulative projects (including the Cisco Site 6 project) would result in significant and unavoidable cumulative impacts resulting from increases in operational traffic noise, and mechanical equipment noise. The project would contribute to the identified cumulative noise impacts. The proposed project would generate less traffic noise than assumed for the office/R&D covered in the Cisco Site 6 EIR. Operational trucks would generate noise that would be below ambient levels. Consistent with the Cisco Site 6 EIR mitigation and mitigation assumed for cumulative projects to reduce mechanical equipment noise, the project would implement standard permit conditions to reduce mechanical equipment noise at adjacent uses to less than significant levels per established City noise policies. The project would contribute to the significant and unavoidable cumulative noise impact identified in the Cisco Site 6 EIR, however, the project's contribution to the impact is consistent with what was assumed in the Cisco Site 6 EIR. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

4.8 TRANSPORTATION

The following discussion is based, in part, on a Local Transportation Analysis (LTA) completed by Hexagon Transportation Consultants, Inc., dated March 31, 2022. The report is attached as Appendix G of this Initial Study.

4.8.1 Environmental Setting

4.8.1.1 *Regulatory Framework*

State

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 2050 in July 2021,[31] which includes the region's Sustainable Communities Strategy and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Senate Bill 743

SB 743, which became effective September 2013, initiated reforms to the CEQA Guidelines to establish new criteria for determining the significance of transportation impacts that "promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directs the Governor's Office of Planning and Research (OPR) to update the CEQA Guidelines to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the CEQA Guidelines implementing SB 743. SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize.

Congestion Management Program

The Valley Transportation Agency (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

[31] As noted in Section 4.4, Greenhouse Gas Emissions, Plan Bay Area 2050 was adopted by MTC and ABAG in October 2021 but has yet to be adopted by CARB.

Local

Envision San José 2040 General Plan

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

General Plan Policies: Transportation

Policy	Description
TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and VMT.
TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
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
TR-2.8	Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.
TR-3.3	As part of the development review process, require that new development along existing and planned transit facilities consist of land use and development types and intensities that contribute towards transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
TR-5.3	Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.
TR-9.1	Enhance, expand, and maintain facilities for walking and bicycling, particularly to connect with and ensure access to transit and to provide a safe and complete alternative transportation network that facilitates non-automobile trips.

City Council Policy 5-1

As established in City Council Policy 5-1 "Transportation Analysis Policy," the City of San José uses VMT as the metric to assess transportation impacts from new development, consistent with SB 743 and CEQA Guidelines section 15064.3. If a project's VMT does not meet the established VMT thresholds, mitigation measures would be required, where feasible. The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, including local transportation operations, intersection LOS, site access and circulation, neighborhood transportation issues such as pedestrian and bicycle access, and recommended/conditioned transportation improvements. Policy 5-1 also includes a provision, entitled "Subsequent Reviews", that recognizes development projects approved prior to the Policy's effective date (March 29, 2018) have pre-existing CEQA clearance based on LOS, and those projects are not subject to evaluation

using Policy 5-1's VMT thresholds if the proposed project is still within the scope of and fully evaluated in the previously approved environmental clearance and only minor technical changes have been made to the proposed project and there are no substantial changes to the project as defined in CEQA Guidelines Section 15162.

San José Better Bike Plan 2025

The San José Better Bike Plan 2025 establishes goals, policies, and actions to facilitate bicycling as a daily part of life in San José. The plan includes and describes designated bike lanes along many City streets, as well as designated bike corridors. In order to further the goals of the City, pedestrian and bicycle facilities are encouraged with new development projects.

VTA Better Bus Stop Program

The VTA's Better Bus Stop Program was implemented in 2020 to improve bus stop locations throughout VTA's network. Improvements include the implementation of shelters, information signs, metal benches, metal trash cans, solar lighting, and upgraded boarding areas with wider sidewalks.

4.8.1.2 *Existing Conditions*

Existing Roadway Network

Regional access to the project site is provided by SR 237. Local site access is provided by North First Street, Nortech Parkway, and Tony P. Santos Street, as described below.

SR 237 is a six-lane freeway that extends in an east-west direction between Sunnyvale and Milpitas and provides access to I-880 and US 101. Two of the six lanes (one in each direction) are designated as HOV/Toll lanes. Access to the project site from SR 237 is provided via its interchange with North First Street.

North First Street is designated as a Main Street in the project vicinity per the Envision San José 2040 General Plan and is a four- to six-lane arterial running through the center of North San José. It extends from downtown San José to Alviso. North First Street is four lanes wide along the project frontage between Tony P. Santos Street and SR 237. The roadway widens to six lanes between SR 237 and Tasman Drive. South of Tasman Drive, North First Street narrows to four lanes. The VTA's Santa Clara County Light Rail Transit (LRT) system operates in the median of the roadway between downtown San José and Tasman Drive. North First Street provides access to the project site via its intersection with Nortech Parkway and two driveways.

Nortech Parkway is an east-west two- to four-lane street that runs from North First Street to its eastern terminus east of Fortran Drive. Nortech Parkway provides access to and from the project site via its intersection with North First Street.

Tony P. Santos Street/Wilson Way is generally a north-south two-lane street that runs between North First Street and Grand Boulevard. Tony P. Santos Street provides access to and from the project site via its intersection with North First Street.

Existing Bicycle and Pedestrian Facilities

Bicycle Facilities

There are several bike lanes and bike paths in the vicinity of the project site. Bicycle facilities are divided into four classes of relative significance. Class I bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Class III bikeways are bike routes and only have signs to help guide bicyclists on recommended routes to certain locations. Class IV bicycle facilities (bike lanes protected/buffered by flexible bollards or permanent barriers) are currently being installed throughout the City as part of the Better Bikeways project.

Class II bicycle facilities (striped bike lanes) are provided along the following roadways within the project vicinity:

- Nortech Parkway, along its entire length
- Disk Drive, along its entire length
- Holger Way, along its entire length
- North First Street, between Brokaw Road and Michigan Avenue (with the exception of the southbound side between Tony P. Santos Street and the SR 237 eastbound ramps)
- Tasman Drive, along its entire length within city limits

The Guadalupe River multi-use trail system runs through the City of San José along the Guadalupe River and is shared between pedestrians and bicyclists and separated from motor vehicle traffic. The Guadalupe River Trail is an 11-mile Class I bikeway from Curtner Avenue to Willow Street, and between Virginia Street and Palm Street to Alviso. This trail system can be accessed at the North First Street and SR 237 eastbound ramps and Oakcrest Estates, located approximately 0.5-mile south of the project site. Existing bicycle facilities are shown on Figure 4.8-1.

Pedestrian Facilities

Pedestrian facilities in the study area consist mostly of sidewalks along the previously described local roadways, with a few exceptions. Within the vicinity, there are sidewalks along the following roadways, with noted missing sidewalks:

North First Street. Sidewalks are found along both sides of North First Street south of the SR 237 eastbound ramps and north of Syntax Court. However, no sidewalks are present along the west side of the North First Street between Syntax Court and the SR 237 westbound ramps. There also is no sidewalk along the east side of the North First Street overpass of SR 237.

Source: Hexagon Transportation Consultants, Inc., January 18, 2022.

EXISTING BICYCLE FACILITIES | FIGURE 4.8-1

Tony P. Santos Street. Sidewalks are mostly found along both sides of Tony P. Santos Street/Wilson Street.. However, no sidewalks are present along the west side of Tony P. Santos Street between North First Street and Wilson Way.

Grand Boulevard. Sidewalks are found along both sides of Grand Boulevard between North First Street and Archer Street. However, no sidewalks are present along the north side of Grand Boulevard between Archer Street and Disk Drive.

The existing sidewalks and pedestrian facilities have good connectivity and provide pedestrians with safe routes to the surrounding pedestrian destinations in the area.

Existing Transit Services

Existing transit service to the project site and vicinity is provided by the VTA, as shown on Figure 4.8-2.

Bus Service

The nearest bus stops to the project site are located along its North First Street frontage near its intersections with Nortech Parkway and Tony P. Santos Street. Local Route 59 provides service between Saratoga/Stevens Creek and the Baypointe LRT Station on Tasman Drive. Route 59 operates along North First Street in the project vicinity, with 30-minute headways during the weekday peak commute hours. Bus stops for Route 59 are situated on the east and west sides of North First Street, just north of Nortech Parkway and Tony P. Santos Street.

VTA Light Rail Transit Service

LRT service is provided in the project area by VTA. The Tasman LRT Station is located along North First Street, south of Tasman Drive, approximately 1.5 miles south of the project site. The Tasman LRT Station serves the Green and Blue LRT lines.

The Green Line provides service between Old Ironside Drive in Santa Clara and downtown Campbell/Los Gatos via downtown San José and operates from 5:30 AM to 12:30 AM with 30-minute headways during peak commute and midday hours. The Blue Line provides service from the Santa Teresa LRT station in south San José, through downtown San José to North San José where it terminates at the Baypointe LRT Station. The Blue Line operates between 5:00 AM and 1:00 AM with 20-minute headways during peak commute and midday hours. The Baypointe LRT Station is served by the Orange Line, which provides service between downtown Mountain View and Alum Rock via the Tasman Corridor. At the Milpitas Transit Center, the line bends south and runs along the Capitol Corridor and terminates in east San José south of Alum Rock Avenue. The Orange Line operates from 5:30 AM to 12:45 AM with 20-minute headways during peak commute and midday hours. The Orange Line provides service to the Great America and Milpitas Transit Stations which provide connections to other transit services (described below).

Source: Hexagon Transportation Consultants, Inc., January 18, 2022.

EXISTING PEDESTRIAN FACILITIES | FIGURE 4.8-2

Altamont Commuter Express Service

Altamont Commuter Express Service (ACE) provides commuter rail service between Stockton, Tracy, Pleasanton, and San José during commute hours, Monday through Friday. Service is limited to four westbound trips in the morning and four eastbound trips in the afternoon and evening with headways averaging 60 minutes. ACE trains stop at the Great America Station between 6:03 AM and 9:25 AM in the westbound direction, and between 3:49 PM and 6:52 PM in the eastbound direction.

Bay Area Rapid Transit Service

Bay Area Rapid Transit Service (BART) provides service during the work week between 5:00 AM and 12:00 AM Monday through Friday. BART provides service between 6:00 AM and midnight on Saturdays, and between 8:00 AM and 9:00 PM on Sundays. The Milpitas BART Station is served by the Richmond to Berryessa/North San José Orange Line and by the Berryessa/North San José to Daly City Green Line, which operate on 20-minute headways throughout the day.

4.8.1.3 *Freeway Segment Evaluation*

The City of San José is required to conform to the requirements of the VTA which established a uniform program for evaluating the transportation impacts of land use decisions on the designated CMP Roadway System. The VTA's CMP has yet to adopt and implement guidelines and standards for the evaluation of the CMP roadway system using VMT. Therefore, the effects of the proposed project on freeway segments in the vicinity of the project were evaluated following the current methodologies as outlined in the VTA Transportation Impact Analysis Guidelines.

Per CMP guidelines, freeway segment LOS analysis was conducted on all segments to which the project is projected to add one percent or more to the segment capacity. Since the project is not projected to add one percent to any freeway segments in the area, freeway analysis for the CMP was not required.

4.8.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, 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 uses (e.g., farm equipment)?	☐	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☐	☒	☐

The 2000 Cisco Site 6 EIR identified significant and unavoidable impacts to three CMP intersections in Santa Clara, three City of Milpitas intersections, and 10 regional freeway segments. The City Council adopted a statement of overriding considerations for these significant unavoidable traffic impacts, finding a) there were no feasible mitigations or alternatives to substantially lessen the impacts, and b) the project benefits outweighed the significant impacts.

The 2000 Cisco Site 6 EIR included a comprehensive analysis of the combined effects of the full development of the 152.6-acre property with 2.325 million square feet of office/R&D uses on the freeway system and identified those impacts as significant and unavoidable. As noted above, the City Council, in approving the Planned Development Rezoning, adopted a statement of overriding considerations for the identified impacts to the freeway system

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

The 2000 Cisco Site 6 EIR identified a less than significant impact regarding transit, bicycle lanes, and pedestrian facilities. The 2000 EIR noted that the project applicant and the City would work with VTA to ensure that bus stops and duckouts are provided at appropriate locations within the public right of way. Bus stops have been provided at the locations shown on Figure 4.8-2.

New development projects in San José are required to encourage multi-modal travel, consistent with the goals and policies of the City's General Plan to reduce vehicle trip generation and VMT. In addition, the adopted Better Bike Plan 2025 establish goals, policies, and actions to facilitate

bicycling and designates bicycle lanes along many City streets. The project's consistency with these plans is described below.

Pedestrian and Bicycle Facilities

Pedestrian Facilities

As discussed under Section 4.8.1.2 Existing Conditions, pedestrian facilities in the area consist of sidewalks, crosswalks, and pedestrian signals. The project would continue to provide a sidewalk along the project site frontage on North First Street, connecting the project site to existing pedestrian facilities and destinations outside of the project site. Sidewalks are found along both sides of North First Street south of the SR 237 eastbound ramps and north of Syntax Court. However, no sidewalks are present along the west side of North First Street between Syntax Court and the SR 237 westbound ramps, or along the east side of the North First Street overpass of SR 237. Crosswalks with pedestrian signal heads are located at the signalized intersection of North First Street and Nortech Parkway. A crosswalk with rectangular rapid flashing beacons is also provided across North First Street on the north side of its intersection with Tony P. Santos Street. Overall, the existing network of sidewalks and crosswalks has good connectivity and would provide pedestrians with safe routes to transit services and other points of interest in the area. Therefore, the project would not conflict with policies related to pedestrian facilities.

Bicycle Facilities

As discussed under Section 4.8.1.2 Existing Conditions, there are bicycle lanes on Nortech Parkway, Disk Drive, Holger Way, North First Street, and Tasman Drive. Based on the San José Better Bike Plan 2025 Map, protected bicycle lanes are planned along North First Street north of SR 237.[32] The proposed project would not impede the implementation of the planned bicycle facilities. However, the full implementation of the improvements is beyond the means of the proposed project, given they may require right-of-way from adjacent properties and benefit multiple properties. The project applicant will implement the following condition of approval.

Condition of Approval: The project shall contribute a fair-share fee toward Class IV bicycle lane construction, per the Better Bike Plan 2025, along its North First Street Project frontages.

Pedestrian and Bicycle Improvements

As stated above, the project would not impede the implementation of planned bicycle facilities; however, the full implementation of the improvements is beyond the means of the proposed project. The project would be required to construct Class IV bicycle lanes. The project would implement the following conditions of approval for pedestrian and bicycle improvements.

[32] City of San José. *San Jose Better Bike Plan 2025 Interactive Map*. Accessed February 2, 2022. https://csj.maps.arcgis.com/apps/webappviewer/index.html?id=f5f8d005271c4300ba3f99cb90abb246

Condition of Approval: The project shall implement/contribute to the following pedestrian and bicycle improvements.

- Protected intersection signal modifications at the North First Street and Nortech Parkway intersection that include striped bike lanes adjacent to all crosswalks.

With implementation of the above condition of approval, the project would have a less than significant impact to pedestrian and bicycle facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

Transit Services

The 2000 Cisco Site 6 EIR identified a less than significant impact to transit service.

As discussed under Section 4.8.1.2 Existing Conditions, the project site is served directly by VTA bus line 59, which operates along North First Street. Bus stops for Route 59 are situated on the east and west sides of North First Street, north of Nortech Parkway and Tony P. Santos Street. With the convenient location of bus stops, it can be assumed that some employees and volunteers associated with operation of the proposed project would utilize the existing transit services. The existing transit service in the project area would have available capacity to accommodate the approximately nine new riders resulting from the proposed project.

The bus stops located along the project frontage near Nortech Parkway and Tony P. Santos Street provide only a bus sign with no amenities. As described under Section 4.8.1.1 Regulatory Framework, VTA's Better Bus Stop Program focuses on improving bus stop locations. The proposed project would not prohibit the improvement of the bus stops along its frontage. However, the project should work with VTA to allow for adequate space along its frontages to accommodate the future improvement of the bus stop, which would include wider sidewalks and a bus duck out. The project would implement the following condition of approval.

Condition of Approval: The project shall incorporate the following condition of approval to accommodate improvements planned at bus stops along the project frontage:

- VTA standard eight-foot by 40-foot boarding area, VTA standard seven-foot by 25-foot shelter pad, and 13-foot full-back and shelter shall be installed at each of the existing southbound Route 59 bus stops along the project frontage. The project shall include a connection between the bus stops and the pedestrian pathways into the project buildings. The final design shall be coordinated between the project and VTA.

Because the project would not prohibit the planned improvements along the project site's frontage, and with implementation of the above condition of approval, the proposed project would not interfere with the construction of planned transit facilities. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

CEQA Guidelines Section 15064.3 describes specific considerations for evaluating a project's transportation impacts, generally using VMT. However, the 2000 Cisco Site 6 EIR did not address VMT impacts, as neither CEQA nor City policy required it at the time. Transportation impacts of the Cisco development were evaluated using an intersection level-of-service (LOS) metric consistent with the City's transportation impact policy in effect at that time. In response to the passage of SB 743, as noted above in Regulatory Setting, the City adopted Council Policy 5-1, which includes VMT based thresholds used to evaluate a project's transportation impacts in conformance with Section 15064.3. However, Policy 5-1 included several 'pipeline' provisions for projects that predated the policy's effective date. The provision entitled "Subsequent Reviews" recognizes development projects approved prior to the Policy's effective date (3/29/2018) have pre-existing CEQA clearance based on LOS, and those projects are not subject to evaluation using Policy 5-1's VMT thresholds if the proposed project is still within the scope of and fully evaluated in the previously approved environmental clearance and only minor technical changes have been made to the proposed project and there are no substantial changes as defined in CEQA Guidelines Section 15162.

To demonstrate the proposed warehouse/office uses on the remaining undeveloped 10.47 acres of the Cisco Site 6 development are within the scope of the traffic analysis prepared for the EIR, a comparison of trip generation of the previously approved project to the proposed project, as discussed below, shows the proposed project would result in a reduction of estimated trips than if office/R&D uses were to be implemented on the site in accordance with the 2013 PD Permit which approved four office buildings.

As discussed previously, the 2000 Cisco Site 6 EIR analyzed LOS effects pursuant to CEQA Guidelines and the City's LOS Policy 5-3 in effect at the time. The 2000 Cisco Site 6 EIR identified a significant impact to multiple intersections and freeway segments. Consistent with the mitigation listed in the EIR, and consistent with the North San José Deficiency Plan, the Cisco Site 6 project constructed traffic improvements and paid fair share payments and Deficiency Plan fees required for each phase of development analyzed in the EIR. Given the development of the 10.47 acres with the proposed warehouse/office project will generate trips that are part of the 2.325 million square feet of development analyzed in the EIR, Deficiency Plan Fees will be paid for the project. The 2013 office project paid Deficiency Plan Fees only for the two of the four approved office buildings, indicating that fees are due for the remaining 10.47 acres to be developed with the proposed warehouse project.

Project Trip Generation Estimates

The magnitude of traffic added to the roadway system by the proposed project was estimated by multiplying the applicable trip generation rates based on land use by the size of the development, as described below.

Approved Office/Research & Development Space Trip Estimates

The estimate of trips for the approved 246,107 square feet of office/R&D space on the project site is based on trip rates in effect at the same time of the preparation of the traffic analysis completed for

the Cisco Site 6 EIR. The trip estimates used in the 2000 traffic analysis were based on City of San José trip rates for R&D space.

Proposed Warehouse Distribution/Office Space Trip Estimates

The magnitude of traffic generated by the proposed warehouse distribution/office space was estimated by applying the applicable trip generation rates, published in the Institute of Transportation (ITE) Trip Generation manual, to the size of the development. Trips were also estimated based on the site operations information provided by the applicant.

Net Project Trips

The net project trips reflect the comparison of trip generation for the approved and proposed uses of the project site. The proposed warehouse distribution/office space on the project site will result in a reduction in estimated trips to be generated by the project, regardless of the trip rates used.

The project's proposed trip generation estimates are shown in Table 4.8-1.

Table 4.8-1: Project Trip Generation Estimates															
Land Use	**Size (square feet)**	**Daily**		**AM Peak Hour**						**PM Peak Hour**					
		Rate	**Trips**	**Rate**	**In**	**Out**	**In**	**Out**	**Trips**	**Rate**	**In**	**Out**	**In**	**Out**	**Trips**
Approved Office Space															
Two Office Buildings[1]	246,107	8.00	1,969	16%	80%	20%	252	63	315	14%	10%	90%	28	248	276
Proposed Warehouse Distribution Space (ITE estimates)															
Warehouse[2]	209,603	1.71	358	0.17	77%	23%	28	8	36	0.18	28%	72%	11	27	38
Office[3]	39,627	10.84	430	1.52	88%	12%	53	7	60	1.44	17%	83%	10	47	57
Total Project Trips		-	**788**	-	-	-	**81**	**15**	**96**	-	-	-	**21**	**74**	**95**
Net Project Trips (Proposed - Approved)		-	**-1,181**	-	-	-	**-171**	**-48**	**-219**	-	-	-	**-7**	**-174**	**-181**
Proposed Warehouse Distribution Space (Applicant-Provided Information)															
Warehouse[4]	249,230	3.563	888	-	-	-	235	49	314	-	-	-	37	227	264
Net Project Trips (Proposed - Approved)		-	**-1,081**	-	-	-	**-13**	**-14**	**-1**	-	-	-	**9**	**-21**	**-12**

[1] Trip rate source: Interim Guidelines for Traffic Impact Analysis of Land Developments, June 1994. Based on the original Cisco Site 6 EIR traffic study.

[2] Trip rate source: ITE Trip Generation Manual, 11th Edition. Land Use Code #150 – Warehousing. 2021.

3 Trip rate source: ITE Trip Generation Manual, 11th Edition. Land Use Code #710 – General Office Building. 2021.

4 Trip rate source: Applicant.

Source: Hexagon Transportation Consultants. *Second Harvest Food Bank Local Transportation Analysis.* January 18, 2022.

Since the proposed warehouse/office uses would result in a net decrease in trips as compared to the approved project,[33] the proposed warehouse/office is still within the scope of and fully evaluated in the previously certified EIR and only minor technical changes have been made to the proposed project and there are no substantial changes, and the project is in compliance with the 'pipeline' provisions of Policy 5-1, and the project would not therefore conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

Given the project is covered under an EIR based on LOS, under Council Policy 5-1's provisions for 'pipeline projects', an intersection operations analysis was completed. The LOS analysis of 49 intersections prepared for the Cisco Site 6 EIR does not need to be reevaluated for the proposed warehouse/office project. Rather a comparison is required of the warehouse use trip generation to office/R&D trip generation evaluated in the Cisco Site 6 EIR, to confirm the warehouse use would not generate additional traffic. A trip generation comparison is sufficient to show that the warehouse use would be covered by the prior LOS analysis of the 49 intersections. Consistent with Policy 5-1 requirement for a LTA, the project's effects at intersections that provide primary access to the project site have been evaluated under background conditions. The LTA analysis covered AM and PM peak hour traffic conditions for the following intersections:

1. North First Street and SR 237 (N) (signalized)
2. North First Street and SR 237 (S) (signalized)
3. North First Street and Nortech Parkway (signalized)

Traffic conditions were evaluated for the following scenarios:

- **Existing Conditions.** Existing peak hour traffic volumes at all study intersections were obtained from the City of San José or recently completed traffic studies. Due to the current COVID-19 pandemic and its effect on traffic patterns, the City of San José is requiring that all new traffic counts for study intersections be put on hold until further notice. Therefore, as recommended by City staff, a one percent compounded annual growth factor was applied to traffic counts that are older than two years to estimate traffic conditions in 2021.
- **Background Conditions.** The background traffic scenario predicts a realistic scenario that would occur as approved development is built. Background peak hour traffic volumes were estimated by adding to existing volumes the estimated traffic from approved but not yet constructed developments. The added traffic from approved but not yet constructed developments was obtained from the City of San José's Approved Trips Inventory. This includes trips from the approved 2013 PD Permit that allowed four office buildings that has not been fully implemented. Existing traffic volumes were adjusted at the study intersections

[33] Peak hour trips generated is based on the total peak hour trips (vehicles entering the site during the peak hour plus vehicles exiting the site during the peak hour). Although there would be an increase there would be an increase in nine peak hour trips entering the project site for the proposed warehouse/office use (compared to the approved office/R&D use) during the PM, the total PM peak hour trips would decrease by 12 trips. Also, the original site operations scope has been reduced from when analysis began on the project report. The revised project information from the applicant results in an approximately 30 percent reduction in daily trips, 70 percent reduction in AM peak hour trips, and 50 percent reduction in PM peak hour trips.

to reflect current vacancies in surrounding buildings. The volume adjustments were based on field observations of parking occupancy at the surrounding buildings.

- **Background Plus Project Conditions.** Project trips were added to background traffic volumes to obtain background plus project traffic volumes. Trips from the two unbuilt office buildings on the site included in the Background Conditions were removed, to reflect that the site would now be developed with a warehouse/office use. A passenger-car equivalent factor of two was applied to the proposed number of trucks in the LOS and queuing calculations.

Intersection Level of Service Methodology and Standards

Traffic conditions at the study intersections were evaluated using LOS. LOS is a qualitative description of operating conditions ranging from LOS A, or free-flow conditions with little or no delay, to LOS F, or jammed conditions with excessive delays. The correlation between average delay and LOS for signalized intersections is shown in Table 4.8-2.

Table 4.8-2: Intersection Level of Service Definitions Based on Delay		
Level of Service	**Description**	**Average Control Delay per Vehicle[1]**
A	Operations with very low delay occurring with favorable progression and/or short cycle lengths.	10.0 or less
B	Operations with low delay occurring with good progression and/or short cycle lengths.	10.1 to 12.0 12.1 to 18.0 18.1 to 20.0
C	Operations with average delays resulting from fair progression and/or longer cycle lengths. Individual cycle failures begin to appear.	20.1 to 23.0 23.1 to 32.0 32.1 to 35.0
D	Operations with longer delays due to a combination of unfavorable progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable.	35.1 to 39.0 39.1 to 51.0 51.1 to 55.0
E	Operations with high delay indicating poor progression, long cycle lengths, and high V/C ratios. Individual cycle failures are frequent occurrences. This is considered to be the limit of acceptable delay.	55.1 to 60.0 60.1 to 75.0 75.1 to 80.0
F	Operation with delays unacceptable to most drivers occurring due to over saturation, poor progression, or very long cycle lengths.	Greater than 80.0

[1] Measured in seconds.

Source: Hexagon Transportation Consultants. *Second Harvest Food Bank Local Transportation Analysis.* January 18, 2022.

City of San José Definition of Adverse Intersection Operations Effects

According to the City of San Jose's Transportation Analysis Handbook 2018 and CMP standards, an adverse effect on intersection operations occurs if for either peak hour:

1. The level of service at the intersection degrades from an acceptable level (LOS D or better) under background conditions to an unacceptable level under background plus project conditions, or
2. The level of service at the intersection is an unacceptable level (LOS E or F) under background conditions and the addition of project trips cause both the critical-movement delay at the intersection to increase by four or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

The exception to this threshold is when the addition of project traffic reduces the amount of average control delay for critical movements, i.e., the change in average control delay for critical movements is negative. In this case, the threshold is when the project increases the critical v/c value by 0.01 or more.

Conformance to VTA's Congestion Management Program Standards

Based on CMP criteria, a project would not meet the CMP intersection standards if the additional project traffic caused one of the following during either peak hour:

1. The level of service at the intersection degrades from an acceptable LOS E or better under background conditions to an unacceptable LOS F under project conditions, or

2. The level of service at the intersection is an unacceptable LOS F under background conditions and the addition of project trips causes both the critical-movement delay at the intersection to increase by four (4) or more seconds and the volume-to-capacity ratio (V/C) to increase by one percent (.01) or more.

An exception to this rule applies when the addition of project traffic reduces the amount of average delay for critical movements (i.e. the change in average delay for critical movements is negative). In this case, the threshold is an increase in the critical V/C value by 0.01 or more.

Intersection Level of Service Analysis

The project's LOS results at the three sections discussed above are shown in Table 4.8-3 and were compared to the City of San José's intersection and VTA's Congestion Management Program (CMP) operations standards listed above.

Table 4.8-3: Intersection Level of Service Results											
Intersection	**LOS Standard**	**Peak Hour**	**Count Date**	**Existing Conditions**		**Background Conditions**		**Background Plus Project Conditions**			
				Average Delay	**LOS**	**Average Delay**	**LOS**	**Average Delay**	**LOS**	**Increase in Critical Delay**	**Increase in Critical V/C**
North First Street and SR 237 (N)*	D	AM	10/07/15	19.7	B	**93.3**	**F**	**96.4**	**F**	**3.9**	**0.009**
		PM	11/01/18	15.3	B	**210.5**	**F**	**208.5**	**F**	**-1.2**	**-0.002**
North First Street and SR 237 (S)*	D	AM	10/12/16	26.2	C	**61.3**	**E**	**62.0**	**E**	**0.8**	**0.002**
		PM	11/01/18	22.8	C	36.2	D	36.3	D	0.2	0.001
North First Street and Nortech Parkway	D	AM	11/01/18	15.0	B	20.5	C	20.3	C	-0.1	-0.005
		PM	11/01/18	12.5	B	24.0	C	25.4	C	3.5	0.012

* Denotes CMP intersection

Bold text indicates unacceptable level of service.

Source: Hexagon Transportation Consultants. *Second Harvest Food Bank Local Transportation Analysis.* January 18, 2022.

Existing Conditions. The results of the LOS analysis show that each of the study intersections is currently operating at acceptable levels of LOS (LOS C or better).

Background Conditions. The results of the LOS analysis show that the following two intersections are projected to operate at unacceptable LOS during at least one of the peak hours under background conditions based on the City of San José intersection operations standard of LOS D.

1. North First Street and SR 237 (N) – AM and PM peak hours
2. North First Street and SR 237 (S) – AM peak hour

The following CMP designated intersection is projected to operate at unacceptable LOS F conditions during both peak hours based on the CMP LOS standard of LOS E:

1. North First Street and SR 237 (N) – AM and PM peak hours

The remaining intersection (North First Street/Nortech Parkway) is projected to operate at acceptable LOS under background conditions during both AM and PM peak hours.

Background Plus Project Conditions. The results of the LOS analysis show that the same two intersections identified to operate at unacceptable LOS under background conditions would continue to operate at the same LOS under background plus project conditions. The net added trips from the proposed project would not result in an adverse effect on either intersection.

The projected LOS F conditions under background plus project conditions would not be in conformance with the CMP LOS E standard at the North First Street and SR 237 (N) intersection, which is a CMP designated intersection. The added trips as a result of the proposed project would not have an adverse effect on intersection operations at the remaining study intersection based on the City of San José guidelines.

Given the proposed project would generate less peak hour trips when compared to the approved office/R&D project, the project's contribution to LOS intersection impacts would not be more than what was assumed in the Cisco Site 6 EIR. The Cisco Site 6 EIR included mitigation measures/improvements to reduce impacts to the Zanker Road/Trimble Road, First Street/Tasman Drive, First Street/Rio Robles, and First Street/River Oaks Parkway intersections to less than significant. The proposed project would not contribute to the impacts at these intersections and therefore would not be required to implement improvements. The project would have less of a LOS impact on local intersections than identified in the Cisco Site 6 EIR. **[Less Impact than Approved Project (Less than Significant Impact]**

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

The 2000 Cisco Site 6 EIR concluded that the Cisco Site 6 project would add traffic and contribute to an existing alignment and sight distance impediment at North First Street at Tony P. Santos Way. Mitigation in the EIR that required the Site 6 project to realign and reconstruct North First Street near the intersection with Tony P. Santos Way to improve the intersection geometry and sight distance has already been implemented. Therefore, the proposed project would not be required to implement or contribute toward these improvements identified in the Cisco Site 6 EIR.

Site Access and Circulation

Vehicular access to the project site would be provided via the North First Street and Nortech Parkway intersection as well as two driveways along North First Street. The northernmost driveway along North First Street will be located approximately 300 feet north of Tony P. Santos Street. The southern driveway would be located at the existing median break along North First Street at its intersection with Tony P. Santos Street. The northernmost driveway along North First Street will be restricted to right turns in and out due to the existing median along North First Street.

The northern project driveway along North First Street would be 42 feet wide with flaring to provide for the exit of trucks while the driveway at Tony P. Santos street is shown to be 26 feet wide. Based on the City's Municipal Code, the City's minimum width for a two-way driveway is 26 feet. Therefore, each of the project driveways would meet the City's minimum driveway width requirement.

Driver Sight Distance

Adequate sight distance will be required at each of the project driveways along North First Street. The project driveways should be free and clear of any obstructions to provide adequate sight distance, thereby ensuring that exiting vehicles can see pedestrians on the sidewalk and other vehicles traveling on North First Street. Any landscaping and signage should be located in such a way as to ensure an obstructed view for drivers exiting the site.

Adequate sight distance (sight distance triangles) should be provided at the project driveways in accordance with the American Association of State Highway Transportation Officials (AASHTO). Sight distance triangles should be measured approximately ten feet back from the traveled way. 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 AASHTO stopping sight distance. Sight distance requirements vary depending on roadway speeds. North First Street has a posted speed limit of 35 mph along the project frontage. The AASHTO stopping sight distance is 250 feet for facilities with posted speed limits of 35 mph. Thus, a driver must be able to see 250 feet in both directions of travel along North First Street to locate sufficient gaps in the traffic stream to turn out of the driveways. The proposed project's site plan (refer to Figure 3.2-1) shows new street trees would be added along the project frontage on North First Street. The trees should be maintained so that the vision of drivers exiting the project driveway is not obstructed. Therefore, the following condition of approval shall be implemented.

Condition of Approval: The proposed landscaping along North First Street shall be maintained ensuring a minimum clear sight distance of 250 feet along North First Street from each of the project driveways.

With the implementation of the above condition of approval and fair share contribution to improve sight distance on North First Street (identified in the Cisco Site 6 EIR), the project would not substantially increase collision hazards due to inadequate sight distance for drivers exiting the site or project design. **[Same Impact as Approved Project (Less Than Significant Impact)]**

d) Would the project result in inadequate emergency access?

The 2000 Cisco Site 6 EIR did not evaluate the Site 6 project's impact on emergency access. However, the proposed project's site plan (refer to Figure 3.2-1) shows that a total of 25 truck loading docks are proposed to be provided at the rears of the two buildings. The proposed site access points will enable larger vehicles, such as garbage trucks, emergency vehicles, and delivery trucks, to access the site from the North First Street and Nortech Parkway intersection and exit onto North First Street at the northernmost project driveway. The project would provide adequate emergency access, resulting in a less than significant impact. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.8.2.2 *Cumulative Impacts*

The Cisco Site 6 EIR concluded that the Site 6 project and four pending developments would result in a cumulative impact to the key intersections and freeway segments evaluated in the Cisco Site 6 EIR. Based on the conclusions in the EIR, the Site 6 project would contribute to a cumulatively significant intersection LOS and freeway level service impact for which no additional mitigation was available beyond what was available to reduce the project's individual impact. The proposed warehouse/office project would generate less peak hour trips than the approved office/R&D project. The proposed project would, therefore, not cause an increase in severity of this cumulative impact. **[Same Impact as Approved Project (Significant and Unavoidable Impact)]**

4.9 UTILITIES AND SERVICE SYSTEMS

The following discussion is based, in part, on a Storm Drain Impact Study completed by Schaaf & Wheeler on January 26, 2022. The technical report is attached as Appendix E of this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. San José Municipal Water System (Muni Water) adopted its most recent UWMP in June 2021.

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.

California Green Building Standards Code

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

Reducing indoor water use by 20 percent;

Reducing wastewater by 20 percent;

Recycling and/or salvaging 50 percent of nonhazardous construction and demolition debris; and

Providing readily accessible areas for recycling by occupants.

Regional and Local

Countywide Integrated Waste Management Plan

Pursuant to AB 939, solid waste facility compliance requires that each county prepare and adopt a Countywide Integrated Waste Management Plan. The Santa Clara County Integrated Waste Management Plan (CIWMP) was approved in 1996 and contains goals, policies, and objectives aimed to ensure an effective and efficient integrated waste management system. Public Resources Code Sections 41770 and 41822, and Title 24, California Code of Regulations Section 18788 require that each countywide or regional agency integrated waste management plan (CIWMP/RAIWMP), and elements thereof, be reviewed, revised (if necessary), and submitted to the CalRecycle every five years. The last such review was completed in 2016 and concluded that despite population growth, solid waste diversion has increased, Santa Clara County has adequate disposal capacity (i.e., greater than 15 years), and no revisions to the CIWMP are warranted.[34]

Envision San José 2040 General Plan

The Envision San José 2040 General contains the following policies which are specific to utilities and service systems and applicable to the proposed project:

General Plan Policies: Utilities and Service Systems

Policy	Description
IN-3.3	Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.
IN-3.5	Require development which will have the potential to reduce downstream LOS to lower than "D," or development which would be served by downstream lines already

[34] California Department of Resources Recycling and Recovery. *Five-Year CIWMP/RAIWMP Review Report Template.* November 8, 2016. Accessed February 7, 2022. https://www2.calrecycle.ca.gov/PublicNotices/Details/1940

General Plan Policies: Utilities and Service Systems

Policy	Description
	operating at a LOS lower than "D," to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.
IN-3.7	Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.
IN-3.9	Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.
IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.
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.
MS-3.2	Promote use of green building technology or techniques that can help to 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.
MS-3.3	Promote the use of drought tolerant plants and landscaping materials for non-residential and residential uses.
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.

In addition to the above-listed San José General Plan policies, new development in San José is also required to comply with programs that mandate the use of water-conserving features and appliances and the Santa Clara County Integrated Watershed Management (IWM) Program, which minimizes solid waste.

San José Zero Waste Strategic Plan/Climate Smart San José

The Climate Smart San Jose provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San Jose goals, including 75 percent waste diversion by 2013 and zero waste by 2022. The Climate Smart San Jose also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

San José Sewer System Management Plan

The purpose of the Sewer System Management Plan (SSMP) is to provide guidance to the City in the operation, maintenance, and rehabilitation of the sewer assets of the City of San José. The SSMP includes construction standards and specifications for the installation and repair of the collection system and its associated infrastructure.

Private Sector Green Building Policy

The City of San José's Green Building Policy for new private sector construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in the design process. This policy establishes baseline green building standards for private sector construction and provides a framework for the implementation of these standards. It is also intended to enhance the public health, safety, and welfare of San José residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources.

4.9.1.2 *Existing Conditions*

Water Service

Water service to the project area is provided by the City of San José through the San José Municipal Water System (Muni Water). There are existing 12-inch water mains located in North First Street. There are no existing recycled water lines in the project area.[35] The project site is assumed to have an existing water demand of zero because it is vacant and undeveloped.

Storm Drainage

The City of San José owns and maintains storm drainage facilities throughout the City. Storm drain lines are inspected and maintained by the Department of Transportation, and are installed, rehabilitated, and replaced by the Department of Public Works.

The project site is undeveloped and is mostly pervious (approximately 83 percent pervious and 17 percent impervious). The site drains to two catchment areas including the Alviso and Oakmead storm drain systems. There is an existing 18-inch storm line along North First Street. Stormwater runoff from the project site flows into a storm drain main located in North First Street.

Wastewater Treatment/Sanitary Sewer System

Sanitary sewer lines in the project area are maintained by the City of San José. Sewer lines are inspected and maintained by the Department of Transportation and are rehabilitated and replaced by the Department of Public Works. There is an existing eight-inch sanitary sewer line in North First Street. The project site is currently vacant and undeveloped and does not generate sewage.

Wastewater from the project area is treated at the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José/Santa Clara Water Pollution Control Plant, in Alviso. The RWF has the capacity to treat 167 million gpd of sewage during dry weather flow.[36] In 2018, the RWF's average dry weather effluent flow was 82.7 million gallons per day.[37] Fresh water flow from

[35] City of San José. *Recycled Water Pipeline System*. Accessed January 21, 2022. https://www.sanjoseca.gov/home/showdocument?id=522.
[36] City of San José. *San José/Santa Clara Regional Wastewater Facility 2020 Annual Self-Monitoring Report*. Accessed February 7, 2022. https://www.sanjoseca.gov/home/showpublisheddocument/70356/637514780129670000..
[37] Ibid.

the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution.

The City of San José generates approximately 69.8 million gpd of dry weather sewage flow. The City's share of the RWF's treatment capacity is 108.6 million gpd; therefore, the City has approximately 38.8 million gpd of excess treatment capacity.[38]

For the purposes of this analysis, wastewater flow rates are assumed to be 95 percent of the total water use. The project site is vacant and does not produce wastewater.

Solid Waste

Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California Integrated Waste Management Board in 1996 and reviewed in 2004, 2007, 2011, and 2016. Each jurisdiction in the County has a landfill diversion requirement of 50 percent per year. According to the IWMP, the County has adequate disposal capacity beyond 2030.[39] Solid waste generated within the County is landfilled at Guadalupe Mines, Kirby Canyon, Newby Island, and Zanker Road landfills. The project site is vacant and does not generate solid waste.

4.9.2 Impact Discussion

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒	☐
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒	☐

[38] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 11. P. 648.
[39] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.

	New Potentially Significant Impact	New Less than Significant with Mitigation Incorporated	New Less than Significant Impact	Same Impact as Approved Project	Less Impact than Approved Project
Would the project:					
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have 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?	☐	☐	☐	☒	☐

Consistent with the conclusions of the 2000 Cisco Systems EIR, the proposed project would result in less than significant utilities and service systems impacts, as described below.

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

Water Service

The 2000 Cisco Systems EIR identified a less than significant to water services. As noted previously, the subject 10.47 acres were approved in 2013 for 246,107 square feet of office/R&D development (as part of the 614,809 square foot office/R&D project on 28.5 acres), and the as yet unbuilt office space would result in a water demand of approximately 331,540 gallons of per day, and the 2013 Addendum confirmed there would be adequate water supply to serve the project.

The proposed warehouses would use approximately 163,825 gpd of water (152,185 gpd for indoor and 11,640 gpd for outdoor uses).[40] This represents about half of the water demand associated with the two unconstructed office/R&D buildings (246,107 square feet of office/R&D space) approved for the site in 2013. Water services to the project site would continue to be provided by San José Municipal Water.

The proposed project would construct new water lines that would connect to an existing 18-inch water main in North First Street. The project would not require or result in the expansion of the existing water conveyance system, the construction of new City infrastructure, or relocation of

[40] Illingworth & Rodkin, Inc. *Second Harvest Food Bank Air Quality Assessment.* January 24, 2022.

existing infrastructure that would cause significant environmental effects beyond those analyzed in the 2000 Cisco Site 6 EIR. The water demand of the proposed project would not exceed the water demand previously analyzed for the project site in the 2000 Cisco Site 6 EIR and subsequent 2013 Addendum which evaluated 614,809 square feet of office/R&D space on 28.5 acres, of which the 10.47-acre site is now proposed for warehouse/office uses. **[Same Impact as Approved Project (Less than Significant Impact)]**

Wastewater Treatment/Sanitary Sewer

The 2000 Cisco Systems EIR identified a less than significant to wastewater systems. The proposed development analyzed in the EIR would result in a wastewater flow of 432,000 gpd, and the EIR confirmed the increase in flow would be accommodated.

The proposed project would generate approximately 144,575 gpd of wastewater compared to the approximately 314,963 gpd that would be generated by the two unconstructed office/R&D space approved for the site in 2013.[41] The proposed project would connect to the City's existing sanitary sewer system. A new eight-inch sanitary sewer line would be constructed on-site that would connect to an existing eight-inch sanitary sewer line in North First Street. The project would comply with all applicable Public Works requirements to ensure sanitary sewer lines would have capacity for sewer services required by the proposed project. The proposed project would require wastewater treatment at the RWF which has adequate capacity to accommodate the increased demand created by the project given the City's share of treatment capacity at the RWF exceeds 38 million of gallons per day (mgd). Since the proposed development is consistent with planned growth in the General Plan, the project would not exceed the City's allocated capacity at the RWF. The project would not result in the relocation or construction of wastewater facilities that would cause significant environmental effects beyond those analyzed in the 2000 Cisco Site 6 EIR. The wastewater generation of the proposed project would not exceed the wastewater generation previously analyzed in the 2000 Cisco Site 6 EIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

Electric Power, Natural Gas and Telecommunications

The 2000 Cisco Site 6 EIR identified a less than significant impact to electric and telephone services. The projected energy demand for the development analyzed in the EIR was 86.5 million kilowatt hours (kwh) per year. The electricity usage for the proposed warehouse/office development would be approximately 1,766,820 kwh per year and 1,993,470 kwh per year for the approved (unconstructed) office/R&D development.

The project would utilize existing utility connections to connect to the City's electric and telecommunications systems on North First Street. San José Clean Energy (SJCE) would be the electricity provider for the proposed development. SJCE sources the electricity and the Pacific Gas and Electric Company (PG&E) delivers it to customers over their existing utility lines. The project would not utilize natural gas or connect to natural gas lines.

Since the proposed development is consistent with planned growth in the General Plan and would not exceed the electric or telecommunications demand previously analyzed in the 2000 Cisco Systems

[41] Wastewater use is based on the assumption that the project would discharge 95 percent of indoor water use.

EIR, the proposed project would have a less than significant impact on these facilities. **[Same Impact as Approved Project (Less than Significant Impact)]**

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

The 2000 Cisco Systems EIR identified a less than significant impact to current and future water supplies. The water supply assessments prepared for the current General Plan are the most relevant analysis of current and future water demand and supply within the Muni Water service area.

Because the project site is currently vacant and undeveloped, the existing water demand on-site is assumed to be zero or minimal. It is estimated that the project would have a water demand of approximately 163,825 gpd.

The General Plan EIR determined that the City's water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. The General Plan policies, existing regulations, adopted plans and other City policies would continue to require water conservation measures to be incorporated in new development, which would substantially reduce water demand. In addition, the General Plan EIR concluded that with implementation of General Plan water conservation policies and regulations, full buildout under the General Plan would not exceed the available water supply under standard and drought conditions.

The estimated project demand would not exceed the water demand analyzed in the 2000 Cisco Site 6 EIR. Additionally, the project would be consistent with planned growth in the General Plan and would comply with the policies and regulations identified in the General Plan EIR. As a result, implementation of the proposed project would have a less than significant impact on the City's water supply. **[Same Impact as Approved Project (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 does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

As discussed above, the proposed project would result in wastewater generation of approximately 144,575 gpd. As discussed under the response to question a), the General Plan EIR identified an excess treatment capacity of 38.8 million gpd from San José wastewater sources. Redevelopment of the site under the proposed project would not substantially increase wastewater treatment demand or result in exceedances of RWQCB's treatment requirements for the RWF. The facility would have adequate capacity to serve the project's projected demand in addition to the facility's existing commitments. **[Same Impact as Approved Project (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?

The 2000 Cisco Site 6 EIR identified a less than significant impact because there would be sufficient capacity at the existing solid waste facilities to accommodate the waste generated by the development analyzed in the EIR. The Cisco Site 6 EIR assumed the Site 6 project would generate 24,000 pounds of solid waste per day.

The proposed project would generate approximately 1,413 pounds of solid waste per day .[42] The proposed project would provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures consistent with CALGreen requirements. The proposed project would be required to conform to City plans and policies to reduce solid waste generation and increase waste diversion, such as the Zero Waste Strategic Plan and General Plan Policies IN-1.5, IN-5.1, IN-5.3, IN-5.4, and IP-3.8. The project would be required to meet the City's goal of zero waste post-2022 by complying with the policies and strategies mandated in the City's Zero Waste Strategic Plan. In addition, the project would include provide organic waste collection containers within waste collection areas as required by AB 1826. The site would be served by Newby Island Sanitary Landfill (NISL). Given the City's annual disposal allocation at NISL (395,000 tons per year), NISL's remaining capacity (12.7 million tons); there is sufficient capacity at NISL to serve the project. In addition, according to the Countywide Integrated Waste Management Plan (CIWMP), the County has adequate disposal capacity beyond 2030.[43] The General Plan EIR determined that the increase in waste generated by buildout of the General Plan (which includes the development of the project) would not result in an exceedance of capacity at existing landfills or otherwise impair the attainment of solid waste reduction goals.[44]

The Zero Waste Strategic Plan, in combination with existing regulations and programs, would ensure that the proposed project would not result in significant impacts on solid waste disposal capacity in excess of state or local standards. The project, therefore, would not impact the attainment of solid waste reduction goals. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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

The 2000 Cisco Site 6 EIR did not address compliance with federal, state, or local management and reduction statutes and regulations related to solid waste because this was not included as a question in the CEQA Appendix G Checklist at the time the EIR was prepared.

Based on CALGreen requirements, future projects (including the proposed project) would provide on-site recycling facilities, develop a construction waste management plan, salvage at least 50

[42] Illingworth & Rodkin, Inc. *Second Harvest Food Bank Air Quality Assessment.* January 24, 2022.
[43] Santa Clara County. *Five-Year CIWMP/RAIWMP Review Report.* June 2016.
[44] City of San José. *Envision San José 2040 General Plan Integrated Final Program Environmental Impact Report.* SCH: 2009072096. September 2011. P. 685.

percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. The estimated increases in solid waste generation from future development would be avoided through implementation of the City's Zero Waste Strategic Plan. The project's compliance with the Zero Waste Strategic Plan, in combination with existing regulations and programs (such as CALGreen requirements), would ensure that the project is compliance with federal, state, and local solid waste regulations. **[Same Impact as Approved Project (Less than Significant Impact)]**

4.9.2.2 *Cumulative Impacts*

The Cisco Site 6 EIR concluded that the cumulative impacts related to utilities and service systems would be less than significant. The EIR concluded that the City's utilities systems (sanitary sewer, storm drain, electric, and telephone service systems as well as solid waste services) have the capacity to serve the Site 6 project. With the implementation of the Zero Waste Strategic Plan and City's General Plan policies, the project would not create a utility demand substantially higher than what was assumed for the approved office/R&D development. Therefore, the cumulative projects identified in the Cisco Site 6 (including the proposed project), would result in a less than significant cumulative utilities and services impact. **[Same Impact as Approved Project (Less Than Significant Impact)]**

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

City of San José
Department of Planning, Building, and Code Enforcement
Cassandra van der Zweep, Supervising Planner

6.2 CONSULTANTS

David J. Powers & Associates, Inc.
Environmental Consultants and Planners
Akoni Danielsen, Principal Project Manager
Amber Sharpe, Project Manager
Maria Kisyova, Associate Project Manager
Adam Garcia, Assistant Project Manager

AEI Consultants, Inc.
Hazardous Materials Consultants
Adrian M. Angel, Associate Consultant
Katie Hindt, Registered Environmental Property Assessor

Hexagon Transportation Consultants, Inc,
Transportation Consultants
Robert Del Rio, Principal
Huy Tran, Associate

H.T. Harvey & Associates
Biological Consultants
Steve Rottenborn, Principal/Senior Wildlife Ecologist
Mark Bibbo, Associate Plant/Wetland Ecologist
Stephen Peterson, Project Manager/Senior Wildlife Ecologist
Katie Gallagher, Project Manager/Senior Plant Ecologist
Jane Lien, Wildlife Ecologist

Illingworth & Rodkin, Inc.
Air Quality and Noise Consultants
Michael Thill, Principal
James Reyff, Principal
Casey Divine, Consultant
Carrie Janello, Senior Consultant

Schaaf & Wheeler
Consulting Civil Engineers
Charles Anderson, Principal

WRA, Inc.
Biological Consultants
Molly Matson, Wildlife Biologist
Justin Semion, Technical Services Director