Initial Study/ Mitigated Negative Declaration

469 Piercy Road Project

H22-014 & ER22-075

May 2023

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

469 Piercy Road Project

Initial Study/Mitigated Negative Declaration

May 2023

City File Nos. H22-014/ER22-075

Prepared for:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Prepared by:

Kimley»Horn

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1.0 INTRODUCTION AND PURPOSE

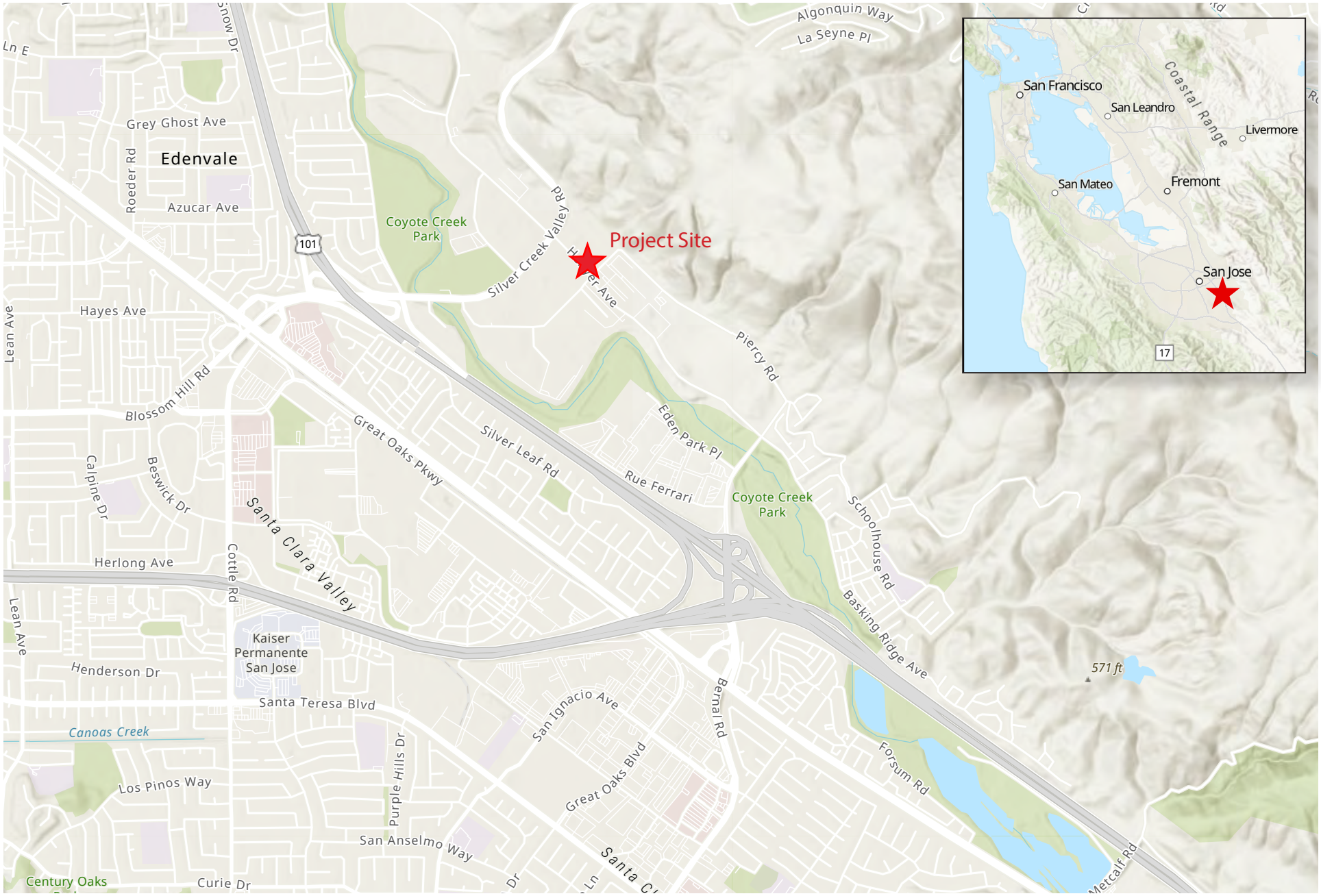
1.1 Purpose of Initial Study

This Initial Study has been prepared by the City of San José (City) as the Lead Agency, in conformance with the California Environmental Quality Act (CEQA) Guidelines (Title 14, California Code of Regulations §15000 et seq.), and the regulations and policies of the City of San José. The purpose of this Initial Study is to provide objective information regarding the environmental consequences of the proposed 469 Piercy Road Project (project, proposed project) to the decision makers who will be reviewing and considering the project.

The project site is located at 459 and 469 Piercy Road in the City of San José, approximately 200 feet northwest of the intersection of Piercy Road and Hellyer Avenue. See **Figure 1-1: Regional Map** and **Figure 1-2: Project Vicinity Map**. The proposed project would demolish the existing single-family residential structure and redevelop the property with an approximately 134,605 square foot (sf) warehouse building.

Envision San José 2040 General Plan Final and Supplemental Environmental Impact Report

In November 2011, the City of San José approved the Envision San José 2040 General Plan (General Plan), which is a long-range program for the future growth of the City. The General Plan Final Environmental Impact Report (EIR) (SCH#2009072096), as amended, was a broad range analysis of the planned growth and did not analyze specific development projects. The General Plan EIR is a program level document, however, whenever possible, it developed project level information, such as when a particular site was identified for a specific size and type of development. The General Plan EIR also identified mitigation measures and the City's approval of the General Plan included a Statement of Overriding Consideration for all identified significant, unavoidable traffic and air quality impacts resulting from the maximum level of proposed development. For all other effects, it was concluded that implementation of General Plan policies, existing regulations, and adopted plans and policies would reduce the impact to a less than significant level. These conclusions are generally based on the assumption that all future projects allowed under the General Plan will reduce impacts to a less than significant level through measures included in project design or as conditions of approval, consistent with the policies and procedures for protecting environmental quality as set forth in the General Plan.



Source: USGS, 2021

Figure 1-1: Regional Map

469 Piercy Road Project
Initial Study

Not to scale

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Source: Nearmap, 2022

Figure 1-2: Project Vicinity Map

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2.0 PROJECT INFORMATION

2.1 Project Title and File Number

469 Piercy Road Project
File No. H22-014/ER22-075

2.2 Project Location

The 5.93-acre project site is located at 459 and 469 Piercy Road in the City of San José, on the northwest corner of Piercy Road and Hellyer Avenue. See **Figure 1-1: Regional Map** and **Figure 1-2: Project Vicinity Map**.

2.3 Lead Agency Contact

City of San José
200 East Santa Clara Street, 3rd Floor
San José, California 95113

Environmental Project Manager: Tina Garg
Phone: (408) 535-7895
Email: Tina.Garg@sanjoseca.gov

2.4 Property Owner/Project Applicant

Contact: Steven M. Christie
Xebec Realty
2010 Old Ranch Parkway, Suite 470
Seal Beach, CA 90740

2.5 Assessor's Parcel Number(s)

APNs: 678-93-039 and 678-93-040

2.6 General Plan Designation and Zoning

The project site is designated in the General Plan as Industrial Park (IP), which allows for a wide variety of industrial users including research and development, manufacturing, and offices. The project site is zoned as Combined Industrial/Commercial (CIC) Zoning District. The CIC Zoning District allows for a broad range of commercial uses with a local or regional market and a narrower range of industrial uses including warehouse/distribution and light to medium manufacturing.

On May 7, 2019, the San José City Council rezoned the project site from IP District to CIC Zoning District under Ordinance No. 30261. The rezoning was approved as part of the 2019 459 and 469 Piercy Road Projects approval (City of San José File No. C18-029, H18-016, and H18-029).[1]

[1] The City of San José Zoning Map (https://www.arcgis.com/apps/webappviewer/index.html?id=6f379e130e9a43ab9dee28806ed2c885&extent=-13574341.156%2C4480904.8205%2C-13559818.1207%2C4490039.0454%2C102100) depicts the site as IP. However, approval of Ordinance No. 30261 re-zoned the site to CIC.

The project site is located within Sub-Area 3 of the Edenvale Development Policy area (i.e., "New Edenvale"). The Edenvale Development Policy identifies potential development of up to 5.5 million sf of industrial floor space with a maximum base floor area ratio (FAR) of 0.40 for Sub-Area 3.

2.7 Habitat Plan Designation

The project site is within the Santa Clara Valley Habitat Conservation Plan (SCVHCP) coverage area and is mapped with the following land cover types, fee zones, and survey areas:

Land Cover Types: Urban-Suburban
Land Cover Fee Zone: Urban Areas (No Land Cover Fee) (2 acres)
Owl Conservation Zone: N/A – Urban Areas
Survey Areas: Plant Survey Zone (Conditions 19 and 20 may apply)

2.8 Project-Related Approvals, Agreements and Permits

- Site Development Permit
- Grading Permit
- Lot Line Adjustment/Plot Plan
- Public Improvement Permit
- Building Permit

3.0 ENVIRONMENTAL SETTING AND PROJECT DESCRIPTION

3.1 Existing Conditions

The project site is currently developed with an approximately 6,939-square-foot (sf) single-family residence and a detached garage structure. The existing single-family residence was built between 1996 and 2001 and is currently occupied (Hazard Management Consulting, 2021). The detached garage was constructed in 1970 and is a part of a former residence that occupied the site between 1970 and 2001. The remainder of the site is undeveloped and contains grassy ruderal vegetation types The site includes a groundwater well at the corner of Hellyer Avenue and Piercy Road and a currently active septic tank and two leach fields on the northern side of the residence building. The project site is relatively flat with an elevation of approximately 207 feet above mean sea level (amsl), adjacent to a hillside with a slope to the southwest. The project site includes existing sidewalks along both the Piercy Road and Hellyer Avenue frontages.

The project site is located at the periphery of the City's Urban Growth Boundary surrounded primarily by industrial and commercial uses, with limited residential land uses in its vicinity. The project site is bound by undeveloped land to the north[2], Hellyer Avenue to the south, Piercy Road to the east, and Silver Creek Valley Road to the west. Undeveloped land located immediately to the north of the project site is designated Industrial Park (IP). Undeveloped land farther north is designated Open Hillside (OH).

U.S. Route 101 (US 101) runs in a north-south direction and is located approximately 0.55-mile south/southwest of the project site. The nearest transit stop is the Hellyer Avenue and Piercy Road bus stop located adjacent to the project site boundary, along Hellyer Avenue. The Hellyer Avenue and Piercy Road bus stop is served by Valley Transit Authority Route 42. Additional transit stops are to the south along Hellyer Avenue and west along Silver Creek Valley Road, less than 500 feet away.

Parking and Site Access

The project site contains limited surface parking associated with the existing single-family residential use. No additional parking is available on site. Site access is provided via paved driveway on Piercy Road.

Landscaping and Utilities

There are 11 trees on the project site. The existing single-family residential use maintains connections to water, sewer, electricity, and gas utilities that would be removed upon project implementation. Existing sewer and storm drainage manholes and conveyance pipelines are located in the project vicinity, within Hellyer Avenue and Piercy Road.

3.2 Project Description

Building Program and Design

The project would demolish the existing single-family residential structure and redevelop the property with an approximately 134,605 sf warehouse building as shown in **Figure 3-1: Overall Site Plan.** The maximum height of the building would be 42 feet and 7 inches. **Figure 3-2: Proposed Elevations** depicts

[2] This site is the location of the proposed 455 Piercy Road Industrial Warehouse Project (City of San Jose File No. H21-022 & ER21-082) which would develop an approximately 121,580 sf industrial building.

the proposed building elevations. The project would include outdoor lighting for safety and security, with wall mounted fixtures on building exteriors and light poles within surface parking areas.

The project intends to redevelop the property as a speculative industrial facility. While no end users have been identified, the building would be programmed and designed to attract users such as logistics, e-commerce, warehouse/distribution, wholesaling, and industrial services. The proposed single-story warehouse building would contain approximately 129,605 sf of warehouse space and 5,000 sf of ancillary office space.

Access, Circulation, and Parking

Access to the project site would be provided by two driveways, a 32-foot wide driveway located on the northeast corner of the site off Piercy Road and a 26-foot wide driveway located on the southwest corner of the site off Hellyer Avenue. The Piercy Road driveway would provide full access for trucks and trailers, in addition to passenger vehicles. The Hellyer Avenue driveway would provide right-in/right-out access for passenger vehicles only. Fire access would be provided by the Piercy Road Driveway.

The warehouse building would include 18 dock doors on its northern side. The proposed project includes surface parking with 86 automobile (passenger vehicle) spaces. Of the 86 automobile spaces provided, 35 would be electric vehicle (EV) capable. In addition, 10 bicycle racks and 4 motorcycle parking spaces would be provided. Pedestrian access would be provided by the construction of a 10-foot sidewalk along Piercy Road and Hellyer Avenue frontages.

The City of San José Municipal Code (Municipal Code) requires 1 parking space per 5,000 sf of warehouse space for warehouses in excess of 25,000 sf and 1 parking space per 250 sf of office space. The proposed parking plan assumes a maximum buildout of 134,605 sf (129,605 sf of warehouse and 5,000 sf of office space), requiring at minimum of 40 automobile parking stalls on the site.[3] The proposed parking plan exceeds Municipal Code requirements and is sized to be flexible and accommodate a range of anticipated users. Manufacturing and advanced manufacturing firms tend to have a higher employee headcount and therefore have greater parking demand with fewer logistics needs while other anticipated uses have different parking and logistics needs. Thus, depending on the future tenant and final design plans, the parking area could be configured to accommodate the end user while still meeting Municipal Code requirements.

Landscaping

The proposed landscaping plan and plant palette is provided as **Figure 3-3: Preliminary Landscape Plan**. The project site currently has grassy ruderal vegetation types with 11 existing trees; all on-site vegetation and trees would be removed as a part of project implementation. The removed trees would be replaced according to the City's tree replacement ratios (refer to Section 4.4, Biological Resources). The project would include 59 trees on the site and along the Piercy Road and Hellyer Avenue frontages. Additional landscaping throughout the project site would include a mix of trees within parking lot and walkways for shading, shrubs, and groundcover. The project's landscape plan notes that the trees would be a minimum of 15-gallons in size. The proposed landscape plan would meet the City of San José Water Efficient

[3] Per Table 20-190 of the Zoning Code, vehicle parking calculations are as follows.
Warehouse: 129,605 x 0.85 = 110,164/5,000 = 23 spaces
Office: 5,000 x 0.85 = 4,250/250 = 17 spaces
Total: 23 spaces + 17 spaces = 40 spaces

Landscape Requirements. Proposed features include irrigation zones per plant water requirements and rain sensors. On site landscaping would meet State water efficient landscape standards and drought restrictions. Final landscape plans would be subject to review during Development Plan Review to ensure compliance.

Project Utilities

Storm water from the project site would be directed towards bio-retention treatment areas located east of the warehouse building and along the northwestern site boundary. Additionally, flows from impervious pavement would drain to bio-swales located within landscaped areas. **Figure 3-4: Preliminary Stormwater Quality Control Plan** depicts proposed on-site stormwater management infrastructure. Excess flows not captured in the bio-retention treatment areas would be conveyed from catch basins to a storm drain line located north of the warehouse building and a second storm drain line located along the southwestern project site boundary. The project would connect the new storm drain laterals to the existing 48-inch reinforced concrete pipe storm mains located within both Piercy Road and Hellyer Avenue; see **Figure 3-5: Preliminary Utility Plan**. The project would construct a new sanitary sewer lateral to connect to the existing 15-inch vitrified clay pipe sanitary sewer main along Piercy Road. No off-site utility infrastructure improvements would be required.

The project would be enrolled in the San José Clean Energy (SJCE) TotalGreen program which includes 100 percent renewable energy. Additionally, the project would be solar-ready by including building roof space for a "Future PV Array" required by the California Building Code (CBC). To ensure enrollment in SJCE's TotalGreen program, the project would incorporate the following Condition of Approval:

> Condition of Approval - ***Proof of Enrollment in SJCE.*** *Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in SJCE TotalGreen program (approx. 100% renewable energy) as assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If it is determined the project's environmental clearance requires enrollment in the TotalGreen program, neither the occupant, nor any future occupant, may opt out of the TotalGreen program.*

Project Construction

The project would be constructed in one phase with a conventional construction sequence of demolition, site preparation, grading/earthwork, paving, building construction, and architectural coating. The proposed project would be constructed over the course of approximately 13 months. For the purposes of this environmental analysis, demolition is assumed to occur in September 2022, followed by a 12-month construction phase between October 2022 and September 2023.[4] Operations are anticipated to commence in fall 2023. The proposed project would require approximately 1,655 cubic yards (cy) of soil export during the grading phases of construction.

Project Operations

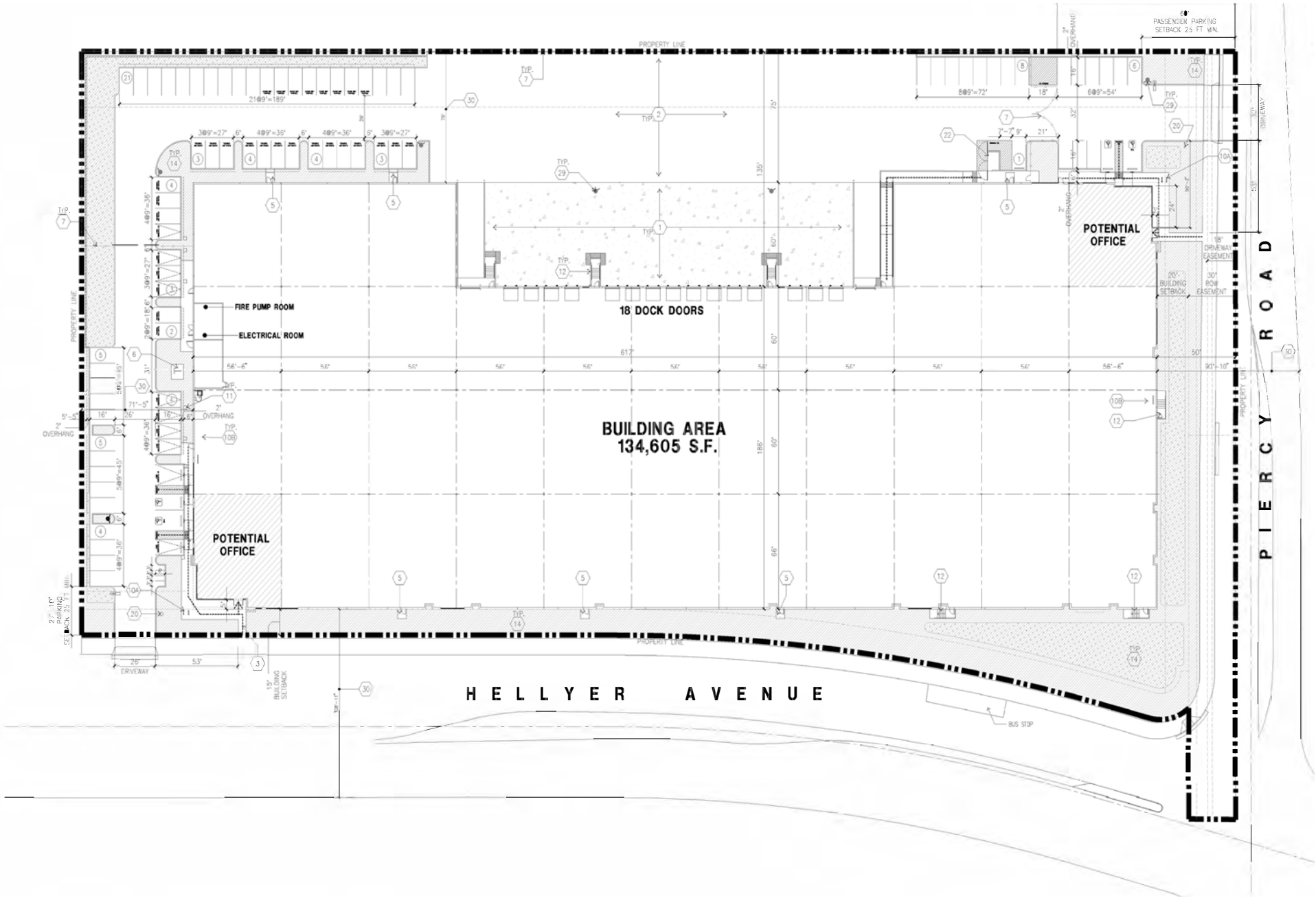
The project intends to redevelop the property as a speculative industrial warehouse. While no end users have been identified, the building is programmed and designed to attract users such as logistics, e-

[4] Earlier construction dates were utilized in the modeling to be conservative. This approach is conservative given that emissions factors decrease in future years due to regulatory and technological improvements and fleet turnover.

commerce, warehouse/distribution, wholesaling, and industrial services. This environmental analysis assumes that the proposed warehouse building would operate during normal business hours, from 8 AM to 5 PM. The proposed project would generate an estimated 135 employees (Strategic Economics, 2016).[5] The proposed project would not include cold storage and would incorporate the following Condition of Approval:

> Condition of Approval – *Approved operations under this permit include dry storage only, with no option for the conversion to cold storage in the future. If conversion of cold storage is proposed in the future, additional environmental review is required.*

[5] The City calculates one job per 1,000 sf of industrial space. 134,605 sf industrial / 1,000 sf = 135 jobs



Source: Kier + Wright, 2022

Figure 3-1: Overall Site Plan

469 Piercy Road Project
Initial Study

Not to scale

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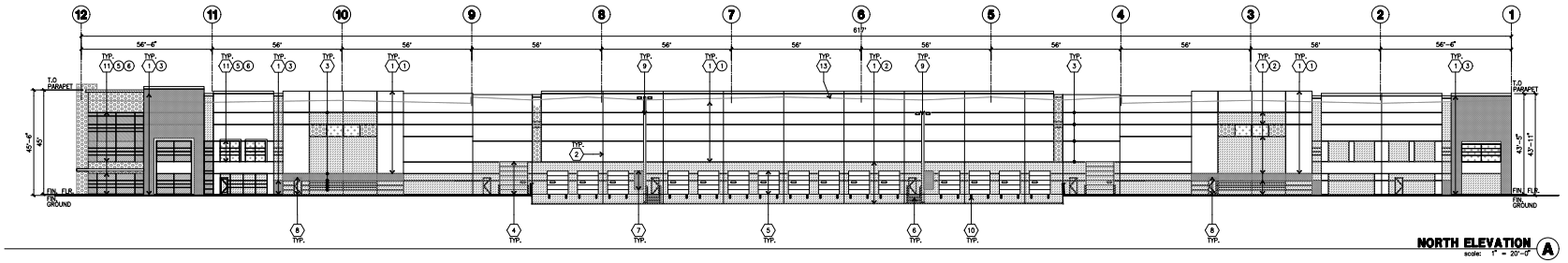

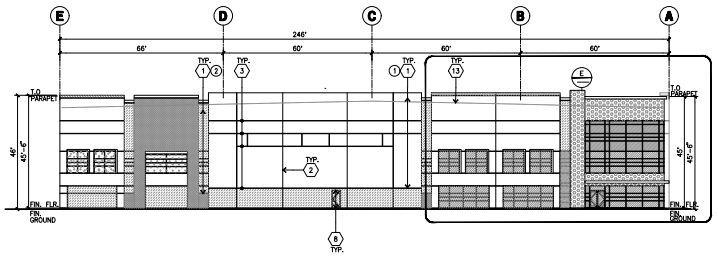

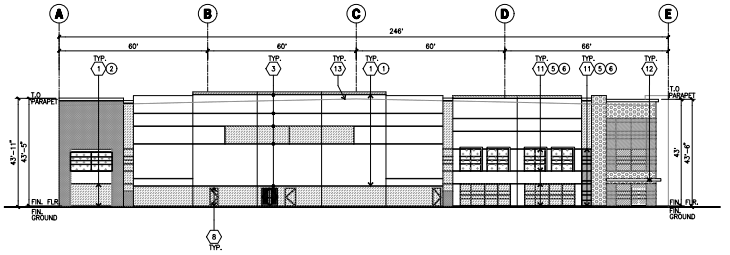

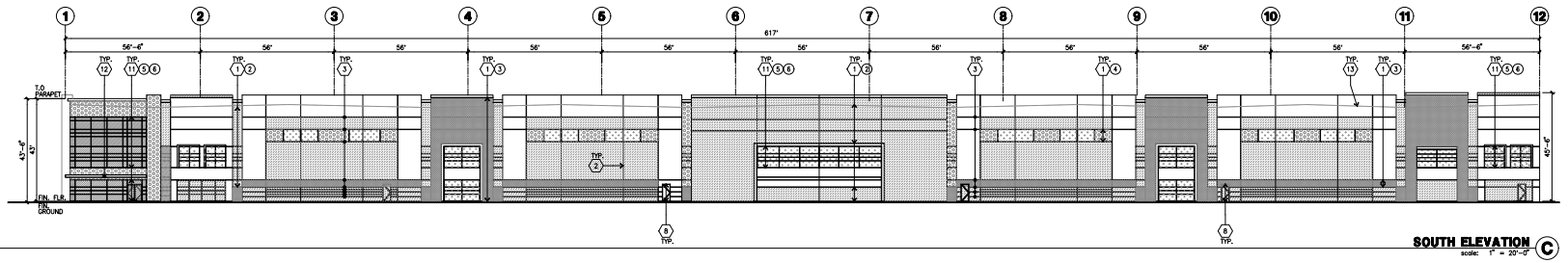

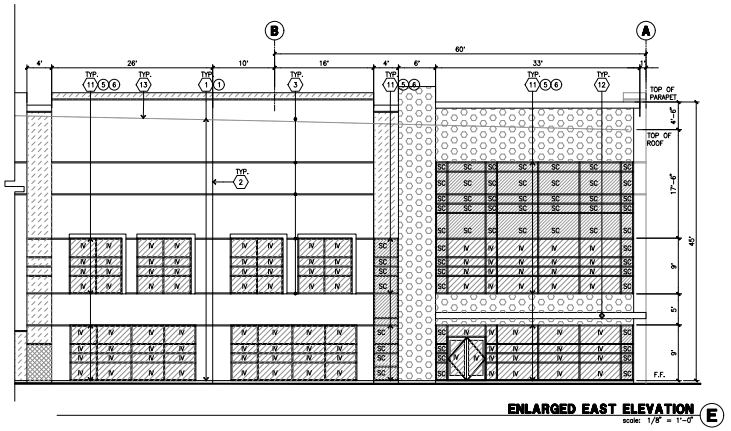

KEYNOTES - ELEVATIONS

1. CONCRETE TILT-UP PANEL(PAINTED). FINISH GRADE VARIES. SEE "G" DRAWINGS. WATERPROOF ALL WALLS WHERE EXTERIOR GRADE IS HIGHER THAN FINISH FLOOR AND EXPOSED TO THE WEATHER. WATERPROOFING TO BE PROTECTED WITH PROTECTION BOARD AND A MIN. OF 6" OF GRAVEL. PROVIDE TRENCH DRAIN AT BOTTOM AND DAYLIGHT TO CURB OR TAKE TO STORM DRAIN.
2. PANEL JOINT.
3. PANEL REVEAL - ALL REVEALS TO HAVE A MAX. OF 3/8" CHAMFER. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR. U.N.O.
4. OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
5. OVERHEAD DOOR @ DOCK HIGH. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
6. EXTERIOR METAL STEEL STAIR.
7. METAL LOUVER. PAINT TO MATCH BUILDING COLOR.
8. ROLLUP METAL DOORS. PROVIDE WEATHER STRIPING ALL AROUND DOOR. PROVIDE FOR RAIN DIVERTER ABOVE DOOR.
9. EXTERIOR DOWNSPOUT WITH OVERFLOW SCUPPERS.
10. DOCK BUMPER.
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING.
12. METAL TUBE STEEL CANOPY
13. ROOF LINE BEYOND

GENERAL NOTES - ELEVATIONS

A. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
B. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
C. T.O.P. EL= TOP OF PARAPET ELEVATION.
D. F.F. = FINISH FLOOR ELEVATION.
E. STOREFRONT CONSTRUCTION, GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE DESIGNED TO RESIST CITY REQUIRED WIND SPEED, EXPOSURE "C". WINDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
F. CONTRACTOR SHALL FULLY PAINT SEVERAL CONCRETE PANEL W/ SELECTED COLORS. LOCATION TO BE SELECTED BY ARCHITECT. ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
G. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
H. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
J. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
K. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED--ON
L. EXTERIOR STAIRS AND RAMPS TO MATCH BUILDING COLOR. RAILINGS TO MATCH BUILDING COLOR.
M. ALL DOORS TO BE PAINTED THE SAME COLOR AS THE ADJACENT WALL.

ELEVATION COLOR LEGEND/SCHED.

1. CONCRETE TILT-UP PANEL. COLOR : SHERWIN WILLIAMS SW7006 EXTRA WHITE
2. CONCRETE TILT-UP PANEL. COLOR : SHERWIN WILLIAMS SW7073 NETWORK GRAY
3. CONCRETE TILT-UP PANEL. COLOR : SHERWIN WILLIAMS SW7074 SOFTWARE
4. CONCRETE TILT-UP PANEL. COLOR : SHERWIN WILLIAMS SW6804 DIGNITY BLUE
5. MULLIONS COLOR : CLEAR ANODIZED ALUMINUM
6. GLAZING COLOR : BLUE GLAZING
7. CANOPY MATERIAL : SHERWIN WILLIAMS SW7073 NETWORK GRAY
8. DOOR COLORS : MATCH BUILDING COLOR

GLAZING LEGEND

NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED.

IV INSULATED VISION GLASS — SC SPANDREL GLASS WITH CONCRETE BEHIND

V SINGLE LITE VISION GLASS

IV : INSULATED VISION GLASS
1/4" VISTACOOL PACIFICA + 1/4" SOLARBAN 60 CLEAR
1" INSULATED GLASS UNIT WITH 1/2" AIRSPACE AND 1/4" LITES
U: 0.27 SHGC: 0.25 VLT: 28%
MINIMUM VT TO BE 0.42 PER 2016 CEC TABLE 140.3-B

SC : SPANDREL WITH CONCRETE BEHIND
1/4" VISTACOOL PACIFICA WITH OPACI-COAT-300 WARM GRAY INSTALLED ON CONCRETE.

V : VISION GLASS
1/4" VISTACOOL PACIFICA

MULLIONS : ANODIZED CLEAR.

Source: Kier + Wright, 2022

Figure 3-2: Proposed Elevations

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Source: Kier + Wright, 2022

Figure 3-3: Conceptual Colored Elevations

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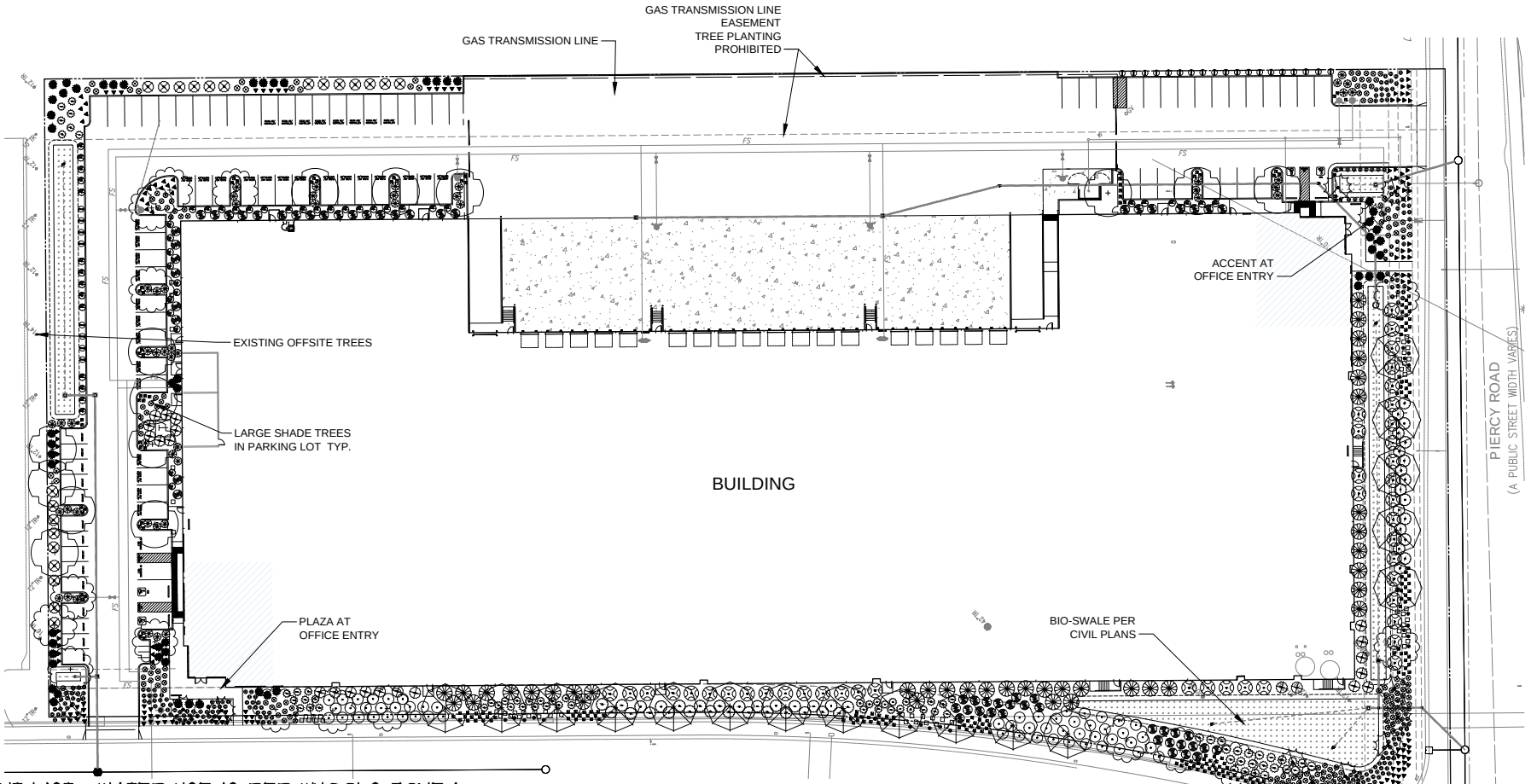

PLANT LIST : WATER USE IS PER WUCOLS ZONE 1

'N' CA NATIVE	SYM.	NO.	BOTANICAL NAME	COMMON NAME
			TREES	
		14	PISTACIA CHINENSIS	CHINESE PISTACHE
		12	LAGERSTROEMIA 'TUSCARORA'	CRAPE MYRTLE
		16	CELTIS OCCIDENTALIS	HACKBERRY
		17	CALOCEDRUS DECURRENS	INCENSE CEDAR
			LARGE SHRUBS	
N		39	CEANOTHUS CONCHA	CEANOTHUS
N		43	ARCTOSTAPHYLOS DENIFLORA	MANZANITA
N		45	ARBUTUS U 'COMPACTA'	DW. STRAWBERRY TREE
		51	LANTANA M. 'GOLD RUSH'	GOLD RUSH LANTANA
		72	RHAPIOLEPSIS 'CLARA'	INDIAN HAWTHORNE
		55	PHORMIUM 'MAORI MAIDEN'	NEW ZEALAND FLAX
N		48	SALVIA C. 'POZO BLUE'	CLEVELAND SAGE
		212	PHORMIUM 'AMAZING RED'	NZ FLAX
		167	SANTOLINA VIRENS	SANTOLINA
N		45	CEANOTHUS 'JULIA PHELPS'	WILD LILAC
		60	RHAPIOLEPSIS I. 'PINK DANCER'	INDIAN HAWTHORNE
N		56	ARCTOSTAPHYLOS 'PACIFIC MIST'	MANZANITA
			PERENNIALS	
N		27	OENOTHERA S. 'ROSEA'	MEXICAN PRIMROSE
		164	GAZANIA BRIGHT YELLOW	TRAILING GZANIA
N		53	ACHILLEA 'MOONSHINE'	MOONSHINE YARROW
			GRASSES	
		224	LOMANDRA 'BREEZE'	BREEZE MAT RUSH
N		27	FESTUCA MAREI	ATLAS FESCUE

Source: Kier + Wright, 2022

Figure 3-4: Preliminary Landscape Plan

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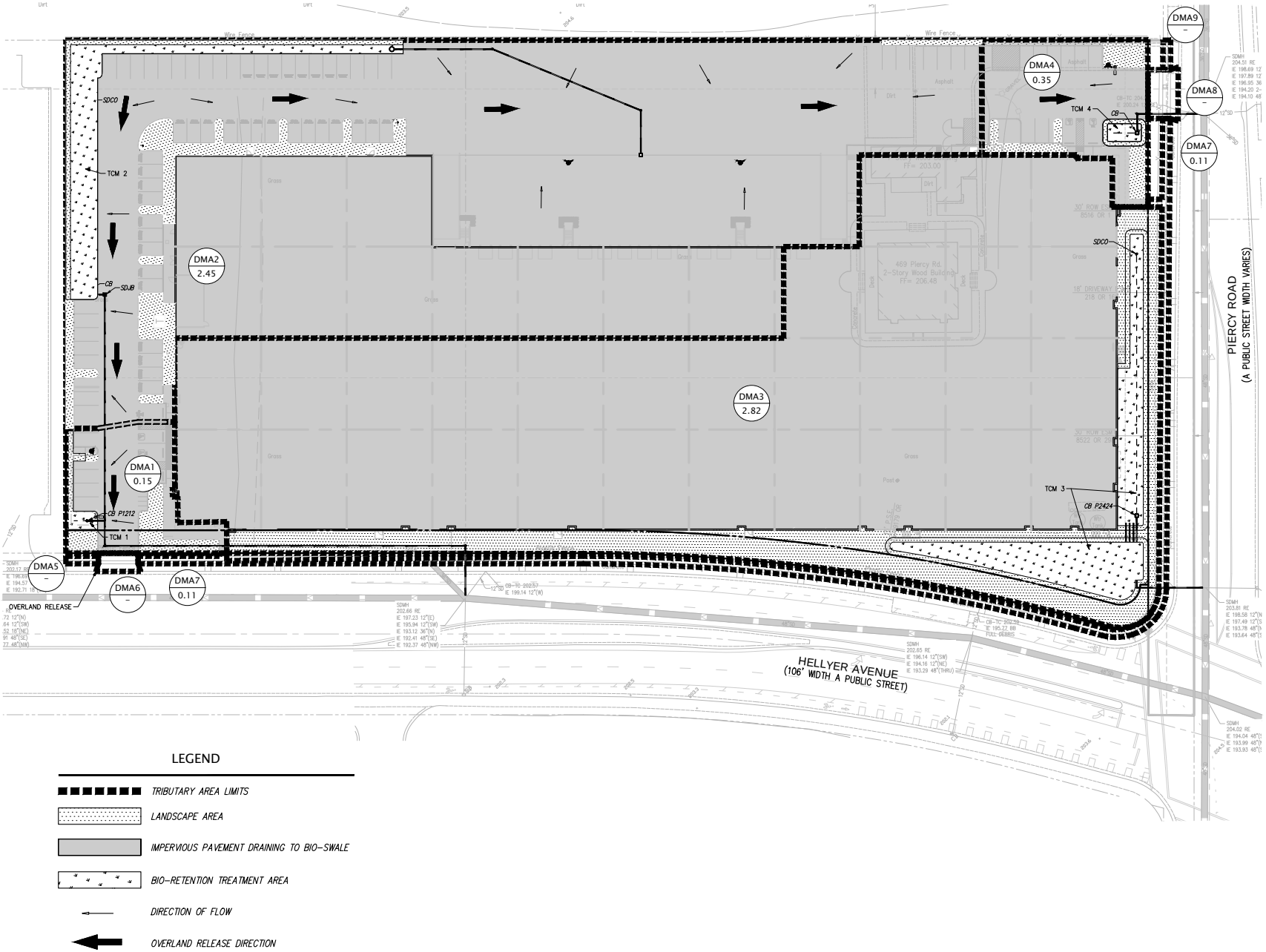

Source: Kier + Wright, 2022

Figure 3-5: Preliminary Stormwater Quality Control Plan

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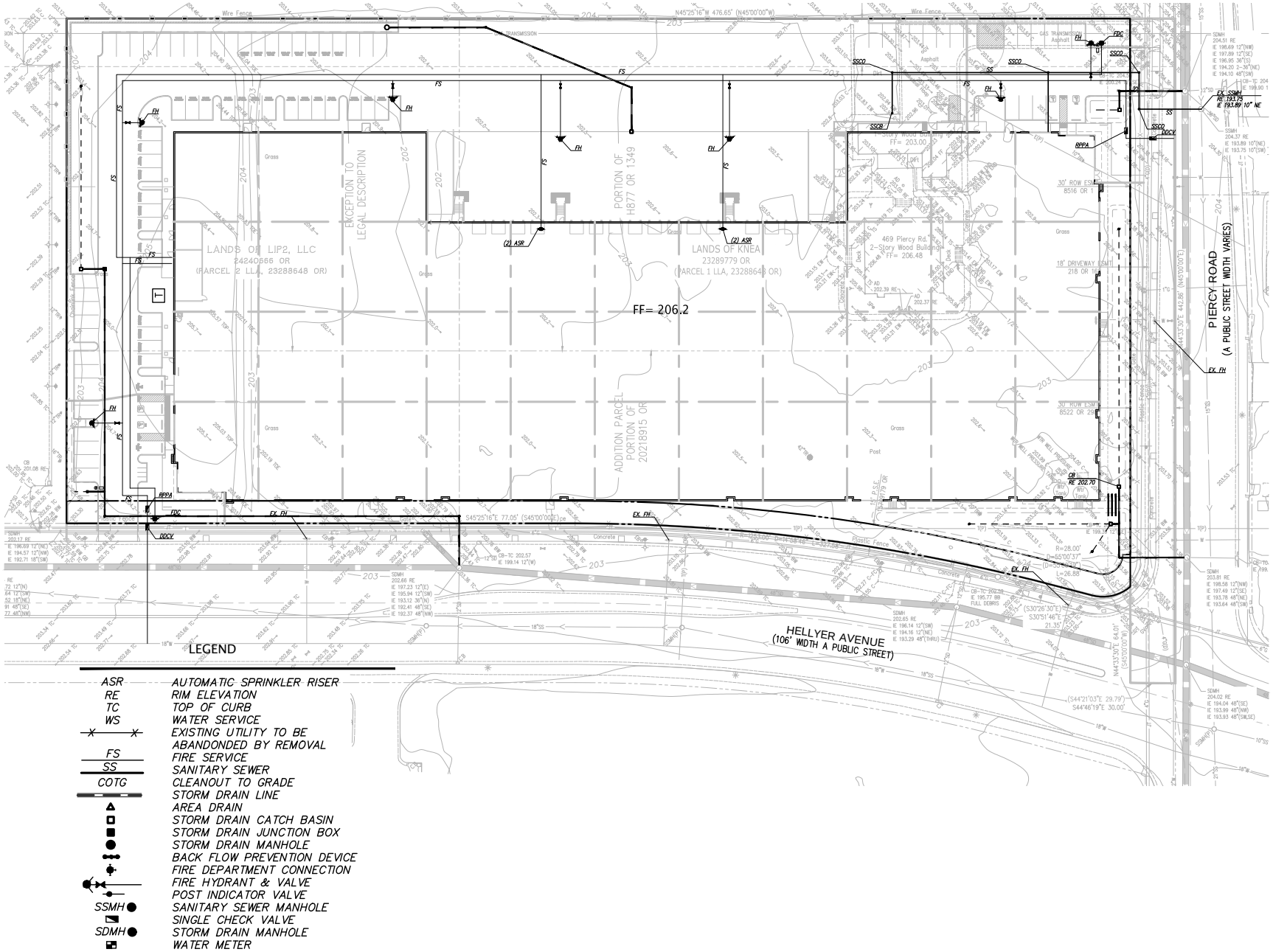

Source: Kier + Wright, 2022

Figure 3-6: Preliminary Utility Plan

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4.0 ENVIRONMENTAL ANALYSIS

4.1 Aesthetics

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

Existing Setting

The 5.93-acre project site is flat and currently developed with a two-story, 6,939 sf single-family residence and a detached garage structure, while the remainder of the site is undeveloped and contains grassy ruderal vegetation types and 11 trees.

The visual context of the project site is characterized by a mix of agricultural and rural residential land uses and recently constructed industrial buildings. The project site is not located in a designated scenic area or corridor as defined by the General Plan. The project site is approximately 0.37-mile north of Coyote Creek Trail. The project site is bordered by Hellyer Avenue to the south, two single-family residences farther south of Hellyer Avenue, Piercy Road to the east, Silver Creek Valley Road to the west, and undeveloped land designated as IP is located to the north, with land designated as OH beyond.

Scenic Views

The Silver Creek Hills, which are a designated scenic resource in the City of San José, are visible to the east of the project site. The project site is not located along a State-designated scenic highway. The project site is visible from nearby public streets and developments within the surrounding project area..

Nighttime Lighting

Sources of nighttime lighting in the project area include indoor lighting visible through windows, exterior lighting for existing developments including illuminated signage, parking lot lighting, and lighting of landscape features, as well as street lighting along roadways.

Applicable Plans, Policies, and Regulations

City of San José Municipal Code

The City's Municipal Code includes several regulations associated with protection of the City's visual character and control of light and glare. Several sections of the Municipal Code include controls for lighting of signs and development adjacent to residential properties. These requirements call for floodlighting to have no glare and lighting facilities to be reflected away from residential use so that there will be no glare. The City's Zoning Ordinance (Title 20 of the Municipal Code) includes design standards, maximum building height, and setback requirements.

City Council Outdoor Lighting Policy 4-3

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

Envision San José 2040 General Plan

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

Policy CD-1.8 Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.

Policy CD-1.12 Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.

Policy CD-1.13 Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.

Policy CD-1.18 Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.

Policy CD-1.23 Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-4.9 For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).

Discussion

a) Have a substantial adverse effect on a scenic vista?

Less than Significant Impact. The General Plan defines scenic vistas or resources in the City of San José as broad views of the Santa Clara Valley, the hills and mountains surrounding the valley, the urban skyline, and the baylands. The Silver Creek Hills are located to the east of the project site and are visible from the site. The project scale would not obstruct views of the Silver Creek Hills. Further, the project site is not located in a designated scenic area or corridor as defined by the General Plan. As such, the project would not result in an adverse effect a scenic vista or damage scenic resources within a State-designated scenic highway.

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

No Impact. The project site is neither located along a designated or eligible State Scenic Highway nor located along a scenic corridor designated by the General Plan. The nearest eligible State Scenic Highway is Interstate 280 located approximately 9.5 miles northwest of the project site (Caltrans, 2022). The nearest General Plan Designated scenic corridor is located approximately 0.10-mile northwest of the project site, along Silver Creek Valley Road. While the project site would be visible from this General Plan Designated scenic corridor, the proposed development would be consistent with the use and character of surrounding developments and would not damage scenic resources within the corridor. The project site would not be visible from these designated or eligible State Scenic Highways or and would not affect the General Plan designated scenic corridor. The project would not result in an adverse effect a scenic vista or damage scenic resources within a State-designated or eligible Scenic Highway. Thus, there would be no impact.

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

Less than Significant Impact. The project site is located within an urbanized area and is surrounded by a combination of light industrial and commercial development, with limited residential uses in the project vicinity. Undeveloped land designated as IP is located to the north of the project site, with land designated as OH farther north. Project implementation would demolish the existing single-family residence and construct an industrial warehouse building with loading dock doors along its northern side. The maximum

building height would be 42 feet and 7 inches, within the allowed height of 50 feet in the CIC Zoning District. See Figure 3-2 for proposed elevations. The proposed project would be consistent with the scale and type of existing development in the project area. For these reasons, the proposed project would have a less than significant impact on the visual character and quality of the site and surround area.

The project would be subject to development regulations for the CIC Zoning District that requires a front building setback of 15 feet from the building; side setback of zero feet from automobile parking and driveways, truck parking, and buildings; and rear setback of zero feet. The proposed warehouse building would meet all setback and building height requirements, consistent with development regulations for the CIC Zoning District. Further, the proposed landscape plan would include landscape plantings throughout the project site boundary and setback areas, consistent with City of San José landscape requirements. For these reasons, the project would not conflict with applicable zoning and regulations governing scenic quality. Thus, impacts would be less than significant.

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

Less than Significant Impact. The project site is currently developed with a single-family residential use which is a source of lighting within the project site. Additional existing ambient sources of nighttime lighting in the project area include lighting of building exteriors and architectural accents in surrounding developments, illumination through windows, landscape lighting, street lighting, parking lot lighting, and vehicle headlights. Glare within the project area is created by the reflection of sunlight and electric lights from windows and building surfaces.

The proposed project would include outdoor lighting on the site for safety and security, typical of a warehouse/distribution facility. Proposed lighting facilities would be reflected away from roadways to avoid potential off-site impacts of site lighting, consistent with the City's Municipal Code and related City Council Outdoor Lighting on Private Developments (Policy 4-3). Proposed building materials would include insulated tempered glass with blue glazing. The project does not propose use of materials known to cause glare, such as mirror or reflective glass that could cause adverse glare effects. Further, while the project would introduce new light sources, the project vicinity is urbanized and already illuminated from existing commercial and industrial land uses. Therefore, proposed lighting conditions would be similar to those currently surrounding the project site. Compliance with the City's policies and existing regulations and adopted plans would avoid substantial light and glare impacts. Thus, impacts would be less than significant.

4.2 Agriculture and Forestry Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Existing Setting

The project area is identified as urban and built-up land on the State of California Important Farmland Map. Urban and built-up land is defined as land occupied by structures with a building density of at least one unit to a 1.5-acre parcel (or approximately six structures to a 10-acre parcel). Residential, industrial, institutional facilities, cemeteries, and sanitary landfills are common examples of Urban Built-Up Land. There is no designated farmland on or adjacent to the project site. The project site is also not subject to a Williamson Act contract (California Department of Conservation, 2022). Per the City of San José zoning ordinance, the project site is zoned Combined Industrial/Commercial (CIC).

Applicable Plans, Policies, and Regulations

Williamson Act

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

Farmland Mapping and Monitoring Program

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

Forest Land and Timberland

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

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

Discussion

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

No Impact. The project site and surrounding areas are not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the State of California Important Farmland Map, and therefore would not result in a conversion of documented agricultural lands to non-agricultural use. Therefore, no impacts would occur.

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

No Impact. The project site is not currently zoned for agricultural use and is not under a Williamson Act contract. Therefore, no impacts would occur.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section

4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

No Impact. The project site is not currently zoned for forest land, timberland, or timberland production. Therefore, improvements planned as part of the proposed project would not conflict with existing zoning or cause rezoning of any such land. Therefore, no impacts would occur.

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

No Impact. The project site does not contain forest land. Therefore, no impact would occur in regard to changing forest land to a non-forest use. Therefore, no impacts would occur.

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

No Impact. The project site and surrounding areas are not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the State of California Important Farmland Map and do not contain forest land, and therefore would not involve changes in the existing environment which could result in the conversion of Farmland or forest land. Therefore, no impacts would occur.

4.3 Air Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
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?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

This Section is based on findings of the Air Quality Assessment and Health Risk Assessment, provided in Appendix A and Appendix B, respectively.

Existing Setting

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin. The project area's proximity to both the Pacific Ocean and the San Francisco Bay has a moderating influence on the climate. This portion of the Santa Clara Valley is bordered by the San Francisco Bay to the north, the Santa Cruz Mountains to the southwest, and the Diablo Range to the east. The surrounding terrain greatly influences winds in the valley, resulting in a prevailing wind that follows along the valley's northwest-southwest axis.

Sensitive Receptors

Air pollutants can cause health problems, especially for children, the elderly, and people with heart or lung problems. Healthy adults may experience symptoms during periods of intense exercise. Pollutants can also cause damage to vegetation, animals, and property.

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive receptors in proximity to localized sources of toxics are of particular concern. Land uses considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. **Table 4.3-1** lists the distances and locations of the nearest sensitive receptors.

Table 4.3-1: Nearest Sensitive Receptors to Project Site

Receptor Description	Distance and Direction from the Project Site
Single-family residence	150 feet southwest
Single-family residence	560 feet east
Family Community Church/Mar Thoma Church of Silicon Valley/RCCG – Jesus House Silicon Valley	150 feet east
Notes: Distances are measured from the project site boundary to the property line.	

Ambient Air Quality

The California Air Resources Board (CARB) monitors ambient air quality at approximately 250 air monitoring stations across the state. Air quality monitoring stations usually measure pollutant concentrations ten feet above ground level; therefore, air quality is often referred to in terms of ground-level concentrations. Existing levels of ambient air quality, historical trends, and projections near the project site are documented by measurements made by the Bay Area Air Quality Management District (BAAQMD)'s air pollution regulatory agency that maintains air quality monitoring stations, which process ambient air quality measurements.

Ozone (O_3) and particulate matter (PM_{10} and $PM_{2.5}$) are pollutants of concern in the BAAQMD. The closest air monitoring station to the project site that monitors ambient concentrations of these pollutants is the San Jose-Jackson Street Monitoring Station located approximately 8.7 miles northwest of the project site. Local air quality data from 2018 to 2020 is provided in Appendix A. It lists the monitored maximum concentrations and number of exceedances of federal or state air quality standards for each year. Particulate matter (PM_{10} and $PM_{2.5}$) were both exceeded in 2020 at the closest monitoring station.

Construction TAC and $PM_{2.5}$ Health Risks

Toxic air contaminants (TACs) are airborne substances that can cause short-term (acute) or long-term (chronic or carcinogenic, i.e., cancer causing) adverse human health effects (i.e., injury or illness). TACs include both organic and inorganic chemical substances. They may be emitted from a variety of common sources including gasoline stations, automobiles, dry cleaners, industrial operations, and painting operations. The current California list of TACs includes more than 200 compounds, including particulate emissions from diesel-fueled engines.

Construction equipment and associated heavy-duty truck traffic generate diesel exhaust, which is a known TAC. Diesel exhaust from construction equipment operating at a site poses a health risk to nearby sensitive receptors.

Under the BAAQMD Air Quality Guidelines (see Appendix A), an incremental cancer risk of greater than 10 cases per million for a 70-year exposure duration at the Maximally Exposed Individual or MEI will result in a significant impact. The 10 in 1 million threshold is based on the latest scientific data, and is designed to protect the most sensitive individuals in the population as each chemical's exposure level includes large margins of safety. In addition to this carcinogen threshold, OEHHA recommends that the non-carcinogenic hazards for TACs at ground level should not exceed a chronic hazard index of greater than one.

Applicable Plans, Policies, and Regulations

Ambient Air Quality Standards

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area. The federal Clean Air Act (CAA) and the California Clean Air Act (CCAA) mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency (U.S. EPA) and CARB have established ambient air quality standards for specific "criteria" pollutants, designed to protect public health and welfare. Primary criteria pollutants include carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter (PM_{10}), sulfur dioxide (SO_2), and lead (Pb). Secondary criteria pollutants include ozone (O_3), and fine particulate matter.

CARB and the U.S. EPA establish ambient air quality standards for major pollutants at thresholds intended to protect public health. The standards for some pollutants are based on other values such as protection of crops or avoidance of nuisance conditions. **Table 4.3-2: State and Federal Ambient Air Quality Standards** summarizes the State California Ambient Air Quality Standards (CAAQS) and the National Ambient Air Quality Standards (NAAQS).

Table 4.3-2: State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards[1]		National Standards[2]	
		Concentration	Attainment Status	Concentration[3]	Attainment Status
Ozone (O_3)	8 Hour	0.070 ppm (137 µg/m³)	N[9]	0.070 ppm	N[4]
	1 Hour	0.09 ppm (180 µg/m³)	N	NA	N/A[5]
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m³)	A	9 ppm (10 mg/m³)	A[6]
	1 Hour	20 ppm (23 mg/m³)	A	35 ppm (40 mg/m³)	A
Nitrogen Dioxide (NO_2)	1 Hour	0.18 ppm (339 µg/m³)	A	0.100 ppm[11]	U
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)	-	0.053 ppm (100 µg/m³)	A
Sulfur Dioxide[12] (SO_2)	24 Hour	0.04 ppm (105 µg/m³)	A	0.14 ppm (365 µg/m³)	A
	1 Hour	0.25 ppm (655 µg/m³)	A	0.075 ppm (196 µg/m³)	A
	Annual Arithmetic Mean	NA	-	0.03 ppm (80 µg/m³)	A
Particulate Matter (PM_{10})	24-Hour	50 µg/m³	N	150 µg/m³	-U
	Annual Arithmetic Mean	20 µg/m³	N[7]	NA	-
Fine Particulate Matter ($PM_{2.5}$) [15]	24-Hour	NA	-	35 µg/m³	U/A
	Annual Arithmetic Mean	12 µg/m³	N[7]	12 µg/m³	N
Sulfates (SO_{4-2})	24 Hour	25 µg/m³	A	NA	-
Lead (Pb)[13, 14]	30-Day Average	1.5 µg/m³	-	NA	A
	Calendar Quarter	NA	-	1.5 µg/m³	A
	Rolling 3-Month Average	NA	-	0.15 µg/m³	-
Hydrogen Sulfide (H_2S)	1 Hour	0.03 ppm (42 µg/m³)	U	NA	-
Vinyl Chloride (C_2H_3Cl)	24 Hour	0.01 ppm (26 µg/m³)	-	NA	-

Pollutant	Averaging Time	State Standards[1]		National Standards[2]	
		Concentration	Attainment Status	Concentration[3]	Attainment Status
Visibility Reducing Particles[8]	8 Hour (10:00 to 18:00 PST)	-	U	-	-

A = attainment; N = nonattainment; U = unclassified; N/A = not applicable or no applicable standard; ppm = parts per million; µg/m^3 = micrograms per cubic meter; mg/m^3 = milligrams per cubic meter; – = not indicated or no information available.

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM_{10}, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.
2. National standards shown are the "primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m$_3$. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m^3.
   Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.
3. National air quality standards are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.
4. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.
5. The national 1-hour ozone standard was revoked by U.S. EPA on June 15, 2005.
6. In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.
7 In June 2002, CARB established new annual standards for $PM_{2.5}$ and PM_{10}.
8 Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.
9. The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006.
10. On January 9, 2013, EPA issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. This EPA rule suspends key SIP requirements as long as monitoring data continues to show that the Bay Area attains the standard. Despite this EPA action, the Bay Area will continue to be designated as “nonattainment” for the national 24-hour $PM_{2.5}$ standard until such time as the Air District submits a “redesignation request” and a “maintenance plan” to EPA, and EPA approves the proposed redesignation.
11. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100ppm (effective January 22, 2010). The US Environmental Protection Agency (EPA) expects to make a designation for the Bay Area by the end of 2017.
12. On June 2, 2010, the U.S. EPA established a new 1-hour SO_2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO_2 NAAQS however must continue to be used until one year following U.S. EPA initial designations of the new 1-hour SO_2 NAAQS.
13. CARB has identified lead and vinyl chloride as ‘toxic air contaminants’ with no threshold level of exposure below which there are no adverse health effects determined.
14. National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.
15. In December 2012, EPA strengthened the annual $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) from 15.0 to 12.0 micrograms per cubic meter (µg/m^3). In December 2014, EPA issued final area designations for the 2012 primary annual $PM_{2.5}$ NAAQS. Areas designated “unclassifiable/attainment” must continue to take steps to prevent their air quality from deteriorating to unhealthy levels. The effective date of this standard is April 15, 2015.

Source: Bay Area Air Quality Management District, *Air Quality Standards and Attainment Status*, 2017 http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status.

CARB designates all areas within the State as either attainment (having air quality better than the CAAQS) or nonattainment (having a pollution concentration that exceeds the CAAQS more than once in three years). The San Francisco Bay Area Air Basin is currently designated as a nonattainment area for state and national standards for ozone and $PM_{2.5}$, and state standards for PM_{10}.

National Ambient Air Quality Standards

As required by the Clean Air Act, the NAAQS have been established for the six primary criteria pollutants: CO, NO_X, O_3, particulate matter (PM_{10} and $PM_{2.5}$), sulfur oxides, and lead. Pursuant to the California Clean Air Act, the state has also established the CAAQS, which are generally more stringent than the corresponding federal standards. The BAAQMD is primarily responsible for assuring that the national and state ambient air quality standards are attained and maintained in the San Francisco Bay Air Basin.

Santa Clara County, and the Bay Area as a whole, is classified as a nonattainment area for ozone, PM_{10}, and $PM_{2.5}$ under federal law. The County is either in attainment or unclassified for other pollutants.

- Ozone, often called photochemical smog, is classified as a secondary air pollutant, meaning it is not emitted directly into the air. It is created by the action of sunlight on ozone precursors, primarily reactive hydrocarbons and NO_X. The major sources of ozone precursors include combustion sources such as factories and automobiles and evaporation of solvents and fuels. The main public health concerns associated with ground level ozone pollution are eye irritation and impairment of respiratory functions.

- PM_{10} consists of solid and liquid particles of dust, soot, aerosols, and other matter which are less than 10 microns in diameter. Major sources of PM_{10} are combustion (including automobile engines – particularly diesel, fires, and factories) and dust from paved and unpaved roads. Public health concerns associated with PM_{10} include aggravation of chronic disease and heart/lung disease symptoms.

- $PM_{2.5}$, also known as Fine Particulate Matter, consists of the same type of matter as PM_{10}, but is less than 2.5 microns in diameter. The major source of $PM_{2.5}$ is combustion, but the particles can also be formed by chemical changes occurring in the air. $PM_{2.5}$ can cause respiratory problems and is of particular concern because the particles can penetrate deeper into the lungs.

The region is required to adopt clean air plans on a triennial basis that show progress towards meeting the state ozone standard. The latest regional plan was adopted in April 2017. This plan includes a comprehensive strategy to reduce emissions from stationary, area, and mobile sources through the expeditious implementation of all feasible measures, including transportation control measures (TCMs) and programs such as "Spare the Air.[6]"

Federal Clean Air Act

The Clean Air Act (CAA) of 1970 and the CAA Amendments of 1971 required the U.S. EPA to establish NAAQS, with states retaining the option to adopt more stringent standards or to include other specific pollutants. On April 2, 2007, the Supreme Court found that carbon dioxide is an air pollutant covered by the CAA; however, no NAAQS have been established for carbon dioxide.

These standards are the levels of air quality considered safe, with an adequate margin of safety, to protect the public health and welfare. They are designed to protect those "sensitive receptors" most susceptible to further respiratory distress such as asthmatics, the elderly, very young children, people already weakened by other disease or illness, and persons engaged in strenuous work or exercise. Healthy adults

[6] http://www.spareheair.org/ accessed August 16, 2021.

can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

The U.S. EPA has classified air basins (or portions thereof) as being in attainment, nonattainment, or unclassified for each criteria air pollutant, based on whether or not the NAAQS have been achieved. If an area is designated unclassified, it is because inadequate air quality data were available as a basis for a nonattainment or attainment designation.

National Emissions Standards for Hazardous Air Pollutants Program

Under federal law, 188 substances are listed as hazardous air pollutants (HAPs). Major sources of specific HAPs are subject to the requirements of the National Emissions Standards for Hazardous Air Pollutants (NESHAPS) program. The U.S. EPA is establishing regulatory schemes for specific source categories and requires implementation of Maximum Achievable Control Technologies (MACTs) for major sources of HAPs in each source category. State law has established the framework for California's Toxic air contaminant (TAC) identification and control program, which is generally more stringent than the federal program and is aimed at HAPs that are a problem in California. The state has formally identified 244 substances as TACs and is adopting appropriate control measures for each. Once adopted at the state level, each air district will be required to adopt a measure that is equally or more stringent.

California Air Toxics "Hot Spots" Information and Assessment Act (AB 2588)

The California Air Toxics "Hot Spots" Information and Assessment Act (Assembly Bill [AB] 2588) is a state-wide program enacted in 1987. AB 2588 requires facilities that exceed recommended Office of Environmental Health Hazard Assessment (OEHHA) levels to reduce risks to acceptable levels.

Typically, land development projects generate diesel emissions from construction vehicles during the construction phase, as well as some diesel emissions from small trucks during the operational phase. Diesel exhaust is mainly composed of particulate matter and gases, which contain potential cancer-causing substances. Emissions from diesel engines currently include over 40 substances that are listed by U.S. EPA as hazardous air pollutants and by CARB as toxic air contaminants. On August 27, 1998, CARB identified particulate matter in diesel exhaust as a TAC, based on data linking diesel particulate emissions to increased risks of lung cancer and respiratory disease.

In September 2000, CARB adopted a comprehensive diesel risk reduction plan to reduce emissions from both new and existing diesel-fueled engines and vehicles. The goal of the plan is to reduce diesel PM emissions and the associated health risk by 75 percent in 2010 and by 85 percent by 2020. As part of this plan, CARB identified Airborne Toxic Control Measures (ATCM) for mobile and stationary emissions sources. Each ATCM is codified in the California Code of Regulations, including the ATCM to limit diesel-fueled commercial motor vehicle idling, which puts limits on idling time for large diesel engines (13 CCR Chapter 10 Section 2485).

California Clean Air Act

The Federal CAA allows states to adopt ambient air quality standards and other regulations provided that they are at least as stringent as federal standards. CARB, a part of the California Environmental Protection Agency, is responsible for the coordination and administration of both federal and state air pollution control programs within California, including setting the California ambient air quality standards. CARB also conducts research, compiles emission inventories, develops suggested control measures, and

provides oversight of local programs. CARB establishes emissions standards for motor vehicles sold in California, consumer products (such as hairspray, aerosol paints, and barbecue lighter fluid), and various types of commercial equipment. It also sets fuel specifications to further reduce vehicular emissions. CARB also has primary responsibility for the development of California's State Implementation Plan (SIP), for which it works closely with the federal government and the local air districts.

In addition to standards set for the six criteria pollutants, the State has set standards for sulfates, hydrogen sulfide, vinyl chloride, and visibility reducing particles. These standards are designed to protect the health and welfare of the populace with a reasonable margin of safety. Further, in addition to primary and secondary ambient air quality standards, the State has established a set of episode criteria for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and particulate matter. These criteria refer to episode levels representing periods of short-term exposure to air pollutants that actually threaten public health.

California State Implementation Plan

The federal Clean Air Act (and its subsequent amendments) requires each state to prepare an air quality control plan referred to as the SIP. The SIP is a living document that is periodically modified to reflect the latest emissions inventories, plans, and rules and regulations of air basins as reported by the agencies with jurisdiction over them. The CAA Amendments dictate that states containing areas violating the national ambient air quality standards revise their SIPs to include extra control measures to reduce air pollution. The SIP includes strategies and control measures to attain the NAAQS by deadlines established by the Clean Air Act. The U.S. EPA has the responsibility to review all State Implementation Plans to determine if they conform to the requirements of the CAA.

State law makes CARB the lead agency for all purposes related to the SIP. Local air districts and other agencies prepare SIP elements and submit them to CARB for review and approval. CARB then forwards SIP revisions to the U.S. EPA for approval and publication in the Federal Register. As discussed below, the BAAQMD Final 2017 Clean Air Plan (Clean Air Plan) is the SIP for the Basin.

Climate Smart San José

Approved by the City Council in February 2018, Climate Smart San José utilizes a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce greenhouse gas emissions, save water and improve quality of life. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility, and water. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our California climate
- Densify our city to accommodate our future neighbors
- Make homes efficient and affordable for families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our city to reduce vehicle miles traveled
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

City of San José General Plan

The City's General Plan includes the following air quality policies applicable to the project:

Policy MS-10.1: Assess projected air emissions from new development in conformance with the BAAQMD CEQA Guidelines and relative to state and federal standards. Identify and implement air emissions reduction measures.

Policy MS-10.2: Consider the cumulative air quality impacts from proposed developments for proposed land use designation changes and new development, consistent with the region's Clean Air Plan and State law.

Policy MS-10.4: Encourage effective regulation of mobile and stationary sources of air pollution, both inside and outside of San José. In particular, support Federal and State regulations to improve automobile emission controls.

Policy MS-10.6: Encourage mixed land use development near transit lines and provide retail and other types of service-oriented uses within walking distance to minimize automobile dependent development.

Policy MS-10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.

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

Policy MS-11.6: Develop and adopt a comprehensive Community Risk Reduction Plan that includes: baseline inventory of toxic air contaminants (TACs) and particulate matter smaller than 2.5 microns ($PM_{2.5}$), emissions from all sources, emissions reduction targets, and enforceable emission reduction strategies and performance measures. The Community Risk Reduction Plan will include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, progress reporting to the public and responsible agencies, and periodic updates of the plan, as appropriate.

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

Policy 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.

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

Policy MS-13.3: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

Discussion

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

Less than Significant Impact.

The BAAQMD Air Quality Plan is the BAAQMD Final 2017 Clean Air Plan (Clean Air Plan) which outlines how the San Francisco area will attain air quality standards, reduce population exposure and protect public health, and reduce air quality emissions. The State CEQA Guidelines currently require a project to show consistency with an applicable air quality plan. The BAAQMD CEQA Guidelines provide three criteria for determining a project's consistency with the Clean Air Plan:

Criterion 1: Does the Project support the primary goals of the Air Quality Plan?

The primary goals of the current AQP are attain air quality standards; reduce population exposure and protecting public health in the Bay Area; and reduce greenhouse gas emissions and protect the climate.

As described below, construction and operational air quality emissions generated by the project would not exceed the BAAQMD's emissions thresholds. Since the project would not exceed these thresholds, the project would not be considered by the BAAQMD to be a substantial emitter of criteria air pollutants and would not contribute to any non-attainment areas in the Basin.

A project would be consistent with the 2017 Clean Air Plan Progress Report if it would not exceed the growth assumptions in the plan. The project is anticipated to generate 134[7] jobs within the City. Association of Bay Area Governments (ABAG) predicts that job opportunities in the City of San José will grow from 387,510 in 2010 to 554,875 by 2040. Therefore, the addition of 134 new jobs would be within the ABAG growth projections for the City which assumes approximately new 554,875 jobs by 2040. The Clean Air Plan forecasts regional emissions based on land uses and population projections. Population growth associated with the proposed project would be consistent with ABAG's projections for the City and with the City's General Plan. Therefore, the project would not conflict with the population growth anticipated in the Clean Air Plan.

As discussed below in section 4.8 Greenhouse Gas Emissions, the project would be consistent with the City's Greenhouse Gas Reduction Strategy and therefore would not result in an increase in greenhouse gas emissions (GHG). Therefore, the project would not conflict with the third goal of reducing GHG emissions and protecting the climate.

Criterion 2: Does the Project include applicable control measures from the Air Quality Plan?

The project is consistent with the 2017 Clean Air Plan policies that are applicable to the project site. As shown below, projects are considered consistent with the 2017 Clean Air Plan if they incorporate all

[7] City of San José. *San José Market Overview and Employment Lands Analysis*, 2016. Employment Density is 1,000 square feet per employee for Industrial

applicable and feasible control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures.

As discussed in **Table 4.3-3: Project Consistency with Applicable Clean Air Plan Control Measures**, the project would comply with City, State, and regional requirements.

Table 4.3-3: Project Consistency with Applicable Clean Air Plan Control Measures

Control Measure	Project Consistency
Stationary Source Control Measures	
SS21: New Source Review of Toxic Air Contaminants	**Consistent**. The project would include backup generators that would generate new sources of TAC that would impact nearby sensitive receptors during emergency operations. However, the backup generators would be subject to the new source rule, would require permits, and would be required to implement best available control measures. The building design would accommodate warehouse and similar uses that are not heavy industrial or would exhaust TACs.
SS25: Coatings, Solvents, Lubricants, Sealants and Adhesives	**Consistent**. The project would comply with Regulation 8, Rule 3: Architectural Coatings, which would dictate the ROG content of paint available for use during construction.
SS26: Surface Prep and Cleaning Solvent	
SS29: Asphaltic Concrete	**Consistent**. Paving activities associated with the project would be required to utilize asphalt that does not exceed BAAQMD emission standards in Regulation 8, Rule 15.
SS31: General Particulate Matter Emissions Limitation	**Consistent**. This control measure is implemented by the BAAQMD through Regulation 6, Rule 1. This Rule Limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions and opacity. The project would be required to comply with applicable BAAQMD rules.
SS32: Emergency Back-up Generators	**Consistent**. Depending on the end user, the project may potentially include back-up generators. The emergency generators installed would be required to meet the BAAQMD's emissions standards for back-up generators.
SS36: Particulate Matter from Trackout	**Consistent**. Mud and dirt that may be tracked out onto the nearby public roads during construction activities would be removed promptly by the contractor in compliance with BAAQMD's requirements and City Standard Permit Conditions.
SS37: Particulate Matter from Asphalt Operations	**Consistent**. Paving and roofing activities associated with the project would be required to utilize best management practices to minimize the particulate matter created from the transport and application of road and roofing asphalt.
SS38: Fugitive Dust	**Consistent**. Material stockpiling and track out during grading activities as well as smoke and fumes from paving and roofing asphalt operations would be required to utilize BMPs enforced through City's Standard Permit Condition noted in Item b) below, such as watering exposed surfaces twice a day, covering haul trucks, keeping vehicle speeds on unpaved roads under 15 miles per hour (mph), to minimize the creation of fugitive dust.

Control Measure	Project Consistency
SS40: Odors	**Consistent**. The project is an industrial development and is not anticipated to generate odors. The project would comply with BAAQMD Regulation 7 which strengthens odor standards and enhance enforceability.
Transportation Control Measures	
TR2: Trip Reduction Programs	**Consistent**. The project would include travel demand measures (TDMs) such as multimodal network improvements and ride sharing. These TDMs would help reduce vehicle miles traveled (VMT) and mobile greenhouse gas (GHG) emissions. As stated in MM Trans-1, the project would include two City suggested Tier 2 multi-modal infrastructure improvements. These improvements include the construction of a raised crosswalk at the existing pork-chop islands at the Hellyer at Silver Creek intersection and the installation of Class II bike lanes along the project frontages as well at Piercy Road from Hellyer Avenue to Silver Creek Valley Road. Bicycle storage for employees and visitors would be provided on site. Additionally, the project is within 0.25-mile of VTA bus stops along Hellyer Avenue.
TR8: Ridesharing and Last-Mile Connections	
TR9: Bicycle and Pedestrian Access Facilities	**Consistent.** Hellyer Avenue has a Class II bike lane with striping to separate the vehicle and bike travel way. Additionally, the proposed project would include 10 bicycle racks as well as bicycle and pedestrian access on the driveways.
TR10: Land Use Strategies	**Consistent** This measure is a BAAQMD funding tool to maintain and disseminate information on current climate action plans and other local best practices and collaborate with regional partners to identify innovative funding mechanisms to help local governments address air quality and climate change in their general plans. In addition, the proposed project site is located off Hellyer Avenue which has transit stop on VTA Bus Route 42 just past the intersection with Piercy Road. Therefore, employees associated with the proposed project could easily access transit, furthering the City's General Plan goals to support a healthy community, reduce traffic congestion and decrease GHG emissions and energy consumption. The project would not conflict with implementation of this measure.
TR13: Parking Policies	**Consistent.** The proposed project would provide 86 new parking spaces (including 38 standard stalls and 35 EV capable stalls). The proposed parking would meet City minimum parking requirements.
TR22: Construction, Freight and Farming Equipment	**Consistent**. The project would comply through implementation of the BAAQMD standard condition, which requires construction equipment to be properly maintained, and use a mix of Tier 3 and Tier 4 off road engines.
Energy and Climate Control Measures	
EN1: Decarbonize Electricity Generation	**Consistent**. The project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and attain LEEDTM Silver certification because it is over 25,000 square feet in size and the proposed project would comply with the City's Reach Code that requires building
EN2: Decrease Electricity Demand	

Control Measure	Project Consistency
	electrification and energy efficiency, solar readiness on nonresidential buildings, and EV readiness and EV equipment installation.
Buildings Control Measures	
BL1: Green Buildings	**Consistent**. The project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance.
BL2: Decarbonize Buildings	
BL4: Urban Heat Island Mitigation	**Consistent**. The project would include a landscaping plan that would introduce vegetation to reduce heat island effects. The Landscaping Plan would comply with the City's requirements. This would include shading of the parking lot and walkways, specifically 24 parking lot trees and 1 street tree per 30 LF. These actions would act against urban heat island effect on-site.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	**Consistent** The project site is a warehouse building. The project includes Landscaping Plans with native vegetation, drought tolerant plants, and trees. See BL4.
Waste Management Control Measures	
WA1: Landfills	**Consistent**. The waste service provider for the project would be required to meet the AB 341 and SB 939, 1374, and 1383 requirements that require waste service providers to divert and recycle waste. Per CalGreen requirements the project would recycle construction waste.
WA3: Green Waste Diversion	
WA4: Recycling and Waste Reduction	
Water Control Measures	
WR2: Support Water Conservation	**Consistent**. The project would implement water conservation measures and low flow fixtures as required by Title 24, CalGreen, and the City of San José Municipal Code Section 15-11 Water Efficient Landscaping Ordinance, which includes various specifications for plant types, water features, and irrigation design etc.
Source: BAAQMD, Clean Air Plan, 2017 and Kimley-Horn, 2023.	

As discussed above, the project would not exceed the assumptions in the Clean Air Plan and impacts would be less than significant.

Criterion 3: Does the Project hinder or disrupt the implementation of any Air Quality Control Measures?

The Clean Air Plan assumptions for projected air emissions and pollutants in the City of San José are based on the Envision San José 2040 General Plan Land Use Designation Map which designates the project site use as IP. The project site is zoned CIC. The CIC Zoning District allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature, but including some low-intensity light industrial uses as well. The project would allow for a 134,605-sf warehouse building consistent with the Envision San José 2040 General Plan land use designation and would not increase the regional population growth or cause changes in vehicle traffic that would obstruct implementation of the Clean Air Plan in the San Francisco Bay Area Basin.

Further, **Table 4.3-3: Project Consistency with Applicable Clean Air Plan Control Measures** outlines the project's consistency with the applicable 2017 Clean Air Plan policies. Therefore, the project would not

hinder or disrupt the implementation of any 2017 Clean Air Plan Control Measures and impacts would be considered less than significant.

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

Less than Significant Impact.

Construction Emissions

Project construction activities would generate short-term emissions of criteria air pollutants during demolition, site preparation, site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. The criteria pollutants of primary concern within the project area include ozone-precursor pollutants (i.e., ROG and NO_x) and PM_{10} and $PM_{2.5}$. Construction-generated emissions are short term and temporary, lasting only while construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the BAAQMD's thresholds of significance.

Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with demolition, site preparation activities, as well as weather conditions and the appropriate application of water. For this project, site preparation includes the excavation and the removal of soils.

The duration of construction activities associated with the project are estimated to last approximately 13 months. The project's construction-related emissions were calculated using the BAAQMD-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Demolition of the project site is anticipated to last for one month. Demolition would consist of removing one ton of pavement and five tons of building material from the existing project site. Project site preparations are anticipated to last approximately 22 days. Project grading is anticipated to last approximately 23 days. The grading phase would require approximately 1,655 cubic yards (cy) of soil export. The project paving phase is estimated to last one month. The grading and paving phase includes the construction of the three-feet sidewalk extension on Hellyer Avenue and Piercy Road and the raised crosswalks at the pork-chop islands at the Hellyer Avenue and Silver Creek Valley Road intersection. The construction of these two improvements were modeled in the Road Construction Emission Model (RCEM) and were included in the Year 1 Construction Year pollutant emissions. Building Construction and architectural coating activities were modeled to be completed approximately six months after completion of the paving phase. This approach is conservative given that emissions factors decrease in future years due to regulatory and technological improvements and fleet turnover. See Appendix A for additional information regarding the construction assumptions used in this analysis. The project's predicted maximum daily construction-related emissions are summarized in Table 4.3-4: Construction-Related Emissions.

Table 4.3-4: Construction-Related Emissions

Construction Year	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Year 1	4.27	44.21	2.17	1.94	9.51	4.56
Year 2	24.35	17.64	0.79	0.74	1.17	0.32
Maximum	**24.35**	**44.21**	**2.17**	**1.94**	**9.51**	**4.56**
BAAQMD Significance Threshold[3,43]	*54*	*54*	*82*	*54*	*BMPs*	*BMPs*
Exceed BAAQMD Threshold?	No	No	No	No	N/A	N/A

1.Emissions were calculated using CalEEMod.
2. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, updated May 2017.
3. BMPs = Best Management Practices. The BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of Basic Construction Mitigation measures are considered to mitigate fugitive dust emissions to be less than significant.
Source: Refer to the CalEEMod outputs provided in Appendix E.

As **Table 4.3-4** shows, the construction-related emissions would not exceed BAAQMD thresholds for ROG, NOx, Exhaust PM_{10}, and Exhaust $PM_{2.5}$. Fugitive PM_{10} and $PM_{2.5}$ require certain BAAQMD Basic Construction Control Measures that are further discussed below.

Fugitive Dust Emissions. Fugitive dust emissions are associated with land clearing, ground excavation, cut-and-fill operations, demolition, and truck travel on unpaved roadways. Dust emissions also vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Fugitive dust emissions may have a substantial, temporary impact on local air quality. In addition, fugitive dust may be a nuisance to those living and working in the project vicinity. Uncontrolled dust from construction can become a nuisance and potential health hazard to those living and working nearby. As shown in **Table 4.3-4: Construction-Related Emissions**, the BAAQMD recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance thresholds. The project would implement the BAAQMD Basic Construction Control Measures enforceable through City's Standard Permit Condition to control dust at the project site during all phases of construction.

Construction Equipment and Worker Vehicle Exhaust. Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported onsite or offsite. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, emissions produced on site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, NOX, PM_{10}, and $PM_{2.5}$. As previously addressed in **Table 4.3-4: Construction-Related Emissions**, the BAAQMD recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance thresholds. See the below listed Standard

Permit Conditions. The emissions generated by engine combustion in construction equipment, haul trucks, and employee commuting would not exceed BAAQMD Thresholds with the proper implementation of the Basic Construction Control Measures.

ROG Emissions. In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O_3 precursors. In accordance with the methodology prescribed by the BAAQMD, the ROG emissions associated with paving have been quantified with CalEEMod. The highest concentration of ROG emissions would be generated from architectural coating activities beginning July 2023 and lasting approximately three months. This phase includes the interior and exterior painting as well as striping of all paved parking areas and driveways. Paints would be required to comply with BAAQMD Regulation 8, Rule 3: Architectural Coating, which provides specifications on painting practices and regulates the ROG content of paint. As shown in **Table 4.3-4: Construction-Related Emissions**, compliance with BAAQMD's regulation would maintain ROG emissions below BAAQMD thresholds for the duration of construction.

Summary. As shown in **Table 4.3-4: Construction-Related Emissions**, all criteria pollutant emissions would remain below their respective thresholds. BAAQMD considers fugitive dust emissions to be potentially significant without implementation of the Construction Control Measures which help control fugitive dust. NO_X emissions are primarily generated by engine combustion in construction equipment, haul trucks, and employee commuting, requiring the use of newer construction equipment with better emissions controls would reduce construction-related NO_X emissions. With implementation of the Standard Permit Condition, the project's construction would not worsen ambient air quality, violate federal and state standards, or delay the Basin's goal for meeting attainment standards. Impacts would be less than significant.

Standard Permit Condition

These measures would be placed on the project plan documents prior to the issuance of any grading permits for the proposed project.

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

ii. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.

iii. Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

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

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

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

vii. All vehicle speeds on unpaved roads shall be limited to 15 mph.

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

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

x. Minimizing idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.

xi. Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.

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

Operational Emissions

Operational emissions for industrial developments are typically generated from mobile sources (burning of fossil fuels in cars); energy sources (cooling and heating); and area sources (landscape equipment and household products). **Table 4.3-5: Maximum Daily Project Operational Emissions** shows that the project's maximum emissions would not exceed BAAQMD operational thresholds.

Table 4.3-5: Maximum Daily Project Operational Emissions

Emissions Source	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO_X)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Area	3.31	0.0002	0.0001	0.0001	0.00	0.00
Energy	0.00	0.00	0.00	0.00	0.00	0.00
Mobile	0.60	14.96	0.13	0.13	2.96	0.80
Generators	1.69	4.71	0.25	0.25	0.00	0.00
Off-Road Equipment	1.25	9.64	0.19	0.16	0.00	0.00
Total Emissions	**6.85**	**29.31**	**0.57**	**0.54**	**2.96**	**0.80**
BAAQMD Significance Threshold[2]	*54*	*54*	*82*	*54*	*N/A*	*N/A*
BAAQMD Threshold Exceeded?	**No**	**No**	**No**	**No**	**N/A**	**N/A**

1. Emissions were calculated using CalEEMod.
2. Bay Area Air Quality Management District, *California Environmental Quality Act Air Quality Guidelines*, 2017.

Source: Refer to the CalEEMod outputs provided in Appendix E.

Area Source Emissions Area source emissions would be generated by the use of consumer products, architectural coating, and landscaping.

Energy Source Emissions. Energy source emissions would be generated as a result of electricity usage associated with the project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. In addition, as noted in Section 2.0 Project Information, a Condition of Approval is included that would only permit dry storage with no option for the conversion to cold storage in the future. If conversion of cold storage is proposed in the future, additional environmental review is required.

Mobile Sources. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents readily transport PM_{10} and $PM_{2.5}$). However, CO tends to be a localized pollutant, dispersing rapidly at the source. Project-generated vehicle emissions have been estimated using CalEEMod. Trip generation rates associated with the project were based on the *Project Transportation Analysis* prepared by Kimley-Horn (March 2022). Based on the Transportation Analysis, the project would generate 230 daily vehicle trips, including 75 daily truck trips. However, with applicable trip reductions including location-based mode-share and other trip adjustments the project would result in a net increase of 213 new trips.

Generators. Generators emit pollutants that are either of regional or local concern like ROG, NO_x, PM_{10}, and $PM_{2.5}$. The project would include back-up generators that would operate during emergencies and maintenance. This analysis assumes 50 hours per year for routine testing and maintenance for the emergency generator per BAAQMD guidance. Emissions from these generators would be infrequent and would not be constant. The project would only have one emergency back-up generator.

Off-Road Equipment. The Project would include the operation of off-road equipment such as forklifts and yard trucks. Emissions related to off-road equipment have been estimated using emission rates from the CARB Emission Factor (EMFAC) model. The project is estimated to use five forklifts and one yard truck based off the square footage of the proposed building.

Total Operational Emissions. As indicated in **Table 4.3-5**, net project operational emissions would not exceed BAAQMD thresholds. The federal ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, the project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts would occur. Project operational emissions would be less than significant.

Cumulative Short-Term Emissions

The Basin is designated nonattainment for O_3, PM_{10}, and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for federal standards. As previously noted, the project's construction-related emissions would not exceed the BAAQMD significance thresholds for criteria pollutants. Since these thresholds indicate whether an individual project's emissions have the potential to affect cumulative regional air quality, the project-related construction emissions would not be cumulatively considerable. The BAAQMD recommends Basic Construction Control Measures for all projects whether or not construction-related emissions exceed the thresholds of significance. Compliance with BAAQMD construction-related requirements are considered to reduce cumulative impacts at a Basin-wide level. As a result, construction emissions associated with the project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

Cumulative Long-Term Impacts

The BAAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The BAAQMD

developed the operational thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the BAAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.[8] As shown in Table 4.3-5, the project's operational emissions would not exceed BAAQMD thresholds. As a result, operational emissions associated with the project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. The project would generate diesel exhaust from construction equipment and associated heavy-duty truck traffic, which is a known TAC. Operational activities would also include the use of heavy-duty diesel trucks. Diesel exhaust from construction equipment operating at the site and heavy-duty trucks would pose a health risk to nearby sensitive receptors including single-family residences located 150 feet southwest and Family Community Church located 150 feet east of the project site. .

Construction Toxic Air Contaminants

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust which is a known TAC. Diesel exhaust from construction equipment operating at the site would pose a health risk to nearby sensitive receptors. However, the use of diesel-powered construction equipment would be episodic and would occur in various phases throughout the project site. Construction is subject to and would comply with California regulations (e.g., California Code of Regulations, Title 13, Division 3, Article 1, Chapter 10, Sections 2485 and 2449), which reduce Diesel Particulate Matter (DPM) and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction equipment to no more than five minutes. These regulations would further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions.

As noted in the Health Risk Assessment, provided in Appendix B, the maximum (worst case) $PM_{2.5}$ exhaust construction emissions over the entire construction period were used in AERMOD to approximate construction DPM emissions. $PM_{2.5}$ construction emissions were calculated from the total annual on-site exhaust emissions reported in CalEEMod (0.10 tons) total during construction. Annual emissions were then input into AERMOD. Although project construction would occur for over a period of one year, the health risk computation was performed to determine the risk of developing an excess cancer risk calculated on a 3-year exposure scenario as recommended by the BAAQMD, and thus is conservative.[9] Risk levels were also calculated with the CARB Hotspots Analysis and Reporting Program (HARP) Risk Assessment Standalone Tool (RAST) based on the California Office of Environmental Health Hazard Assessment (OEHHA) guidance document, Air Toxics Hot Spots Program Risk Assessment Guidelines (February 2015). Results of the HRA are summarized in **Table 4.3-6: Construction Risk**.

Table 4.3-6: Construction Risk

[8] In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions (BAAQMD CEQA Guidelines page 2-1).

[9] The BAAQMD recommends that the cancer risk be evaluated assuming that the average daily dose for short-term exposure lasts a minimum of three years for projects lasting three years or less (BAAQMD, *BAAQMD Air Toxics NSR Program Health Risk Assessment Guidelines*, December 2016).

Emissions Sources	Pollutant Concentration ($\mu g/m^3$)	Cancer Risk (per Million)	Chronic Hazard	Acute Hazard
Worker Exposure	0.047	2.88	0.010	0.164
Residential Exposure	0.017	4.05	0.003	0.103
BAAQMD Threshold	*0.3*	*10*	*1.0*	*1.0*
Threshold Exceeded?	**No**	**No**	**No**	**No**

1. Although construction would only occur for 13 months, the exposure duration was calculated to last for 3 years per the *BAAQMD Health Risk Assessment Modeling Protocol* (December 2020). Worker exposure would be 8 hours per day for 245 days per year and a residential exposure would be 24 hours per day for 350 days per year. The residential exposure scenario assumes a third trimester start age, 95th percentile breathing rates, and age sensitivity factors. The worker exposure was conservatively used to estimate the risk at the nearby church.

Maximum concentration of $PM_{2.5}$ during construction would be 0.05 $\mu g/m^3$, which would not exceed the BAAQMD threshold of 0.3 $\mu g/m^3$. The highest calculated carcinogenic risk from project construction would be 5.74 per million for the maximally exposed individual resident (MEIR) located east of the project site, which would not exceed the BAAQMD threshold of 10 in one million. The maximally exposed individual (MEI) during construction (i.e., the closest receptor exposed to the highest concentrations) to the project site is the residence (approximately 150 feet to the southwest). Non-cancer hazards for DPM would be below BAAQMD threshold, with a chronic hazard index computed at 0.004 and an acute hazard index of 0.129. Although pollutant concentrations are higher directly north of the project site, worker exposure is assumed to occur 8 hours per day for 245 days per year, while residential exposure is assumed to occur 24 hours per day for 350 days per year[10]. The worker exposure scenario was conservatively used for the church receptors. As described above, construction risk levels would be below the BAAQMD's thresholds and impacts would be less than significant.

Operational Toxic Air Contaminants

According to the Transportation Analysis, provided in Appendix J, the project would include passenger vehicles and trucks. The project is anticipated to generate 230 daily trips of which 75 would be daily truck trips. The MEIR during operation is the sensitive receptor, the church, located 150 feet to the east. As shown in **Table 4.3-7: Operational Risk Assessment Results** the highest calculated carcinogenic risk resulting from the project would be 0.12 per million residents, which is below the BAAQMD threshold of 10 per million. The risk calculated for the church represents the exposure levels outdoors for 8 hours a day. However, a typical person attending the church would not spend the majority of time at the same location near the project site for an 8-hour day. Therefore, the calculated risk is not necessarily representative of actual exposure at the project site and tend to overestimate exposure. Acute and chronic hazards also would be below the BAAQMD significance threshold of 1.0. Therefore, operational impacts would be less than significant.

Table 4.3-7: Operational Risk Assessment Results

Exposure Scenario	Pollutant Concentration ($\mu g/m^3$)	Maximum Cancer Risk (Risk per Million)	Chronic Noncancer Hazard	Acute Noncancer Hazard
Worker Exposure	0.001	0.03	0.0001	0.0034
Residential Exposure	0.0002	0.07	0.00003	0.0016

[10] Bay Area Air Quality Management District, *BAAQMD Health Risk Assessment Modeling Protocol*, December 2020.

Threshold	*0.3*	*10*	*1.0*	*1.0*
Exceed Threshold?	**No**	**No**	**No**	**No**

1. The maximum cancer risk (not exceeding the threshold) would be experienced at the residences located south of the project site based on worst-case exposure durations for the project, 95th percentile breathing rates, age sensitivity factors, third trimester start age, and 30-year exposure duration. The worker and trail exposure is based on 95th percentile breathing rates and 25-year exposure duration.

Cumulative Health Risk Analysis

Cumulative impacts are defined as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. Worst-case $PM_{2.5}$ concentrations and chronic hazard levels for the project would be well below the BAAQMD's thresholds. CEQA Guidelines 15065(a)(3) states "… 'Cumulatively considerable' means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Mobile sources and stationary sources within a 1,000-foot radius of the project site were reviewed using BAAQMD's Stationary Source Screening Analysis Tools. There are three existing permitted stationary sources located within a 1,000-foot radius of the project site. **Table 4.3-8: Cumulative Operational Health Risk**, below shows the cumulative health risk values for the proposed project.

Table 4.3-8: Cumulative Operational Health Risk

Emissions Sources	$PM_{2.5}$ (µg/m^3)	Cancer Risk (per million)	Hazard
Project Mobile Emissions	0.0002	0.07	0.00003
Major Street Sources[1]	0.002	0.09	0.008
Highway Sources[1]	0.21	15.08	0.84
Railway Sources[1]	0.001	0.77	0.004
Stationary Sources			
Name of Facility			
ColFin 2019-2D Industrial Owner LLC	0.001	0.63	0.001
Suez Water Technologies and Solutions, Inc	0.00	0,08	0.00
Commonwealth Central Credit Union	0.001	0.006	0.001
Cumulative Health Risk Values	**0.21**	**16.73**	**0.85**
BAAQMD Cumulative Threshold	*0.8*	*100*	*10*
Threshold Exceeded?	**No**	**No**	**No**

1. BAAQMD GIS data.
Source: BAAQMD's Stationary Source Data and GIS Mapping Tools, 2022.

As identified in **Table 4.3-8: Cumulative Operational Health Risk**, cumulative impacts related to cancer risk and hazard would be less than cumulatively considerable. The primary contributor the cumulative $PM_{2.5}$ concentrations are the existing highway sources near the project area ($PM_{2.5}$ of 0.21 µg/m^3). The highway sources represent approximately 99.99 percent of the total concentrations. The project represents less than 0.1 percent of total cumulative $PM_{2.5}$ in the project area. Therefore, the project would

not be cumulatively considerable. The incremental effect of the individual project is less than significant.[11] Therefore, the project's cumulative impacts would be less than significant.

Mobile Sources

The project would not place sensitive receptors within 1,000-feet of a major roadway (mobile TAC source). Additionally, the project's effects to existing vehicle distribution and travel speeds would be nominal. According to the Transportation Analysis, the project would generate 213 net new daily trips. Any changes to vehicle distribution and travel speeds can affect vehicle emissions rates, although these changes would be minimal and would not substantially change criteria pollutant emissions, which are primarily driven by VMT. Project traffic would predominantly be light-duty and gasoline powered vehicles including 75 daily project truck trips. The HRA modeling completed for the proposed project includes truck routes along Hellyer Avenue and Silver Creek Valley Road (Appendix B). These are the typical haul routes within the project area and are surrounded primarily by commercial and industrial land uses. Accordingly, risk to surrounding structures from truck trips was analyzed and found to be less than significant. Therefore, any shifts in traffic would not constitute a change in substantial cancer risk. The project does not involve the increase of transit trips or routes and would not generate increased emissions from expanded service (e.g., increased bus idling service).

Carbon Monoxide Hotspots

The primary mobile-source criteria pollutant of local concern is carbon monoxide. Concentrations of CO are a direct function of the number of vehicles, length of delay, and traffic flow conditions. Transport of this criteria pollutant is extremely limited; CO disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, CO concentrations close to congested intersections that experience high levels of traffic and elevated background concentrations may reach unhealthy levels, affecting nearby sensitive receptors. Areas of high CO concentrations, or "hotspots," are typically associated with intersections that are projected to operate at unacceptable levels of service during the peak commute hours. CO concentration modeling is therefore typically conducted for intersections that are projected to operate at unacceptable levels of service during peak commute hours.

The Basin is designated as in attainment for CO. Emissions and ambient concentrations of CO have decreased dramatically in the Basin with the introduction of the catalytic converter in 1975. No exceedances of the CAAQS or NAAQS for CO have been recorded at nearby monitoring stations since 1991. As a result, the BAAQMD screening criteria notes that CO impacts may be determined to be less than significant if a project would not increase traffic volumes at local intersections to more than 44,000 vehicles per hour, or 24,000 vehicles per hour for locations in heavily urban areas, where "urban canyons" formed by buildings tend to reduce air circulation. Traffic would increase along surrounding roadways during long-term operational activities.

According to the Transportation Analysis prepared for the project (2023), the project would generate 213 new trips. The project's effects to existing vehicle distribution and travel speeds would be nominal. As a

[11] CEQA case law has held that any additional emissions in an impacted area does not necessarily create a significant cumulative impact, finding that "the 'one [additional] molecule rule' is not the law" (Communities for a Better Environment v. California Resources Agency (2002) 103 Cal. App. 4th 98, 120).

result, the project would not have the potential to create a CO hotspot and impacts would be less than significant.

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

Less than Significant Impact.

Construction

According to the BAAQMD, land uses associated with odor complaints typically include wastewater treatment plants, landfills, confined animal facilities, composting stations, food manufacturing plants, refineries, and chemical plants. The project does not include any uses identified by the BAAQMD as being associated with odors.

Construction activities associated with the project may generate detectable odors from heavy duty equipment (i.e., diesel exhaust), as well as from architectural coatings and asphalt off-gassing. Odors generated from the referenced sources are common in the man-made environment and are not known to be substantially offensive to adjacent receptors. Any construction-related odors would be short-term in nature and cease upon project completion. As a result, impacts to existing adjacent land uses from construction-related odors would be short-term in duration and therefore would be less than significant.

Operational

The project includes construction of a warehouse building which is not anticipated to generate odors typical of land uses such as wastewater treatment facilities, landfills, composting facilities, or other similar odor generation uses. During operation of the proposed project, heavy-duty trucks would start up and idle as they unload and load goods at the building docking stations and could result in odors from diesel fueled engines. However, these odors would not be concentrated near sensitive receptors because the trucks would only stop at designated truck parking or loading areas located approximately 510 feet away from the closest sensitive receptors. In addition, any odors generated would dissipate into the atmosphere such that they would not be noticeable to nearby land uses or sensitive receptors. Intermittent odors associated with truck exhaust would not expose receptors to substantial odors on- or off-site. As such, this impact would be less than significant.

4.4 Biological Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
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				X
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?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
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?				X

This Section is based on findings of the Arborist Report provided in Appendix C, a search of the California Natural Diversity Database (CNDDB) conducted in March 2022, and a Rare Plant Habitat Assessment conducted for the project site as part of the 459 & 469 Piercy Road Hotels Project in 2018.

Existing Setting

Trees

The project site is predominantly characterized by grassy-ruderal vegetation and does not contain landscape vegetation. The Arborist Report, provided as Appendix C, identified 15 on-site trees

concentrated on the southern section of the project site. Additionally, 11 trees were found off-site, but overhanging the northeastern portion of the site. Overall, 9 trees were in good condition, 5 were in fair condition, 12 were in poor condition, and 1 was dead. Tree species identified on- and overhanging the project site are listed in **Table 4.4-1: Tree Inventory**.

Table 4.4-1: Tree Inventory

Tree #	Species	Ordinance Sized	Native	Location
152	Raywood Ash (*Fraxinus angustifolia* 'Raywood')	No	No	On-site
153	Raywood Ash (*Fraxinus angustifolia* 'Raywood')	Yes	No	
154	Plum (*Prunus domestica)*	Yes	No	
155	Plum (*Prunus domestica)*	No	No	
156	Elderberry (*Sambucus sp.*)	Yes	No	
157	Plum (*Prunus domestica)*	Yes	No	
158	Almond (*Prunus dulcis*)	Yes	No	
159	Olive (*Olea europaea)*	No	No	
160	Plum (*Prunus domestica)*	Yes	No	
161	Plum (*Prunus domestica)*	Yes	No	
162	Silver Maple (*Acer saccharinum*)	Yes	No	
163	Silver dollar gum (*Eucalyptus polyanthemos*)	Yes	No	
164	Mulberry (*Morus sp.*)	Yes	No	
165	Coast live oak (*Quercus agricolia*)	Yes	Yes	Off-site
166	London plane (*Platanus x hispanica)*	Yes	No	
167	London plane (*Platanus x hispanica)*	No	No	
168	London plane (*Platanus x hispanica)*	Yes	No	
169	London plane (*Platanus x hispanica)*	Yes	No	
170	London plane (*Platanus x hispanica)*	No	No	
171	London plane (*Platanus x hispanica)*	Yes	No	
172	London plane (*Platanus x hispanica)*	Yes	No	
173	London plane (*Platanus x hispanica)*	No	No	
174	London plane (*Platanus x hispanica)*	No	No	
175	London plane (*Platanus x hispanica)*	No	No	
176	London plane (*Platanus x hispanica)*	Yes	No	
177	Arizona ash (*Fraxinus velutina)*	No	No	On-site
178	Chinese pistache (*Pistacia chinensis*)	No	No	

Special Status Plants

The project site is located in an urban area that has been graded and developed. A rare plant habitat assessment was conducted for the project site in March 2018 as part of the previous 459 and 469 Piercy Road Project IS/MND to determine whether the parcels could contain serpentine soils or land cover types, and whether the habitat was of sufficient quality to support Valley Habitat Plan (VHP) covered rare plant species (H.T. Harvey & Associates, 2018). The assessment identified two land cover types on the project site: (1) California annual grassland and (2) urban-suburban. California annual grassland is dominated by nonnative grasses and forbs and invasive weeds. Urban-suburban land cover on the project site consists of the single-family residential unit, detached garage structure, and associated driveway. The assessment determined that soil mapped on the project site is not a serpentine soil type, and no indicators were consistent with off-site serpentine soils. Additionally, no serpentine-indicator species were observed on the project site during the site visit.

In January 2021, A Biological Resources Assessment was prepared for a separate project at 455 Piercy Road (455 Piercy Road Industrial Warehouse Project; City of San Jose File No. H21-022 & ER21-082), located immediately northeast of the project site. This assessment determined that the southern portions of the 455 Piercy site, which abut the 469 Piercy Road project, have no serpentine habitats/species. Consistent with the 2018 rare plant habitat assessment, land cover on the adjacent parcel includes urban-suburban and California annual grassland. No special status plant species or suitable habitats were identified on or near the 455 Piercy Road site's boundary with the project site. See **Figure 4-1: Surrounding Land Cover and Vegetation.**

Special Status Animals

Wildlife habitat quality on the project site is low due to the disturbance from prior and existing development on site. The City of San José General Plan acknowledged that special-status species are generally not expected to occur in areas of the City that are developed with structures and paving and that do not support natural plant communities since these areas do not meet their habitat requirements for nesting, foraging, or cover. The project site is currently developed with an existing single-family dwelling unit and detached garage structure, and has been previously been disturbed and cleared for agricultural purposes. Vacant areas of the project site contains grassy ruderal vegetation types and do not constitute sensitive habitat (SCVHP, 2012). According to the City of San José General Plan Table 3.5-4, special status animal species, including federal and State-listed Threatened and Endangered Species, that may be affected by future development in the Edenvale Planning Area include:

- Bay Checkerspot Butterfly
- Pacific Lamprey, Green Sturgeon, Chinook Salmon, Steelhead and Longfin Smelt
- Western Pond Turtle
- Yellow Warbler and Yellow-breasted Chat
- San Francisco Dusky-footed Woodrat

A search of the California Natural Diversity Database (CNDDB) on March 29, 2022 did not identify any recorded special-status animal species with the potential to occur on the project site (CDFW, 2022).

Movement Corridors

Movement corridors, or landscape linkages, are usually linear habitats that connect two or more habitat patches, providing assumed benefits to the species by reducing inbreeding depression, and increasing the potential for recolonization of habitat patches. Habitat corridors are vital to terrestrial animals for connectivity between core habitat areas (i.e., larger intact habitat areas where species make their living). Connections between two or more core habitat areas help ensure that genetic diversity is maintained, thereby diminishing the probability of inbreeding depression and geographic extinctions. This is especially true in fragmented landscapes and the surrounding urbanized areas as found in the rural/urban matrix along the edges of the City of San José. Movement corridors in California are typically associated with valleys, rivers and creeks supporting riparian vegetation, and ridgelines. With increasing encroachment of humans on wildlife habitats, it has become important to establish and maintain linkages, or movement corridors, for animals to be able to access locations containing different biotic resources that are essential to maintaining their life cycles.

The project site itself is not a movement corridor, and it does not provide the functions and values of a habitat corridor because it has been previously disturbed for historic agricultural uses, is surrounded by urban uses to the south, east, and west. Additionally, the project site is not a linkage between two habitat areas.

Riparian Habitat

There are no creeks, rivers, or other water bodies on or adjacent to the project site. The closest creek is Coyote Creek, approximately 0.25-mile south of the site (USFWS, 2022).

Applicable Plans, Policies, and Regulations

Migratory Bird Treaty Act

Migratory birds, including raptors (i.e., birds of prey) are protected by the Migratory Bird Treaty Act (MBTA). The MBTA prohibits killing, possessing, or trading in migratory birds, except under the terms of a valid permit issued pursuant to Federal regulations. The MBTA protects whole birds, parts of birds, bird nests, and eggs.

Santa Clara Valley Habitat Plan/ Natural Community Conservation Plan

The Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP) was developed through a partnership between Santa Clara County, the cities of San José, Morgan Hill and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (CDFW). The SCVHCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The project site is located within the boundaries of the SCVHCP and is designated Urban-Suburban which comprises of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures.

City of San José Municipal Code

Chapter 13.32 of the Municipal Code regulates the removal of trees. A tree removal permit is required from the City prior to the removal of any trees covered under the ordinance. An “ordinance-size tree” is:

- a single trunk measuring 38 inches or more in circumference at the height of 54 inches (i.e., 4 ½ feet) above natural grade; or
- a multi-trunk with combined measurements of each trunk circumference at 54 inches (i.e., 4 ½ feet) above natural grade adding up to 38 inches or more.

On private property, tree removal permits are issued by the City's Department of Planning, Building and Code Enforcement. Tree removal or modifications to all trees on public property (e.g., street trees within a parking strip or the area between the curb and sidewalk) require a Department of Transportation (DOT) Street Tree Removal Permit.

The City's Heritage Tree List identifies more than 100 trees with special significance to the community because of their size, history, unusual species, or unique quality. Pursuant to Chapter 13.28 of the San José Municipal Code, it is illegal to prune or remove a heritage tree without first consulting the City Arborist and obtaining a permit.

A permit is needed to remove a tree if the tree is:

- a street tree or a heritage tree;
- an ordinance-size tree, live or dead; or
- any tree of any size located on multifamily, commercial, industrial, or mixed-use property or in a common area.

City of San José General Plan

The City's General Plan includes the following biological resource policies applicable to the project:

Policy ER-5.1: Avoid implementing activities that result in the loss of active native birds' nests, including both direct loss and indirect loss through abandonment, of native birds. Avoidance activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.

Policy ER-5.2: Require that development projects incorporate measures to avoid impacts to nesting migratory birds.

Policy 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.

Policy 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.

Policy 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.

Discussion

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

Less than Significant with Mitigation Incorporated. Based on the Santa Clara Valley Habitat Agency's Geobrowser, the project site is identified as "urban-suburban" land cover which comprises areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures (SCVHP, 2012). As noted above, a SCVHP Rare Plant Habitat Assessment was prepared for the project site in March 2018 and determined that soil mapped on-site was not a serpentine soil type, and the surveying plant ecologist observed no indicators on site that were consistent with nearby off-site serpentine soils. Additionally, plants that are considered serpentine indicator species, including perennial bunchgrasses such as needlegrass *(Stipa sp.)* and one sided bluegrass (*Poa secunda*), were absent from the project site.

Further, historical aerial imagery shows that between 1948 and 1968, these parcels were actively used for agriculture and were cleared of native vegetation. It is very unlikely that any SCVHP-covered rare plants could persist in a management regime of intensive agriculture and soil disturbance. Due to an absence of suitable habitat and historic agricultural use of the site, SCVHP-covered plant species have a very low likelihood of occurring on the project site. Accordingly, project implementation would not have a substantial adverse effect on special-status plant species.

A search of the California Natural Diversity Database (CNDDB) on March 29, 2022 did not identify any recorded special-status animal species with the potential to occur on the project site. Several special status animal species occurrences were identified within 5-miles of the project site, though none occur on-site. Due to a lack of suitable aquatic habitat and the developed nature of the project vicinity, the special status species identified by the CNDDB search and for the Edenvale Planning Area, including Pacific Lamprey (*Entosphenus tridentatus)*, Green Sturgeon (*Aciepenser medirostris)*, Chinook Salmon (*Oncorhynchus tshawytscha*), Steelhead and Longfin Smelt (*Spirinchus thaleichthys*), and Western Pond Turtle (*Actinemys marmorata*) would not have the potential to occur on-site.

Occurrences of the Dusky-footed Woodrat have been documented by the CNDDB within riparian habitat adjacent to Coyote Creek, located 0.25-mile southeast of the project site. The disturbed nature of the project site and lack of riparian habitat precludes this species from occurring on site, as its preferred habitat includes forests with moderate canopy and moderate to dense understory.

An occurrence of burrowing owl (*Athene cunicularia*) has been documented in the CNDDB approximately 1.3-miles west of the project site. Burrowing owl typically occurs in dry annual or perennial grasslands, deserts, and scrublands. While the project site does contain grassland which could provide suitable burrowing and nesting habitat for the burrowing owl, no burrowing owls have been recorded on-site or adjacent to the site. However, since the project site could potentially provide habitat for burrowing owl, Mitigation Measure BIO-1 would be implemented to avoid and minimize impacts to burrowing owl.

No other special-status species have been documented at the project site or are expected to occur based on habitat conditions. Therefore, with implementation of Mitigation Measure BIO-1, project

implementation would not have a substantial adverse effect on special status animal species and impacts would be less than significant.

Impact BIO-1: Construction activities associated with the proposed project could potentially interfere with suitable burrowing and nesting habitat for the burrowing owl.

Mitigation Measure

BIO-1 Pre-Construction Surveys and Avoidance of Burrowing Owl

Prior to the issuance of any tree removal and construction activities or issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall prepare a construction monitoring plan that includes procedures for conducting a burrowing owl survey. A burrowing owl survey shall be conducted by a qualified biologist within 2 calendar days prior to ground disturbance, following the survey methods described in Condition 15 of the Santa Clara Valley Habitat Plan (SCVHP), and the results of these surveys shall be submitted to the Director of Planning, Building, and Code Enforcement, or the Director's designee. If evidence of burrowing owl is detected during the pre-construction surveys, then the California Department of Fish and Wildlife (CDFW) shall be notified.

If the pre-construction surveys detect evidence of burrowing owl on-site, then the project applicant shall implement the following avoidance measures:

1. Avoid occupied nests within a 250-foot buffer during breeding season (February 1–August 31) or develop a monitoring plan approved by the CDFW that allows activity within 250-foot buffer.

2. Avoid occupied burrows during nonbreeding season (September 1–January 31) or meet requirements in Condition 15 of the SCVHP if allowing activity within a 250-foot buffer.

If evidence of burrowing owl is detected on-site, the applicant shall develop and submit a construction monitoring plan to the City's Director of Planning, Building, and Code Enforcement, or the Director's designee, for review and approval. The construction monitoring plan shall include the following construction monitoring measures:

1. Establish 250-foot buffer zones around active nests.

2. Establish 250-foot buffer zones around occupied burrows during nonbreeding season if applicable.

3. Implement construction monitoring consistent with monitoring plan or requirements if activities occur within the buffer.

4. Construction or maintenance personnel must participate in avoidance training.

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

No Impact. A portion of project site is currently developed with a single-family residence and detached garage structure. The remainder of the project site is undeveloped and contains grassy ruderal vegetation. Riparian habitat and sensitive natural communities, including wetlands, are absent from the project site. The nearest riparian habitat is located along Coyote Creek, approximately 0.25-mile to the southeast

(USFWS, 2022). Therefore, the proposed project would not impact any riparian habitat or other sensitive natural community identified in any local or regional plans, policies, or regulations.

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?

No Impact. The project site is partially developed and does not contain any wetlands. There are no sensitive or natural habitats and the project site is not located adjacent to any waterways. The nearest waterway is Coyote Creek, located approximately 0.25-mile southeast of the project site (USFWS, 2022). Therefore, there would be no impact.

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?

Less Than Significant with Mitigation Incorporated. There are no migratory wildlife corridors on or near the project site, and no waterways that could support migratory fish species (City of San José, 2011a). Project implementation would remove 11 on-site trees. While use of the trees for raptor nesting is unlikely due to the size of the trees and limited cover provided, migratory birds could use the trees for nesting. In conformance with the MBTA and General Plan Policy ER-5.2, the project would implement the following mitigation measure to avoid potential impacts to nesting migratory birds. The project, with the incorporation of Mitigation Measure BIO-2, would result in a less than significant impact on nesting/foraging migratory birds.

Impact BIO-2: Construction activities on the project site could impede the movement of nesting raptors or other migratory birds.

Mitigation Measure

BIO-2 Preconstruction Bird Surveys

- **Avoidance:** Prior to the issuance of demolition, grading, or tree removal (whichever occurs first), the project applicant shall schedule demolition, grading, and/or tree removal activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive), as amended.
- **Nesting Bird Surveys:** If demolition, grading, and/or tree removal activities cannot be scheduled to occur outside of the nesting season (between September 1st and January 31st (inclusive)), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of breeding season (May 1st through August 31st inclusive), unless a shorter pre-construction survey is determined to be appropriate based on the presence of a species with a shorter nesting period. During this survey the ornithologist shall

inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests.

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

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

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

Less Than Significant Impact. Within the City of San José, the urban forest as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the best commonly or locally available habitat within urban areas. The proposed project is located in an urban area and the project site includes 15 trees that would be removed upon project implementation (see Table 4.4-1).

As discussed within the Arborist Report (Appendix C), 15 on-site trees would be removed and the proposed project would be required to comply with the City's standard permit condition for tree replacement which requires replanting of removed trees or payment of in-lieu fees to reduce potential impacts of tree removals. The project would be required to plant a minimum of 40, 15-gallon replacement trees to fully satisfy the City's Tree Replacement Ratio.[12] The proposed project would plant 59 native plant species on site, including 35, 15-gallon trees and 14, 24-inch box trees (equivalent to 28, 15-gallon trees). Therefore, the Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. A less than significant impact would occur.

Standard Permit Condition

Tree Replacement. The removed trees shall be replaced according to tree replacement ratios required by the City, as provided in **Table 4.4-2: City of San José Replacement Guidelines for Trees to be Removed** below.

[12] (5 non-native trees over 38-in * 4) + (6 non-native trees 19 up to 38 inches * 2) = 32 replacement trees

Table 4.4-2: City of San José Replacement Guidelines for Trees to be Removed

Circumference of Tree to be removed	Type of Tree to be Removed			Minimum Size of Each Replacement Tree
	Native	Non-Native	Orchard	
38 inches or more	5:1*	4:1	3:1	15-gallon
19 up to 38 inches	3:1	2:1	None	15-gallon
Less than 19 inches	1:1	1:1	None	15-gallon

x:x = tree replacement to tree loss ratio
Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multifamily Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.

A 38-inch tree equals 12.1 inches in diameter.
A 24-inch box tree = two 15-gallon trees
Single Family and Two-dwelling properties may be mitigated at a 1:1 ratio.

- Because all (15) trees on-site would be removed, the total number of replacement trees required to be replaced or otherwise mitigated would be 40 trees. The species of trees to be planted shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.
- In the event the proposed project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment:
    - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
    - Payment of off-site tree replacement fee(s) to the City, prior to the issuance of building permit(s), in accordance to the City Council approved Fee Resolution in effect at the time of payment. The City shall use the off-site tree replacement fee(s) to plant trees at alternative sites.

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?

No Impact. While the project site is located within the SCVHP study area, the site is not designated as a natural community area or identified as an important habitat for endangered and threatened species. Further, the project site is developed and has already been cleared of native vegetation. The SCVHP Rare Plant Habitat Assessment previously prepared for the 459 and 469 Piercy Road Hotel Project IS/MND determined that historic agricultural uses and disturbed nature of the project site limits the potential for VHP-covered rare plant species to occur.

According to the City General Plan EIR, the USFWS has indicated concerns regarding nitrogen deposition from air pollution that can affect plant composition in serpentine grasslands and the bay checkerspot butterfly in south Santa Clara County area. 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, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of 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. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the SCVHP for new vehicle trips can be used to purchase conservation land for the Bay checkerspot butterfly.

The project is consistent with the SCVHP, which is based on the conclusion that no impacts to any of the SCVHP's covered species would occur associated with development of the project site. This means cumulative impacts of development City-wide and within the areas of Santa Clara County covered by the Habitat Plan would be offset through conservation and management of land for the Bay checkerspot butterfly. As such, the project would be required to implement the following Standard Permit Conditions. With implementation of the following Standard Permit Conditions, the project would not conflict with the provisions of the Santa Clara Valley Habitat Plan and impacts would be less than significant in this regard.

Standard Permit Condition

Santa Clara Valley Habitat Plan. The proposed Project may be subject to applicable SCVHP 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.

4.5 Cultural Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X	

Existing Setting

The project vicinity is primarily characterized by industrial, commercial, and professional/office use buildings.

The project site is located in the City of San José Edenvale Planning area which is identified as being archaeologically sensitive, with recorded archaeological sites and historic architectural resources that may be eligible for listing in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or the City of San José's Historic Resources Inventory. Additionally, project site is located in an archeologically sensitive area due to its proximity to Coyote Creek (City of San José, 2022a).

A California Historical Resources Information Systems (CHRIS) request was conducted for the site in December 2022; refer to Appendix D. The CHRIS request includes a review of pertinent Northwest Information Center (NWIC) base maps that reference cultural resources records and reports, historic-period maps, and literature for Santa Clara County.

Archaeological Resources

Review of the City of San José General Plan EIR noted no archaeological or cultural resources previously identified on the project site, but the project site is located within an area of archaeological sensitivity (City of San Jose, 2022a). The CHRIS review (see Appendix D) reports that there are no recorded archeological resources at the project site. However, there is one informally recorded resource within and adjacent to the project site described as a midden, or potential habitation area.

A subsurface reconnaissance of the project site was conducted in April 2018 as part of the 459 and 469 Piercy Road Hotel Projects IS/MND. The reconnaissance work concluded that the informally recorded resource (C-839) was not present on the project site and was likely erroneously mapped.

Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Santa Clara County have been found on ridges, midslope benches, in valleys, near intermittent and perennial watercourses and near areas populated by oak, buckeye,

manzanita, and pine, as well as near a variety of plant and animal resources. The project site is located near the hill to valley interface approximately one quarter mile southwest of New North American Mines, near the Evergreen Canal and approximately 0.25 miles North of Coyote Creek. Given the similarity of these environmental factors and the ethnographic and archaeological sensitivity of the area, there is a high potential for unrecorded Native American resources to be within the site.

Review of historical literature and maps indicated of the possibility of historic period activity within the 469 Piercy Road project area. Early Santa Clara County maps indicated the project area was located within the lands of J.C. Piercy. As there are no buildings indicated on the maps, it is unclear if this land was developed at this time. Therefore, there is a moderate potential for unrecorded historic-period archaeological resources to be within the project site.

Historic Resources

The project site contains a residential dwelling and detached garage located on the western portion of the property. According to the Phase I Environmental Site Assessment provided in Appendix H the current house was built between 1996 and 2001. The garage is a part of a former residence that occupied the site between 1970 and 2001. The remaining project site is undeveloped and contains grassy ruderal vegetation. Four previously recorded buildings and structures (recorded as one combined resource) appeared in the 1961 photo revised 1980 San José East USGS 7.5-minute topographic quadrangle, but these buildings were demolished sometime between 2001 and 2002 and are no longer extant.

Located outside the project site, buildings in the vicinity were primarily constructed after 1985 and are not age eligible as historical resources.

The State Office of Historic Preservation Built Environment Resources Directory lists no recorded buildings or structures adjacent to the project site.

Source: City of San Jose 455 Piercy Road Industrial Warehouse Project IS/MND, 2021

Figure 4-1: Surrounding Land Cover and Vegetation

469 Piercy Road Project

Initial Study

Not to scale

Kimley»Horn

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Applicable Plans, Policies, and Regulations

The City's General Plan includes policies applicable to all development projects in San José. The following policies are specific to cultural resources and are applicable to the proposed project.

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archaeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design

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

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

Policy LU-13.15: Implement City, State, and Federal historic preservation laws, regulations, and codes to ensure the adequate protection of historic resources.

Discussion

a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?

No Impact. The project site contains a residential dwelling constructed between 1996 and 2001. This building is less than 50 years old and is not considered a historical resource. The detached garage is a part of a former residence that occupied the site between 1970 and 2001. In 2001, these buildings were documented and evaluated and determined to be t ineligible for listing in the NRHP and the CRHR. The detached garage is no longer related to the former residence and would also not be eligible for listing in the City of San José Historic Resources Inventory. Moreover, the project site is not located in a designated or eligible historic district. Therefore, the buildings on the project site are not considered historical resource under CEQA.

There are two known historical resources located near the project site including the Hayes Mansion located at 200 Edenvale Avenue (approximately 2.1 miles to the west) and the Richmond Ranch located at 7500 San Felipe Road (approximately 2.3 miles to the east) (City of San José, 2022b). These historical resources are more than one mile from the project site. Due to the physical distance of the project site from the identified historical resources, project construction or operation would not result in potential impacts to these historic resources. Therefore, the project would not cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5. There are no historical resources on the site. No impact would occur.

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

Less than Significant with Mitigation Incorporated. There is a "high"-potential for the presence of unrecorded Native American resources and a moderate potential for unrecorded historic-period archaeological resources to be within the project site (General Plan EIR, Figure 3.11-1). Given the project site's location, geographical context, and its proximity to Coyote Creek, there is a moderate to high potential for inadvertent discovery of archaeological resources during subsurface construction. Archaeological resources can include but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. Damage or destruction of these resources would be a potentially significant impact.

The General Plan EIR concluded that future development and redevelopment allowed under the proposed General Plan, especially construction activities, could result in direct or indirect impacts to both prehistoric and historic archaeological resources. The General Plan includes policies [Policy ER-10.1, Policy ER-10.2, Policy ER-10.3] that require the provision of studies to identify possible archaeological resources on specific development sites and the incorporation of measures to avoid or limit possible disturbance of resources if they are accidentally encountered during construction. In the event that archaeological resources (including human remains) are encountered during excavation and construction, the project would implement the following Mitigation Measures and Standard Permit Conditions:

Impact CUL-1: Construction activities associated with the proposed project could result in the disturbance of an archaeological resource pursuant to §15064.5.

MM CUL-1.1 **Preliminary Investigation:** Prior to excavation activities, including grading and potholing for utilities, a qualified archaeologist who is trained in both local prehistoric and historical archaeology, in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall complete subsurface exploration at the site, to determine if there are any indications of discrete historic-era subsurface archaeological features. Exploring for historic-era features shall consist of at least one trench mechanically excavated below existing stratigraphic layers to evaluate the potential for Native American and historic era resources. If any archaeological resources are exposed, these should be briefly documented, tarped for protection, and left in place. The results of the presence/absence exploration, including any treatment recommendations if any, shall be submitted to the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee for review and approval prior to issuance of any grading permit. Based on the findings of the subsurface testing, an archaeological resources treatment plan as described in **MM CUL-1.2** shall be prepared by a qualified archaeologist in collaboration with a Native American representative, registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally

affiliated with the geographic area as described in Public Resources Code Section 21080.3, if necessary.

MM CUL-1.2: **Treatment Plan.** If investigation undertaken under **MM CUL-1.1** identifies archeological resources, then the project applicant shall prepare a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities. The treatment plan shall be prepared and submitted to the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee prior to approval of any grading permits. The treatment plan shall contain, at a minimum:

i. Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
ii. Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
iii. Monitoring schedules and individuals
iv. Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
v. Detailed field strategy to record, recover, or avoid the finds and address research goals.
vi. Analytical methods.
vii. Report structure and outline of document contents.
viii. Disposition of the artifacts.
ix. Security approaches or protocols for finds.
x. Appendices: all site records, correspondence, and consultation with Native Americans, etc. Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

MM CUL-1.3: **Evaluation.** Should any resources be found during investigations undertaken under **MM CUL-1.1**, the project applicant shall notify the Director of the City of San José Department of Planning, Building, and Code Enforcement or Director's designee of any finds during the preliminary field investigation, grading, or other construction activities. Any historic or prehistoric material identified in the project area during the preliminary field investigation and during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test units, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center and Native American Heritage Commission (NAHC) Sacred Land Files, and/or equivalent prior to the issuance of an occupancy permit. A copy

of the evaluation shall be submitted to the City of San José Department of Planning, Building, and Code Enforcement or Director's designee.

Standard Permit Conditions

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.

Adherence to Standard Permit Condition and implementation of MM CUL-1.1, MM CUL-1.2, and MM CUL-1.3 would ensure that potential impacts on archaeological resources are reduced to a less than significant level.

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

Less than Significant Impact. There is the remote possibility that previously unknown Native American or other graves could be present and be uncovered during construction activities. Public Resources Code Sections 5097.9 through 5097.99recognizes the need to protect historic-era and Native American human burials, skeletal remains, and grave-associated items from vandalism and inadvertent destruction and any substantial change to or destruction of these resources would be a significant impact. Therefore, the project is required to comply with all applicable regulatory programs pertaining to subsurface cultural resources including the Standard Permit Conditions for avoiding and reducing impacts if human remains are encountered. Impacts would be less than significant.

Standard Permit Conditions

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:

i. 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.

ii. The MLD identified fails to make a recommendation; or

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

4.6 Energy

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

This Section is based on findings of the Energy calculations provided in Appendix E.

Existing Setting

Pacific Gas and Electric Company (PG&E) is San José's energy utility provider, furnishing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2020, natural gas facilities provided 16 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 43 percent; hydroelectric operations provided 10 percent; renewable energy facilities including solar, geothermal, and biomass provided 31 percent.[13]

Applicable Plans, Policies, and Regulations

Renewable Energy Standards

In 2002, California established its Renewable Portfolio Standard program[14] with the goal of increasing the annual percentage of renewable energy in the state's electricity mix by the equivalent of at least 1 percent of sales, with an aggregate total of 20 percent by 2017. The California Public Utilities Commission subsequently accelerated that goal to 2010 for retail sellers of electricity (*Public Utilities Code* Section 399.15(b)(1)). Then-Governor Schwarzenegger signed Executive Order S-14-08 in 2008, increasing the target to 33 percent renewable energy by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the California Air Resources Board under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. In September 2010, the California Air Resources Board adopted its Renewable Electricity Standard regulations, which require all of the State's load-serving entities to meet this target. In October 2015, then-Governor Brown signed into legislation SB 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. Signed

[13] Pacific Gas and Electric, Exploring Clean Energy Solutions, https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy, accessed March 24, 2022.

[14] The Renewable Portfolio Standard is a flexible, market-driven policy to ensure that the public benefits of wind, solar, biomass, and geothermal energy continue to be realized as electricity markets become more competitive. The policy ensures that a minimum amount of renewable energy is included in the portfolio of electricity resources serving a state or country.

in 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

California 2007 Energy Action Plan Update

The 2007 Energy Action Plan II is the State's principal energy planning and policy document. The plan describes a coordinated implementation strategy to ensure that California's energy resources are adequate, affordable, technologically advanced, and environmentally sound. In accordance with this plan, the state and its electricity providers would invest first in energy efficiency and demand-side resources, followed by renewable resources, and only then in clean conventional electricity supply to meet its energy needs.

California Building Code

Energy conservation standards for new residential and nonresidential buildings were adopted by the California Energy Resources Conservation and Development Commission (now the California Energy Commission) in June 1977 and are updated every three years (Title 24, Part 6, of the California Code of Regulations). Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow for consideration and possible incorporation of new energy efficiency technologies and methods. On May 9, 2018, the CEC adopted the 2019 Building Energy Efficiency Standards, which took effect on January 1, 2020.

The 2019 Standards improve upon the previous 2016 Standards. Under the 2019 Title 24 standards, nonresidential buildings will use about 30 percent less energy than those built to meet the 2016 standards.

California Green Building Standards Code

The California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary measures (CALGreen Tier 1 and Tier 2) that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2019 and took effect on January 1, 2020.

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

The San José City Council approved Policy 6-32 *Private Sector Green Building Policy* in October 2008 that established a baseline green building standard for private-sector new construction activities in the City. Council Policy 6-32 is intended to enhance the public health, safety, and welfare of City 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. All projects are required to submit a

Leadership in Energy and Environmental Design (LEED)[15], GreenPoint[16], or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in the **Table 4.6-1: Green Building Practices** below.

Table 4.6-1: Green Building Practices

Applicable Project	Minimum Green Building Rating (Effective as of January 1, 2009)
Commercial/ Industrial – Tier 1	< 25,000 square-feet = LEED Applicable NC Checklist
Commercial/ Industrial – Tier 2	**> 25,000 square-feet = LEED Silver**
Residential < 10 units – Tier 1	GreenPoint or LEED Checklist
Residential > 10 Units – Tier 2	GreenPoint Rated 50 points or LEED Certified
High-Rise Residential (75' or higher)	Leed Certified

Green Vision

The Green Vision includes the goal to reduce per capita energy consumption by at least 50 percent compared to 2008 levels by 2022 and maintain or reduce net aggregate energy consumption levels equivalent to the 2022 level through 2040.

Climate Smart San José

Approved by the City Council in February 2018, Climate Smart San José utilizes a people-focused approach, encouraging the entire San José community to join an ambitious campaign to reduce greenhouse gas emissions, save water and improve quality of life. The adoption of Climate Smart San José made San José one of the first U.S. cities to chart a path to achieving the greenhouse gas emissions reductions contained in the international Paris Agreement on climate change. Climate Smart San José focuses on three areas: energy, mobility, and water. Climate Smart San José encompasses nine overarching strategies:

- Transition to a renewable energy future
- Embrace our California climate
- Densify our city to accommodate our future neighbors
- Make homes efficient and affordable for families
- Create clean, personalized mobility choices
- Develop integrated, accessible public transport infrastructure
- Create local jobs in our city to reduce vehicle miles traveled
- Improve our commercial building stock
- Make commercial goods movement clean and efficient

City of San José Smart Energy Plan

In March 2001, the City of San José adopted a Smart Energy Plan which includes discussions and implementation steps for the following strategies:

- Explore regional energy solutions together with neighboring communities.

[15] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

[16] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

- Collaborate with neighboring communities to identify regional criteria for appropriate locations for new large, clean plants in Silicon Valley that do not harm residential communities.
- Explore creative energy partnerships among cities, the State, and federal governments, and the private sector to help ensure reliable supplies and achieve conservation.
- Reduce the City's energy demand through vigorous conservation efforts to achieve at least a 10 percent savings and encourage community conservation.
- Expand the City's model program for energy-efficient buildings to encourage long-term permanent conservation.
- Actively encourage small clean power plants in San José that can be located in appropriate industrial areas and publicly-owned lands, not in residential neighborhoods.
- Set clear predictable standards for clean energy generation projects within the City's authority and streamline the City's review and approval of appropriate power projects.

City Energy Programs

The City also has a number of programs to further promote energy conservation among residents and businesses in the City.

Silicon Valley Energy Watch (SVEW) Program

The City of San José, PG&E, and Ecology Action are part of the Silicon Valley Energy Watch Program. The program assists cities, non-profits, small businesses, community organizations, professionals, and residents in the County to take advantage of cost-saving, energy-efficient technologies. SVEW offers free energy audits, targeted retrofits, technical assistance, education, and training.

City of San José Green Building Policies

In 2001, the San José City Council adopted a series of Green Building policies to demonstrate the City's commitment to the environmental, economic, and social stewardship and to yield cost savings to city taxpayers through reduced operating costs, to provide healthy work environments for staff and visitors, and to contribute to the City's goals of protecting, conserving, and enhancing the region's environmental resources. The Green Building Policy goals include a series in the category of energy and atmosphere. Energy and atmosphere policy goals are as follows:

- *Minimum Energy Performance*: establish the minimum level of energy efficiency for the base building and systems.
- *Optimize Energy Performance*: achieve increasing levels of energy performance above the minimum standard to reduce environmental impacts associated with excessive energy use.
- *Building Commissioning*: verify and ensure that the entire building is designed, constructed, and calibrated to operate as intended.
- *Measurement and Verification*: provide for the ongoing accountability and optimization of building energy and water consumption performance over time.
- *Renewable Energy*: encourage and recognize increasing levels of self-supply through renewable technologies to reduce environmental impacts associated with fossil fuel energy use.

- *Green Power*: encourage the development and use of grid-source, renewable energy technologies on a net zero pollution basis.
- *Reduce Ozone Depletion*: support early compliance with the Montreal Protocol by eliminating the use of CFC-based refrigerants and reducing the use of HCFCs and halons. As part of its promotion of Green Building policies, the City encourages participation in City sponsored organized educational and training events covering green building topics to increase the use of green building techniques in municipal, commercial, and residential building development projects in the City and create greater awareness of these practices.

City of San Jose Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include the Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City of San José; Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10); requirements for Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105); and a Construction and Demolition Diversion Deposit Program that fosters recycling of construction and demolition materials (Chapter 9.10).

City of San José Building Reach Code

In September 2019, San José City Council approved the "building reach" ordinance (No. 30311) that encourages building electrification and energy efficiency, requires solar-readiness on nonresidential buildings, and requires electric vehicle-readiness and EV equipment installation. Additionally, in October 2019, the City Council approved Ordinance No. 30330 prohibiting natural gas infrastructure in new detached accessory dwelling units, single-family, and low-rise multi-family buildings. On December 1, 2020, Council approved an updated ordinance prohibiting natural gas infrastructure in all new construction in San José, starting on August 1, 2021.

City of San José Envision San José 2040 General Plan

The Envision San José 2040 General Plan includes policies applicable to all development projects in San José. The following policies are specific to energy use and energy efficiency and applicable to the project.

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

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

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

Action MS-2.8 Develop policies which promote energy reduction for energy-intensive industries. For facilities such as data centers, which have high energy demand and indirect greenhouse gas emissions, require evaluation of operational energy efficiency and inclusion of

operational design measures as part of development review consistent with benchmarks such as those in EPA's EnergyStar Program for new data centers.

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

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

Policy MS-5.5 Maximize recycling and composting from all residents, businesses, and institutions in the City.

Policy MS-6.5 Reduce the amount of waste disposed in landfills through waste prevention, reuse, and recycling of materials at venues, facilities, and special events.

Policy MS-6.8 Maximize reuse, recycling, and composting citywide.

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

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

Policy MS-14.5 Consistent with State and Federal policies and best practices, require energy efficiency audits and retrofits prior to or at the same time as consideration of solar electric improvements.

Policy MS-17.2 Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system in areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice.

Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities.

Policy MS-18.2 Require new development outside of the City's Urban Service Area to incorporate measures to minimize water consumption.

Policy MS-18.4 Retrofit existing development to improve water conservation.

Policy MS-19.1 Require new development to contribute to the cost-effective expansion of the recycled water system in proportion to the extent that it receives benefit from the development of a fiscally and environmentally sustainable local water supply.

Policy MS-19.4 Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.

Action MS-19.10 Develop incentives to encourage the use of recycled water. Enact ordinances that ensure that new buildings in the vicinity of the SBWR pipeline are constructed in a manner suitable for connection to the recycled water system and that they use recycled water wherever appropriate.

Policy IN-2.1 Utilize the City's Infrastructure Management System Program to identify the most efficient use of available resources to maintain its infrastructure and minimize the need to replace it.

Policy IN-5.3 Use solid waste reduction techniques, including source reduction, reuse, recycling, source separation, composting, energy recovery and transformation of to extend the lifespan of existing landfills and to reduce the need for future landfill facilities and to achieve the City's Zero Waste goals.

Policy TR-1.4 Through the entitlement process for new development fund needed transportation improvements for all modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

Policy TR-2.8 Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

Discussion

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

Less Than Significant Impact. The proposed project's energy analysis relies on the construction equipment list and operational characteristics, as stated in Appendix E of this Initial Study.

Construction

The energy consumption associated with construction of the proposed project includes primarily diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips. Construction phases would require a total of 181 worker trips at 10.8 miles, 38 vendor trips at 7.3 miles, and 208 hauling trips at 20 miles. Temporary electric power for as-necessary lighting and electronic equipment (such as computers inside temporary construction trailers, and heating, ventilation, and air conditioning) would be powered by a generator. The amount of electricity used during construction would be minimal. Typical demand would be from the use of electricity-powered hand tools and several construction trailers by managerial staff during the hours of construction activities. The majority of the energy used during construction would be from petroleum. **Table** 4.6-2 quantifies the construction energy consumption for the project.

Table 4.6-2: Project Energy Consumption During Construction

Source	Project Construction Usage	Santa Clara County Annual Energy Consumption	Percentage Increase Countywide
Electricity Use	**Megawatt Hours (MWh)**		
Water Consumption	8.02	16,435,722	0.000049%
Diesel Use	**Gallons**		
On-Road Construction Trips [1]	8,104	102,962,956	0.0079%
Off-Road Construction Equipment [2]	35,524	102,962,956	0.0354%
Construction Diesel Total	***43,629***	***102,962,956***	***0.0424%***
Gasoline	**Gallons**		
On-Road Construction Trips [1]	7,528	604,762,380	0.0012%

1. On-road mobile source fuel use based on vehicle miles traveled (VMT) from CalEEMod and fleet-average fuel consumption in gallons per mile from EMFAC2021 in Santa Clara County for construction year 2022.
2. Off-road mobile source fuel usage based on a fuel usage rate of 0.05 gallons of diesel per horsepower (hp)-hour from USEPA.
Abbreviations:
CalEEMod: California Emission Estimation Model; EMFAC: Emission Factor Model 2021;
Sources: Energy Calculations in Appendix E

In total, construction of the project would use approximately 43,629 gallons of diesel and 7,528 gallons of gasoline. The project's fuel from the entire construction period would increase fuel use in the County by approximately 0.04 percent for diesel and 0.001 percent for gasoline.

There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or state. In addition, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest U.S. EPA and CARB engine emissions

standards. These engines use highly efficient combustion engines to minimize unnecessary fuel consumption.

CEQA Guidelines Appendix G and Appendix F criteria require a project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A 0.04 percent increase in construction fuel demand is not anticipated to trigger the need for additional capacity. Fuel consumption is based on a conservative construction phasing and conservative estimates for annual construction fuel consumption. Additionally, use of construction fuel would cease once the project is operational. As such, project construction would have a nominal effect on the local and regional energy supplies. Therefore, construction fuel consumption associated with the project would not be inefficient, wasteful, or unnecessary. The project would not substantially affect existing energy or fuel supplies or resources and new capacity would not be required. Impacts would be less than significant.

Operational

The energy consumption associated with the project would include building electricity, water, as well as fuel usage from on-road vehicles. Note that this energy resources analysis is consistent with the analysis presented in Section 4.3, Air Quality, and Section 4.8, Greenhouse Gases. Quantification of operational energy consumption are provided for the project in Table 4.6-3: Annual Energy Consumption During Operations.

Table 4.6-3: Annual Energy Consumption During Operations

Source	Project Operational Usage	Santa Clara County Annual Energy Consumption	Percentage Increase Countywide
Electricity Use	**Megawatt Hour/Year (MWh/year)**		
Area [1]	971	**16,435,722**	0.0059%
Water[1]	168		0.0010%
Total Electricity	1,139		0.0069%
Diesel Use	**Gallons/Year**		
Mobile [2]	63,114	**103,122,398**	0.0612%
Gasoline Use	**Gallons/Year**		
Mobile [2]	35,222	**600,613,962**	0.0059%

Notes:
1. The electricity usage is based on project-specific estimates and CalEEMod defaults.
2. Calculated based on the mobile source fuel use based on vehicle miles traveled (VMT) and fleet-average fuel consumption (in gallons per mile) from EMFAC2021 for operational year 2023.

Abbreviations: CalEEMod: California Emission Estimation Model; EMFAC2021: California Air Resources Board Emission Factor Model; MWh: Megawatt-hour

Source: Energy Calculations in Appendix E

PG&E provides electricity to the project area. Electricity is currently used by the existing single-family residence and detached garage on the project site. However, for a more conservative approach the project energy analysis does not take credit for baseline use. The project site is expected to continue to be served by the existing PG&E electrical facilities. While PG&E facilities deliver electricity to the project site, electricity used by the project could be sourced from San José Clean Energy (SJCE). The project would

enroll in the TotalGreen program from SJCE.[17] . Total electricity demand in PG&E's service area is forecast to increase by approximately 12,000 Gigawatt hours (GWh)—or 12 billion kilowatt hours (kWh)—between 2016 and 2028.[18] The project's anticipated electricity demand (approximately 1.141 GWh) would be nominal compared to overall demand in PG&E's service area.[19] Therefore, the projected electrical demand would not significantly impact PG&E's level of service.

In 2022, California is estimated to use approximately 15,355,377,116 gallons of gasoline and approximately 3,683,414,417 gallons of diesel fuel.[20] Santa Clara County's annual gasoline fuel use in 2023 is estimated to be 600,613,962 gallons and diesel fuel use would be 103,122,398 gallons. Expected project operational use of gasoline and diesel would represent 0.006 percent of current gasoline use and 0.06 percent of current diesel use in the County.

It should also be noted that the project design and materials would comply with the 2019 Building Energy Efficiency Standards, which took effect on January 1, 2020, and/or future Building Energy Efficiency Standards depending on when construction permits are issued. Prior to issuance of a building permit, the City of San José would review and verify that the project plans demonstrate compliance with the current Building and Energy Efficiency Standards. Title 24 standards require energy conservation features in new construction (e.g., high-efficiency lighting, high-efficiency heating, ventilating, and air-conditioning (HVAC) systems, thermal insulation, double-glazed windows, water conserving plumbing fixtures).

Although the proposed project does not include on-site renewable energy resources, the proposed building would be built in conformance with San José Council Policy 6-32. Additionally, the proposed project would be consistent with the City's Green Building Measures such as MS-2.11 which requires new developments to incorporate green building practices, including those required by the Green Building Ordinance, and MS-16.2 which promotes neighbor-hood based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances (MS-16.2). Additionally, the project would also be required adhere to the provisions of CALGreen, which establish planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The insulation and design code requirements would minimize wasteful energy consumption. The project would also be solar ready and would enroll in the San José Clean Energy TotalGreen program.

As shown in **Table 4.6-3**, the operation of the project would consume less than 0.01 percent of the Santa Clara County energy use. Due to this low energy consumption, it is expected that operational fuel and energy consumption associated with the project would not be inefficient, wasteful, or unnecessary. Impacts would be less than significant.

[17] TotalGreen is a service provided by SJCE that provides 100 percent renewable power to homes and buildings. Greensource is another service provided by the SJCE that provides only 60 percent renewable power with 35 percent coming from non-renewable carbon free energy sources and five percent coming from California grid power.

[18] California Energy Commission, *California Energy Demand 2018-2030 Revised Forecast, Figure 49 Historical and Projected Baseline Consumption PG&E Planning Area*, April 2018.

[19] The energy analysis does not take credit for baseline use for a more conservative approach.

[20] California Air Resources Board, *EMFAC Emissions Inventory*, 2022.

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

Less than Significant Impact. As stated above the project would be required to be built in conformance with Council Policy 6-32 and CALGreen standards. The project would be required to comply with existing regulations, including applicable measures from the City's General Plan, or would be directly affected by the outcomes (vehicle trips and energy consumption would be less carbon intensive due to statewide compliance with future low carbon fuel standard amendments and increasingly stringent Renewable Portfolio Standards). The project would also enroll in TotalGreen with the SJCE which means 100 percent of the energy would be supplied from renewable, carbon-free sources. As such, the project would not conflict with any other state-level regulations pertaining to energy. The project would comply with existing State energy standards and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

4.7 Geology and Soils

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

This Section is based on findings of the Geotechnical Investigation prepared for the project site in March 2021, provided in Appendix F. The City Public Works Department's City Geologist will review the Geotechnical Investigation and issue a Geologic Clearance letter prior to issuance of final grading permits.

Existing Setting

Soils

The project site is in the Santa Clara Valley, which is flanked on the west by the Santa Cruz Mountains, on the east by the Diablo Range, and on the north by the San Francisco Bay. The mountain ranges to the east and west consist of older Franciscan and related rocks and overlying sedimentary rocks ranging in age from the Cretaceous through Tertiary time. The valley's basin contains alluvial deposits derived from the Diablo Range and the Santa Cruz Mountains. Sediments in the site vicinity consist of Holocene age mainly continental deposits of unconsolidated to semi-consolidated alluvium but also include some marine deposits near the coast.

The project site is a relatively flat parcel situated at an elevation of approximately 207 feet above sea level. As a part of the geotechnical investigation, borings to a depth of 30 feet to 50 feet were conducted. Based on the borings results, the project site is underlain by medium dense gravelly sand or sandy gravel that transitions to sandy or silty clay at the surface level. These surface soils are generally well drained and comprised of disturbed and transported materials, typical of urban developments.

Surface soils on the project site have a low to moderate potential for expansion. Expansive soils shrink and swell as a result of moisture changes, which can cause heaving and cracking of slabs-on-grade, pavements, and structures constructed on shallow foundations.

Seismicity and Seismic Hazards

The San Francisco Bay area, inclusive of the City of San Jose, is a very seismically active area, capable of generating an earthquake with a magnitude 6.7 or greater. The San Andreas Fault system, including the Monte Vista Shannon Fault, exists within the Santa Cruz Mountains and the Hayward and Calaveras Fault systems exist within the Diablo Range. Development in the City is likely to be exposed to strong ground shaking within the useful lifetime of new development.

The project site is not located in the Alquist-Priolo Earthquake Fault Zone and no active faults have been mapped on the project site. However, the site is in a Fault Rupture Hazard Zone, according to the Santa Clara County Fault Hazard Zone Map. The nearest active fault to the project site is the Hayward Fault located approximately 3.5 miles to the northeast.

The project site is not located within a designated Landslide Zone but is within a designated Liquefaction Zone. However, the soils encountered during subsurface investigations below the groundwater table, estimated to be approximately 21 feet below the ground surface, were generally very stiff to hard clayey soils and dense to very dense sands and gravels which are not prone to liquefaction (Romig Engineering, 2021).

Applicable Plans, Policies, and Regulations

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act (Act) was passed in 1972 to address the hazard of surface faulting to structures for human occupancy. The Alquist-Priolo Earthquake Fault Zoning Act regulates development and construction of buildings intended for human occupancy to avoid the hazard of surface fault rupture. The act categorizes faults as active (Historic and Holocene age), potentially active (Late Quaternary and Quaternary age), and inactive (pre-Quaternary age). The Earthquake Fault Zones indicate areas with potential surface fault-rupture hazards. Areas within the Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault. This Act requires the State Geologist to establish regulatory zones (Earthquake Fault Zones) around the surface traces of mapped active faults, and to publish appropriate maps that depict these zones. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically 50 feet).

California Building Code

The California Building Code (CBC), Part 2 of Title 24 of the California Code of Regulations (CCR), is based on the International Building Code and prescribes a standard for constructing safer buildings throughout the State of California. It contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, strength of the ground and distance to seismic sources. The CBC is renewed on a triennial basis every three years; the current version is the 2019 Building Standards Code. Building permits are reviewed by the City to ensure compliance with the most current version of the CBC.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal, excavation, destruction, injury, or defacement of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

City of San Jose Municipal Code

Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading) of the San Jose Municipal Code. Chapters 17.10 (Geologic Hazards Regulations) and 17.40 (Dangerous Buildings) address requirements for building safety and earthquake hazard reduction.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following policies applicable to all development projects in San José.

Policy EC-3.1: Design all new or remodeled habitable structures in accordance with the most recent California Building Code and California Fire Code as amended locally and adopted by the City of San José, including provisions regarding lateral forces.

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

Policy EC-4.2: Development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.

Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, 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 30.

Policy ES-4.9: Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Policy ER-10.1 For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.3 Ensure that city, state, and federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.

Action EC-4.11: Require the preparation of geotechnical and geological investigation reports for projects within areas subject to soils and geologic hazards and require review and implementation of mitigation measures as part of the project approval process.

Policy ES-4.9 Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.

Discussion

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

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less than Significant Impact. The project site is not located in an Alquist-Priolo Earthquake Fault Zone (California Department of Conservation, 2022). There are no known active or potentially active faults trending towards or through the project site and the site is not located within a State of California Earthquake Fault Zone where the potential for fault rupture is considered probable. The closest active fault is the Hayward fault, located approximately 3.5 miles northeast of the project site. Therefore, the likelihood of surface rupture occurring on-site from an active fault is low. However, the project site lies within the region affected by the active San Andreas Fault system, which influences faults throughout the region, including the San Andreas and Calaveras faults, located approximately 12 miles southwest and 13 miles northeast of the project site, respectively. Although the project site is located within a seismically active region, there is no known fault mapped on or proximate to the project site. Therefore, there would be a less than significant impact associated with the potential for substantial adverse effects, including loss, injury or death, involving rupture of a known earthquake fault.

ii) Strong seismic ground shaking?

Less than Significant Impact. The project site is located within a seismically active region and strong seismic ground shaking could occur. The project would be required to be in conformance with the most recent and City of San Jose Municipal Code Title 24, Technical Codes.

Furthermore, the Project would be built and maintained in accordance with a site-specific geotechnical report, as required by the Standard Permit Condition below. The Geotechnical Report will be reviewed and approved by the City Geologist and shall determine the site-specific soil conditions and identify the appropriate design and construction techniques to minimize risks to people and structures, including but not limited to: foundation, earthwork, utility trenching, retaining and drainage recommendations. The investigation is required to be consistent with State of California guidelines for the preparation of seismic hazard evaluation reports (CGS Special Publication 117A, 2008, and the Southern California Earthquake

Center report, SCEC, 1999). As such impacts related to strong seismic ground shaking would be less than significant.

Standard Permit Conditions

Seismic Hazards

- To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation. The report shall be reviewed and approved by the City of San José Department of Public Works as part of the building permit review and issuance process. The buildings shall meet the requirements of applicable Building and Fire Codes as adopted or updated by the City. The project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code
- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.
- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City of San José. A grading permit from the San José Department of Public Works shall be obtained prior to the issuance of a Public Works clearance. These standard practices would ensure that the future building on the site is designed to properly account for soils-related hazards on the site.

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

iii) Seismic-related ground failure, including liquefaction?

Less than Significant Impact. Liquefaction generally occurs as a "quicksand" type of ground failure caused by strong ground shaking. The primary factors influencing liquefaction potential include groundwater, soil type, relative density of the sandy soils, confining pressure, and the intensity and duration of ground shaking. The project site is located in a State seismic hazard zone specific to liquefaction (California Department of Conservation, 2022). However, the soils encountered during subsurface investigations below the groundwater table were generally very stiff to hard clayey soils and

dense to very dense sands and gravels which are not prone to liquefaction (Romig Engineering, 2021). However, potentially liquefiable clayey/gravelly sands were encountered at 459 Piercy Road between depths of approximately 27 to 32 feet and at 469 Piercy Road between depths of about 5 to 11 feet. A settlement of about ½-inch could occur within this clayey/gravelly sands could occur due to severe ground shaking caused by a major earthquake. However, based on overall site conditions, the project site was determined to be suitable for the proposed warehouse building. All structures and foundations requiring building permits would be required to meet CBC requirements to withstand ground shaking and minimizing potential impacts resulting from liquefaction. Adherence to the CBC would ensure that potential impacts from seismic-related ground failure, including liquefaction would be less than significant. Further, the project would adhere to the above listed standard permit condition, which requires that the project shall be designed to withstand soil hazards identified on the site and the project shall be designed to reduce the risk to life or property on site and off site to the extent feasible and in compliance with the Building Code.

iv) Landslides?

No Impact. Landslides are mass movements of the ground that include rock falls, relatively shallow slumping and sliding of soil, and deeper rotational or transitional movement of soil or rock. The project site is relatively flat and is not located in an area mapped as an earthquake-induced landslide hazard area (California Department of Conservation, 2022). Therefore, there would be no impact.

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

Less than Significant Impact.

Construction Impacts

Grading and excavation during the construction phase of the project could temporarily increase the potential for soils to be subject to wind and water erosion. Projects that disturb one or more acres of soil are required to obtain a Construction General Permit) issued by the California State Water Resources Control Board (State Water Board). The project site is 5.93-acres and would require a Construction General Permit. Depending on the timing of grading, the proposed project would be required to comply with General Plan Policy EC-4.5, which requires the preparation of an Erosion Control Plan for any grading occurring between October 1 and April 30. . The proposed project would also be required implement Standard Permit Conditions described below to further reduce potential erosion impacts during construction.

Standard Permit Conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.

- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The Project Applicant shall comply with the City 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.

Implementation of these standard permit conditions would prevent stormwater pollution and minimize potential sedimentation during construction. Thus, construction period impacts related to substantial soil erosion or loss of top soil would be less than significant.

Post-Construction Impacts

Operations of the project would result in an increase in impervious areas and uses that could increase runoff or pollutants into surface water or groundwater. The proposed project would comply with the C.3 Provision "New Development and Redevelopment" of the Municipal Regional Stormwater Permit (MRP) (NPDES Permit No. CAS612008) which aims to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff from projects. The provision 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 proposed project would install four LID compliant lined bioretention basins with underdrains to treat stormwater flows on-site and limit the release of storm water from the project site, minimizing the potential for substantial erosion or siltation to occur. Further, in the case that on-site treatment capacity is exceeded, all excess flows would still be directed to bioretention basins with outlet control for treatment prior to conveyance to the City's stormwater drainage system. The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained to ensure long-term management of on-site flows. Further, the proposed project would utilize beneficial landscaping features and water efficient irrigation systems to prevent erosion or loss of topsoil from on-site landscape features. Therefore, operational impacts related to substantial soil erosion or loss of top soil would be less than significant.

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

Less than Significant Impact. The project site is not within a designated Landslide Zone but is within a designated Liquefaction Zone (California Department of Conservation, 2022). Coyote Creek is located approximately 0.25-mile southeast of the project site. The potential for lateral spreading at the project site during a seismic event is considered moderate to low. Additionally, as previously mentioned, the soils

encountered during subsurface investigations below the groundwater table were generally very stiff to hard clayey soils and dense to very dense sands and gravels which are not prone to liquefaction. However, all structures and foundations requiring building permits are required to meet the most recent CBC requirements to withstand ground shaking to minimize potential impacts resulting from liquefaction. Further, the project would be built and maintained in accordance with a site-specific geotechnical report, providing detailed grading and foundation recommendations, as outlined in the Standard Permit Condition related to seismic hazards below. As discussed in 4.7 (a), the project would require to conform to CBC, City of San Jose Municipal Code Title 24, Technical Codes, and Standard Permit Conditions. Conformance with these standard engineering practices and design criteria would reduce the impacts related to lateral spreading, subsidence, liquefaction, or collapse. Therefore, impacts would be less than significant.

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

Less than Significant Impact. Portions of the surface and near surface soils at the project site have a moderate to high potential for expansion (Romig Engineering, 2021). The proposed project would be required to be constructed in conformance with the CBC and City of San Jose Municipal Code Title 24, Technical Codes. Refer to response 4.7 (a) for more information. Additionally, conformance with City Standard Permit Conditions for seismic hazards, as provided above, would reduce impacts related to expansive soil potential to a less than significant level.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?

No Impact. The project would connect to the City sewer system and would not include use of septic tanks or alternative wastewater disposal systems. The existing septic system and two leach fields located on the northern side of the existing single-family residential unit would be removed as part of the proposed project. Septic tank and leach field abandonment would occur in compliance with the Santa Clara County Department of Environmental Health (SCCDEH) Land Use Program procedures which requires inspection, removal permit, and removal by permitted hauler. Therefore, there would be no impact.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact. The project site does not support or contain any unique geologic features. As shown in the City's General Plan EIR Figure 3.11-1, the project site is located within a high sensitivity area (at depth) for paleontological resources, but not at ground surface. The site is underlain by Holocene age older alluvial fan deposits (Romig Engineering, 2021). Based on the age and type of surface soils, there is low potential to impact undiscovered paleontological resources. Although not anticipated, construction activities could disturb paleontological resources, if present. The project would implement the following Standard Permit Condition to substantially reduce potential impacts to paleontological resources. As such, impacts to paleontological resources to a less than significant level.

Standard Permit Condition

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

4.8 Greenhouse Gas Emissions

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

This Section is based on findings of the Greenhouse Gas Emissions Assessment provided in Appendix G.

Existing Setting

Certain gases in the earth's atmosphere classified as GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the earth's atmosphere from space. A portion of the radiation is absorbed by the earth's surface and a smaller portion of this radiation is reflected toward space. This absorbed radiation is then emitted from the earth as low-frequency infrared radiation. The frequencies at which bodies emit radiation are proportional to temperature. Because the earth has a much lower temperature than the sun, it emits lower-frequency radiation. Most solar radiation passes through GHGs; however, infrared radiation is absorbed by these gases. As a result, radiation that otherwise would have escaped back into space is instead "trapped," resulting in a warming of the atmosphere. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate on earth.

The primary GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). Fluorinated gases also make up a small fraction of the GHGs that contribute to climate change. Examples of fluorinated gases include chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3); however, it is noted that these gases are not associated with typical land use development. Human-caused emissions of GHGs exceeding natural ambient concentrations are believed to be responsible for intensifying the greenhouse effect and leading to a trend of unnatural warming of the Earth's climate, known as global climate change or global warming.

GHGs are global pollutants, unlike criteria air pollutants and TACs, which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be dispersed around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO_2 emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the

remaining 45 percent of human-caused CO_2 emissions remains stored in the atmosphere (Intergovernmental Panel on Climate Change, 2013).

Applicable Plans, Policies, and Regulations

To date, no national standards have been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Energy Independence and Security Act of 2007

The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020, and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding

The EPA's authority to regulate GHG emissions stems from the U.S. Supreme Court decision in Massachusetts v. EPA (2007). The Supreme Court ruled that GHGs meet the definition of air pollutants under the existing Clean Air Act and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. Responding to the Court's ruling, the EPA finalized an endangerment finding in December 2009. Based on scientific evidence, it was found that six GHGs constitute a threat to public health and welfare. Thus, it is the Supreme Court's interpretation of the existing Act and the EPA's assessment of the scientific evidence that form the basis for the EPA's regulatory actions.

Federal Vehicle Standards

In response to the U.S. Supreme Court ruling discussed above, the George W. Bush Administration issued Executive Order 13432 in 2007 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012 – 2016.

In 2010, President Barack Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017 –

2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO2 in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017 – 2021, and NHTSA intends to set standards for model years 2022 – 2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022 – 2025 cars and light trucks. It should be noted that the EPA is currently proposing to freeze the vehicle fuel efficiency standards at their planned 2020 level (37 mpg), canceling any future strengthening (currently 54.5 mpg by 2026).

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO_2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO_2 emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

In 2018, the EPA stated their intent to halt various Federal regulatory activities to reduce GHG emissions, including the phase two program. California and other states have stated their intent to challenge federal actions that would delay or eliminate GHG reduction measures and have committed to cooperating with other countries to implement global climate change initiatives. On September 27, 2019, the EPA and the NHTSA published the "Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program." (84 Fed. Reg. 51,310 (Sept. 27, 2019.) The Part One Rule revokes California's authority to set its own GHG emissions standards and set zero-emission vehicle mandates in California. On March 31, 2020, the EPA and NHTSA finalized rulemaking for SAFE Part Two sets CO_2 emissions standards and corporate average fuel economy (CAFE) standards for passenger vehicles and light duty trucks, covering model years 2021-2026. The current U.S. EPA administration has repealed SAFE Rule Part One, effective January 28, 2022 and is currently reconsidering Part Two.

Clean Power Plan and New Source Performance Standards for Electric Generating Units

On October 23, 2015, the EPA published a final rule (effective December 22, 2015) establishing the carbon pollution emission guidelines for existing stationary sources: electric utility generating units (80 FR 64510–64660), also known as the Clean Power Plan. These guidelines prescribe how states must develop plans to reduce GHG emissions from existing fossil-fuel-fired electric generating units. The guidelines establish CO2 emission performance rates representing the best system of emission reduction for two subcategories of existing fossil-fuel-fired electric generating units: (1) fossil-fuel-fired electric utility steam-generating units and (2) stationary combustion turbines. Concurrently, the EPA published a final rule (effective October 23, 2015) establishing standards of performance for GHG emissions from new, modified, and reconstructed stationary sources: electric utility generating units (80 FR 64661–65120). The rule prescribes CO2 emission standards for newly constructed, modified, and reconstructed affected

fossil-fuel-fired electric utility generating units. The U.S. Supreme Court stayed implementation of the Clean Power Plan pending resolution of several lawsuits. Additionally, in March 2017, President Trump directed the EPA Administrator to review the Clean Power Plan in order to determine whether it is consistent with current executive policies concerning GHG emissions, climate change, and energy.

Assembly Bill (AB) 32 – The California Global Warming Solutions Act of 2006

California AB 32 was signed into law in September 2006. The bill requires statewide reductions of GHG emissions to 1990 levels by 2020 and the adoption of rules and regulations to achieve the most technologically feasible and cost-effective GHG emissions reductions.

Assembly Bill 1493

AB 1493 (also known as the Pavley Bill) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of GHG emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State."

To meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) in 2004 by adding GHG emissions standards to California's existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 and adoption of 13 CCR Section 1961.1 require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016. When fully phased in, the near-term standards will result in a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards will result in a reduction of about 30 percent.

Senate Bill (SB) 97 – Modification to the Public Resources Code

In August 2007, Governor Schwarzenegger signed SB 97. SB 97 required the Office of Planning and Research to prepare, develop, and transmit guidelines to the Resources Agency for the mitigation of GHG emissions or the effects of GHG emissions including, but not limited to, the effects associated with transportation and energy consumption. The Resources Agency adopted the CEQA Guidelines Amendments addressing GHG emissions on December 30, 2009.

Senate Bill 375 – Sustainable Communities and Climate Protection Act

SB 375 encourages housing and transportation planning on a regional scale in a manner designed to reduce vehicle use and associated GHG emissions. The bill requires the California Air Resources Board (CARB) to set regional targets for the purpose of reducing GHG emissions from passenger vehicles for 2020 and 2035. Per SB 375, CARB appointed a Regional Targets Advisory Committee on January 23, 2009 to provide recommendations on factors to be considered and methodologies to be used in CARB's target setting process. The per capita reduction targets set for passenger vehicles in the San Francisco Bay Area are a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Senate Bill 100 (California Renewables Portfolio Standards Program: Emissions of Greenhouse Gases)

Signed into Law in September 2018, SB 100 increased California's renewable electricity portfolio from 50 to 60 percent by 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045.

CARB Scoping Plan

CARB adopted its Scoping Plan on December 11, 2018. The Scoping Plan functions as a roadmap to achieve GHG reductions in California required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California will implement to reduce CO2eq emissions by 174 million metric tons (MT), or approximately 30 percent, from the State's projected 2020 emissions level of 596 million MT CO_2eq under a business as usual (BAU) scenario. This is a reduction of 42 million MT CO_2eq, or almost ten percent, from 2002 to 2004 average emissions, but requires the reductions in the face of population and economic growth through 2020.

CARB's Scoping Plan calculates 2020 BAU emissions as the emissions that would be expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, electrical power, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. The measures described in CARB's Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term statewide emission limit will ensure that the State stays on course to meet our long-term goal." The Scoping Plan update did not establish or propose any specific post-2020 goals, but identified such goals adopted by other governments or recommended by various scientific and policy organizations.

BAAQMD CEQA Guidelines and 2017 Bay Area Clean Air Plan

BAAQMD recently adopted new CEQA Guidelines (April 2022) to analyze GHG impacts. The new guidelines supersede the previously adopted 2017 CEQA Guidelines and include new thresholds for analyzing climate impacts. BAAQMD's Thresholds for Land Use Projects (Must Include A or B):

A. Projects must include, at a minimum, the following project design elements:
    1. <u>Buildings</u>
        a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
        b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.

2. Transportation

   a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

      i. Residential projects: 15 percent below the existing VMT per capita

      ii. Office projects: 15 percent below the existing VMT per employee

      iii. Retail projects: no net increase in existing VMT

   b. Achieve compliance with electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

B. Be consistent with a local GHG Reduction Strategy that meets the criteria under the CEQA Guidelines section 15183.5(b)C

A qualified GHG Reduction Strategy adopted by a local jurisdiction should include the following elements as described in the State CEQA Guidelines Section 15183.5(b)(1):

i. Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area;

ii. Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;

iii. Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area;

iv. Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level;

v. Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; and

vi. Be adopted in a public process following environmental review

It should be noted that the BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions. According to the latest CEQA Thresholds Justification Report (April 2022), greenhouse gas emissions from construction represent a very small portion of a projects lifetime GHG emissions. The BAAQMD also recommends that the Lead Agency should make a determination on the significance of these construction generated GHG emission impacts in relation to meeting AB 32 GHG reduction goals, as required by the Public Resources Code, Section 21082.2. The Lead Agency is encouraged to incorporate best management practices to reduce GHG emissions during construction, as feasible and applicable.

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 Regulations for Private Development (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.11)
- 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 9.11)
- Prohibition of Natural Gas Infrastructure in Newly Constructed Building (Chapter 17.845)

Envision San José 2040 General Plan

The General Plan includes strategies, policies, and action items that are incorporated in the City's Greenhouse Gas (GHG) Reduction Strategy to help reduce GHG emissions. The GHG Reduction Strategy identifies a series of GHG emissions reduction measures to be implemented by development projects that would allow the City to achieve its GHG reduction goals. The City of San José approved a Supplemental Program EIR for the General Plan to include and update the greenhouse gas emissions analysis in December 2015. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The City's Green Vision, as reflected in these policies, also has a monitoring component that allows for adaptation and adjustment of City programs and initiatives related to sustainability and associated reductions in GHG emissions. The GHG Reduction Strategy is intended to meet the mandates as outlined in the CEQA Guidelines and the recent standards for "qualified plans" as set forth by BAAQMD.

City of San José Greenhouse Gas Reduction Strategy

The City of San José adopted its 2030 Greenhouse Gas Reduction Strategy (GHGRS), in November 2020, consistent with SB 32. SB 23 has established an interim statewide greenhouse gas reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (EO B-55-18). SB 32 expands upon AB 32, the Global Warming Solutions Act of 2006, and requires a reduction in greenhouse gas emissions of at least 40 percent below the 1990 levels by 2030.

The 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA because it serves as a qualified Climate Action Plan for the City of San José. The GHGRS was prepared under the BAAQMD CEQA Guidelines, and particularly in conformance with CEQA Guidelines Section 15183.5, which specifically addresses the development of GHG Reduction Plans for tiering and streamlining GHG analysis under CEQA. The 2030 GHGRS identifies major General Plan strategies and polices to be implemented by development project such as green building practices, transportation strategies, energy use, water conservation, waste reduction and diversion, and other sectors that contribute to GHG reductions and advancements of the City's broad sustainability goals.

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

others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

Compliance with the mandatory measures and voluntary measures required by the City would ensure an individual project's consistency with the 2030 GHGRS. Implementation of the proposed General Plan through 2030 would not constitute a cumulatively considerable contribution to global climate change.

City of San Jose Building Reach Code

In September 2019, San José City Council approved the "building reach" ordinance (No. 30311) that encourages building electrification and energy efficiency, requires solar-readiness on nonresidential buildings, and requires electric vehicle-readiness and EV equipment installation. Additionally, in October 2019, the City Council approved Ordinance No. 30330 prohibiting natural gas infrastructure in new detached accessory dwelling units, single-family, and low-rise multi-family buildings. On December 1, 2020, Council approved an updated ordinance prohibiting natural gas infrastructure in all new construction in San José, starting on August 1, 2021.

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

The San José City Council approved Policy 6-32 *Private Sector Green Building Policy* in October 2008 that established a baseline green building standard for private-sector new construction activities in the City. Council Policy 6-32 is intended to enhance the public health, safety, and welfare of City 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. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)[21], GreenPoint[22], or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32.

Discussion

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

Less than Significant Impact.

Short-Term Construction Greenhouse Gas Emissions

Construction of the proposed project would result in minor increases in GHG emissions from on-site equipment and emissions from construction workers' personal vehicle traveling to and from the project construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of construction workers. Neither the City of San José nor the BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, the BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The CalEEMod outputs prepared for the proposed project (refer to Appendix E) calculated emissions with project construction to

[21] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.

[22] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

be 415 $MTCO_2e$ for the total construction period (13 months). The project construction would be temporary and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the temporary increase in emissions would be less than significant.

Long-Term Operational Greenhouse Gas Emissions

The proposed project would include the construction of a 134,605 square foot warehouse building with 129,605 square feet of warehouse area, 5,000 square feet of office space, and 18 loading dock doors. Operational or long-term emissions would occur over the project's life. GHG emissions would result from direct emissions such as project generated vehicular traffic, operation of any landscaping equipment and one on-site generator. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power over the life of the project, the energy required to convey water to, and wastewater from the project site, the emissions associated with solid waste generated from the project site, and any fugitive emissions from air conditioning. It should be noted that the project would comply with the 2019 Title 24 Part 6 Building Energy Efficiency Standards and that the Air Quality Analysis (Appendix A) assumed that the warehouse does not include cold storage. The standards require updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements that would cut residential energy use by more than 50 percent (with solar) and nonresidential energy use by 30 percent. The standards also encourage demand responsive technologies including battery storage and heat pump water heaters and improve the building's thermal envelope through high performance attics, walls and windows to improve comfort and energy savings (California Energy Commission, March 2018). The project would also comply with the appliance energy efficiency standards in Title 20 of the California Code of Regulations. The Title 20 standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances. The project would be constructed according to the standards for high-efficiency water fixtures for indoor plumbing and water efficient irrigation systems required in 2019 Title 24, Part 11 (CALGreen).

At the State and global level, improvements in technology, policy, and social behavior can also influence and reduce operational emissions generated by a project. The state is currently on a pathway to achieving the Renewable Portfolio Standards goal of 33 percent renewables by 2020 and 60 percent renewables by 2030 per SB 100.

The majority of warehouse emissions typically occur from mobile and energy sources. Energy and mobile sources are targeted by statewide measures such as low carbon fuels, cleaner vehicles, strategies to promote sustainable communities and improved transportation choices that result in reducing VMT, continued implementation of the Renewable Portfolio Standard (the target is now set at 60 percent renewables by 2030), and extension of the Cap and Trade program (requires reductions from industrial sources, energy generation, and fossil fuels). The Cap and Trade program covers approximately 85 percent of California's GHG emissions as of January 2015. The statewide cap for GHG emissions from the capped sectors (i.e., electricity generation, industrial sources, petroleum refining, and cement production) commenced in 2013 and will decline approximately three percent each year, achieving GHG emission reductions throughout the program's duration. The passage of AB 398 in July 2017 extended the duration of the Cap and Trade program from 2020 to 2030. With continued implementation of various statewide measures, the project's operational energy and mobile source emissions would continue to decline in the future.

As discussed in Impact Statement GHG-2, below, the proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance which will ensure operational emissions reductions consistent with the 2030 GHGRS. The proposed project, therefore, would be consistent with the City's GHGRS and would have a less than significant GHG emissions impact.

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

Less than Significant Impact.

City of San José Greenhouse Gas Reduction Strategy Compliance Checklist

The City of San José 2030 GHGRS outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. For this purpose, the City has implemented a GHGRS Compliance Checklist.

Prior to project approval, the applicant is required to complete the GHGRS Compliance Checklist to demonstrate the project's compliance with the City of San José 2030 GHGRS, which is provided in Appendix G. Compliance with the checklist is demonstrated by completing Section A (General Plan Policy Conformance) and Section B (GHGRS). Projects that propose alternative GHG mitigation measures must also complete Section C (Alternative Project Measures and Additional GHG Reductions). The proposed project does not include any alternative measures.

As discussed above, the project would be constructed in accordance with the latest California Building Code, green building regulations/CalGreen, the City's Council Policy 6-32 and the City's Green Building Ordinance. Additionally, project construction and demolition waste would be diverted to exceed City requirements and least 75 percent of construction and demolition waste and 100 percent of metal would be recycled. The project would also be enrolled in the San José Clean Energy (SJCE) TotalGreen program which includes 100 percent renewable energy. Additionally, the project would be solar-ready by including building roof space for a "Future PV Array" required by California Code.

As indicated in Appendix G, the proposed project would be consistent with the 2030 GHGRS and proposed project features include 10 bicycle parking spaces and 4 motorcycle parking spaces. Additionally, as discussed under Section 4.17, the proposed project would incorporate MM TRANS-1 which requires two City suggested Tier 2 multi-modal infrastructure improvements. These improvements include the construction of a raised crosswalk at the existing pork-chop islands at the Hellyer and Silver Creek intersection and the installation of Class II bike lanes along the project frontages as well as Piercy Road from Hellyer Avenue to Silver Creek Valley Road. The proposed project would also be consistent with the 2030 GHGRS through compliance with the State's Model Water Efficient Landscape Ordinance and the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code), and would include landscaping and landscaped shading of the parking areas and walkways. Additionally, the project would include low-flow fixtures and appliances and would utilize recycled water for the outdoor landscaping based on availability.

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

not conflict with the 2030 GHGRS (refer to Appendix G for further detail). GHG emissions caused by long-term operation of the proposed would be less than significant.

CARB Scoping Plan and Plan Bay Area

As shown in Appendix G, the project would not conflict with the CARB Scoping Plan and would be consistent with the goals established in Plan Bay Area 2040. Consistency with the two plans is not required for compliance and the analysis provided in Appendix G is provided for informational purposes.

4.9 Hazards and Hazardous Materials

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
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?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
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?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

This Section is based on findings of the Phase I Environmental Site Assessment (ESA) was prepared for the project site by Hazard Management Consulting, Inc. in February 2021. The Phase I ESA is included as Appendix H.

Existing Setting

A Phase I ESA was prepared to review historical site usage information including aerial photographs and maps, search environmental databases, obtain previous environmental investigation records and documents, and identify Recognized Environmental Conditions (RECs).

The 5.93-acre project site is located within an urban area and is predominantly bordered by a mix of commercial and industrial uses. Based on review of historical information, the project site was part of an orchard and the project site vicinity was characterized by agricultural uses until the 1970s. In 1970, one residential structure and a detached garage were constructed on-site, along Piercy Road. By 1982, the orchard appears to be cleared and the project site was substantially vacant, with the residential structure still visible. Development in the area included residential, commercial, and industrial uses. By 1998, the project site had been developed with a second building structure, north of the original residence. The rest of the project site remained undeveloped, and the project vicinity was further developed with commercial uses. Between 2006 and 2016, the original residence from 1970 was removed, Hellyer Avenue was developed along the southwestern project site boundary, and commercial development is observed in the project site vicinity. No significant changes have occurred to the project site or project vicinity since 2016.

On-Site Sources of Contamination

A records search of the Santa Clara County Department of Environmental Health, Regional Water Quality Control Board's Geotracker database, and State of California Department of Toxic Substances Control's Envirostor database found no record of the project site pertaining to open cases of a leaking underground storage tanks (LUSTs), toxic releases, or site cleanup requirements.

Based on a previous Phase I ESA prepared for the site in December 2017, a groundwater well and infrastructure for storing and pumping water was located on the southwest corner of 469 Piercy Road. This included a concrete pad with two large concrete aboveground storage tanks (ASTs) to hold water, four pressure tanks, and two electric motors. Additionally, a 1,200-gallon underground (water) storage tank (UST) was installed northwest of the existing detached garage for fire suppression use.

As part of the Phase I ESA prepared for the currently proposed project, a site reconnaissance was conducted in November 2020 and February 2021. The two water ASTs were observed at the southern corner of the site, along the intersection of Hellyer Avenue at Piercy Road. The water UST is located adjacent to the detached garage structure.

According to the property owner, the project site has a sewer septic system composed of two 900 linear-feet leach fields north of the existing single-family residence and a concrete underground septic tank. A previous leach field and septic tank was originally located south of the residence but has been demolished. As there was no observed chemical use, these features do not constitute a REC. No potentially hazardous materials, hazardous wastes, or petroleum products were observed on the site.

Asbestos Containing Materials

The existing residence was constructed in 1996 and was completed in 2001, during times when asbestos containing materials (ACMs) were not commonly used in construction. The detached garage structure was constructed by 1970, when ACMs were commonly in use. According to prior interviews with the property owner, lead-based paint and ACMs have not been used in either of the buildings.

Past Agricultural Uses

According to the Phase I ESA, the project site was previously used for agricultural purposes, including orchards prior to 1939 until the 1970s. Activities commonly associated with agricultural uses may include the use and storage of hazardous materials and petroleum products (e.g., agricultural chemicals). The use or storage of such materials and products was not documented at the project site. In addition, information was not available to determine the potential historical usage of pesticides, fertilizers or insecticides on site. The Phase I ESA concluded that these residual concentrations, if present, are not typically at concentrations that would require cleanup by a regulatory agency or pose a significant human health risk to commercial or industrial site users. Further, there is no information to suggest a vapor intrusion condition is present at the project site.

Off-Site Sources of Contamination

The nearest off-site LUST cleanup site is located on Silver Creek Valley Road at US-101, approximately 0.63-mile west of the project site (DTSC, 2022). The former operator was Coyote Creek Business Park (T0608502138) and the potential contamination of concern on this off-site location was soil (SWRCB, 2022b). Site investigation and remedial action was conducted in 1999, following a fuel leak reported in 1997 (SWRCB, 2022c). The case has been closed since 1999.

Airports

The Norman Y. Mineta San José International Airport is located approximately 10 miles northwest 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 would otherwise stand at least 200 feet in height above ground. For the project site, the maximum allowable height is 50 feet in height above ground per the City of San José Municipal Code. The proposed building would be within the allowable height of 50 feet and FAA notification would not be required.

Wildland Fire Hazards

The project site is not located within a Very-High Fire Hazard Severity Zone for wildland fires (CalFire, 2022).

Applicable Plans, Policies, and Regulations

Hazardous waste generators and users in the City are required to comply with regulations enforced by several federal, State, and County agencies. The regulations are designed to reduce the risk associated with human exposure to hazardous materials and minimize adverse environmental effects. The San José Fire Department coordinates with the Santa Clara County Hazardous Materials Compliance Division to

implement the Santa Clara County Hazardous Materials Management Plan and to ensure that commercial and residential activities involving classified hazardous substances are properly handled.

Comprehensive Environmental Response, Compensation, and Liability Act/ Superfund Amendments and Reauthorization Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980. This law (U.S. Code Title 42, Chapter 103) provides broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA establishes requirements concerning closed and abandoned hazardous waste sites; provides for liability of persons responsible for releases of hazardous waste at these sites; and establishes a trust fund to provide for cleanup when no responsible party can be identified. CERCLA also enables the revision of the National Contingency Plan (NCP). The NCP (Title 40, CFR, Part 300) provides the guidelines and procedures needed to respond to releases and threatened releases of hazardous substances, pollutants, and/or contaminants. The NCP also established the National Priorities List. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986.

Resource Conservation and Recovery Act of 1976 (42 USC 6901 et seq.)

The Resource Conservation and Recovery Act (RCRA) grants authority to the U.S. Environmental Protection Agency (USEPA) to control hazardous waste from start to finish. This covers the production, transportation, treatment, storage, and disposal of hazardous waste. The RCRA also sets forth a framework for the management of non-hazardous solid waste. RCRA allows individual states to develop their own programs for the regulation of hazardous waste as long as they are at least as stringent as the RCRA. The State has developed the California Hazardous Waste Control Law (Health and Safety Code [HSC] sec. 25100 et. Seq. And 22 California Code of Regulations [CCR] sec. 66260.1 et seq.) and the USEPA has delegated authority for RCRA enforcement to the State. Primary authority for the Statewide administration and enforcement of HWCL rests with California Environmental Protection Agency's (CalEPA) Department of Toxic Substances Control (DTSC).

RCRA was amended in 1984 by the Hazardous and Solid Waste Act, which affirmed and extended the "cradle to grave" system of regulating hazardous wastes. The 1986 amendments to the RCRA enabled the USEPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances.

Senate Bill 1889, Accidental Release Prevention Law/California Accidental Release Prevention Program

Senate Bill (SB) 1889 required California to implement a new federally mandated program governing the accidental airborne release of chemicals promulgated under Section 112 of the Clean Air Act. Effective January 1, 1997, the California Accidental Release Prevention Law (CalARP) replaced the previous California Risk Management and Prevention Program and incorporated the mandatory federal requirements. CalARP addresses facilities that contain specified hazardous materials, known as regulated substances, which if involved in an accidental release, could result in adverse off-site consequences. CalARP defines regulated substances as chemicals that pose a threat to public health and safety or the environment because they are highly toxic, flammable, or explosive.

Government Code Section 65962.5 (Cortese List)

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State and local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency (Cal/EPA) to develop at least annually an updated Cortese List. The Cortese List includes lists maintained by the Department of Toxic Substances Control (DTSC) and the State Water Resources Control Board (SWRCB).

City of San José Envision San José 2040 General Plan

The General Plan includes the following hazardous material policies applicable to the project:

Policy 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.

Action 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.

Action EC-6.9: Adopt City guidelines for assessing possible land use compatibility and safety impacts associated with the location of sensitive uses near businesses or institutional facilities that use or store substantial quantities of hazardous materials by September 2011. The City will only approve new development with sensitive populations near sites containing hazardous materials such as toxic gases when feasible mitigation is included in the projects.

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

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

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos

containing materials, shall be implemented in accordance with State and Federal laws and regulations.

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

Policy EC-7.6: The City will encourage use of green building practices to reduce exposure to volatile or other hazardous materials in new construction materials.

Policy EC- 7.7: Determine for any development or redevelopment site that is within 1,000 feet of a known, suspected, or likely geographic ultramafic rock unit (as identified in maps developed by the Department of Conservation – Division of Mines and Geology) or any other known or suspected locations of serpentine or naturally occurring asbestos, if naturally occurring asbestos exists and, if so, comply with the Bay Area Air Quality Management District's Asbestos Air Toxic Control Measure requirements

Action EC-7.8: When an environmental review process identifies the presence of hazardous materials on a proposed development site, the City will ensure that feasible mitigation measures that will satisfactorily reduce impacts to human health and safety and to the environment are required of or incorporated into the projects. This applies to hazard materials found in the soil, groundwater, soil vapor, or in existing structures.

Action 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.

Action 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.

Action EC-7.11 Require sampling for residual agricultural, 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

Policy MS-13.2 Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations

Discussion

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

Less than Significant with Mitigation Incorporated. The project site was historically used for agricultural purposes from at least the late 1920's until the 1970s. Due to the length of time since the agricultural uses were cleared from the project site, the Phase I ESA determined that there is a low likelihood that pesticides would remain in the soil at actionable concentrations, given the intended redevelopment for commercial purposes. Notwithstanding, there is still a low potential that the shallow soil contains residual organochlorine pesticides and/or pesticide-based metals arsenic and lead from historic pesticide application could expose construction workers to pesticide contamination. Further, the project site is located approximately 800-feet southwest of landforms with serpentine rock units and/or ultramafic rocks with the potential for naturally occurring asbestos (City of San Jose, 2022e). Accordingly, the proposed project would implement Mitigation Measure HAZ-1 which requires a Phase II ESA be prepared for the project site prior to the issuance of grading permits.

The project site is partially developed with a dwelling unit and detached garage structure. The remainder of the site is undeveloped and contains grassy ruderal vegetation. The existing garage structure was constructed in 1970, when ACMs were commonly used. Accordingly, the Phase I ESA recommends that any ACMs be properly managed on site and abated prior to any demolition activities. Based on interviews with the property owner, existing structures were last painted in 1996 using water-based paints and lead-based paints are not present on site. Therefore, LBP is not considered a REC. Notwithstanding, the proposed project would implement City Standard Permit Conditions for ACMs and LBPs provided below. Implementation of the Standard Permit Conditions during demolition and removal of building materials would ensure that the potentially significant impact from removal of materials containing ACMs and/or LBPs would be less than significant. Additionally, compliance with applicable federal, local, and State requirements would ensure no significant hazard to the public or the environment are created through the routine transport, use, or disposal of hazardous materials. All construction would occur within the project site and any impacts as a result of the transport, use, or disposal of hazardous materials during construction would be temporary. Construction related impacts would be less than significant.

The proposed project would develop a speculative warehouse. While no end users have been identified, the building is programmed and designed to attract users such as logistics, e-commerce, warehouse/distribution, wholesaling, and light industrial services. The proposed project is not programmed, designed, or anticipated to be used as a facility that would require the routine transport, use, or disposal of hazardous materials. The project site is zoned as CIC. The CIC zoning does not allow for the development of a hazardous materials storage facility or a hazardous waste facility. The project would be required to comply with the requirements of the zoning designation for the project site. End uses may include the use and storage of cleaning supplies and maintenance chemicals in small quantities, similar to other businesses nearby and would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses. Additionally, any materials and substances used by the end user of the project would be subject to applicable health and safety requirements. Compliance with applicable federal, local, and State requirements and the zoning of the project site would ensure no significant hazard to the public or the environment are created through the routine transport, use, or disposal of hazardous materials. Thus, impacts would be less than significant.

Impact HAZ-1: Due to the agricultural history, there is a potential that the shallow soil contains residual organochlorine pesticides and/or pesticide-based metals arsenic and lead from historic pesticide application. Additionally, the project site is located within 1000 feet of a known, suspected, or likely

geographic ultramafic rock unit with a potential for encountering Naturally Occurring Asbestos (NOA) during activities that involve soil disturbance. If pesticides and/or asbestos are present and not mitigated, construction of the project could result in exposure of construction workers, adjacent properties and future site workers to pesticide contamination and/or asbestos fibers.

Mitigation Measures

MM HAZ-1 Phase II Site Assessment

Prior to issuance of a grading permit, the project applicant shall retain a qualified environmental professional to complete a Phase II soil contamination investigation to evaluate past agricultural use and the potential for encountering asbestos. The Phase II shall include soil sampling and analysis for asbestos in accordance with the California Air Resources Board (CARB) test method 435, organochlorine pesticides and pesticide-based metals, arsenic and lead to determine if these chemicals are present above the regulatory environmental screening levels for construction worker safety and commercial/industrial uses. The results of the soil sampling and testing must be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

If the Phase II results indicate soil concentrations of pesticides or metals above the environmental screening levels, the applicant must obtain regulatory oversight from the Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document shall be prepared by a qualified environmental consultant under regulatory oversight and approval that identifies remedial measures and/or soil management practices to ensure construction worker safety and the health of future site occupants. If asbestos is present above 0.25%, an Asbestos Dust Mitigation Plan (ADMP) will be prepared and submitted to the Bay Area Air Quality Management District (BAAQMD) for approval prior to construction. The ADMP would include track-out prevention and control, storage piles, onsite traffic control, preparation of areas prior to earth moving activities, and control for offsite transport, consistent with the California Air Resources Board's Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations. The plan and evidence of regulatory oversight shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department.

Standard Permit Condition

Asbestos and Lead-Based Paint

i. In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).

ii. During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.

iii. All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.

iv. A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.

Materials containing more than one-percent asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent asbestos shall be completed in accordance with BAAQMD requirements and notifications.

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

Less than Significant with Mitigation Incorporated. The project is not anticipated to result in a release of hazardous materials into the environment. The proposed facility would be expected to use limited hazardous materials and substances such as cleaners, paints, solvents; and fertilizers and pesticides for site landscaping typical of office and warehouse uses. All materials and substances would be subject to applicable health and safety requirements. While the Phase I ESA for the project site identified the presence of a septic tank, two leach fields and a groundwater well associated with the existing residential use, these features were not associated with prior agricultural uses on the project site and these structures do not constitute an REC. The proposed project would remove the septic tank and leach fields in compliance with guidance per the SCCDEH. Additionally, the proposed project would follow the requirements of the Santa Clara Valley Water Agency (Valley Water) Well Ordinance 90-1 permit to properly abandon the existing groundwater well.

Based on review of historic site uses and site reconnaissance conducted in 2020 and 2021, the Phase I ESA determined that no vapor intrusion conditions were identified on-site and that no RECs, Historic RECs, or current RECs exist on the project site. Notwithstanding, due to the previous site history of agricultural uses and location within 1000 feet of a known, suspected, or likely geographic ultramafic rock unit with a potential for encountering NOA, the project would implement MM HAZ-1.

As discussed above, the proposed project is neither programmed, designed, nor anticipated to be used as a facility that would require the use or storage of hazardous materials nor does the project site zoning allow for the development of a hazardous materials storage or waste facility. All materials and substances used on the site would be subject to applicable health and safety requirements. Following compliance with the established regulatory requirements for removal of the existing septic tank, two leach fields, and groundwater well on-site, and MM HAZ-1 impacts would be less than significant.

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

No Impact. The closest school, Edenvale Elementary School, located at 285 Azucar Avenue, is approximately 1.13 miles west of the project site. Because the project site would be located more than

one-quarter mile from this school, any emissions and hazardous materials handling at the site, during construction and operations, would not pose a significant health risk to the school. Thus, no impacts would occur.

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?

No Impact. As discussed above, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Additionally, the nearest off-site LUST cleanup site is approximately 0.63-mile west of the project site on Silver Creek Valley Road at US-101. This site has been remediated and the case has been closed since 1999.The Phase I ESA prepared for the project site (Appendix H) also did not identify any RECs within the project site. Therefore, the proposed project would not be located on a hazardous materials site and would not create a significant hazard to the public or the environment. Impacts would be less than significant.

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

No Impact. The project site is not located within two miles of a public airport or private airstrip. The closest major airport project site is Mineta San José International Airport, located approximately 10 miles northwest of the project site. The closest minor airport is Reid Hillview Airport, located approximately 5 miles north of the project site. The project site is not located within the "Airport Influence Area" as defined by the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan. According to Figures 3.8-1 and 3.8-2 in the General Plan EIR, the project site is not located within the San José International or Reid-Hill Airport Safety Zones. In addition, the project would not be subject to FAA airspace safety review because the project site does not lie within FAR Part 77 surfaces. Additionally, the project site is located outside of the 65 dBA CNEL noise contours for both airports. As such, the project site would not result in a safety hazard or excessive noise for people residing or working in the project area. No impacts would occur.

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

Less than Significant Impact. Implementation of the project would not impair or physically interfere with an adopted emergency response or evacuation plan. The City of San José Emergency Operations Plan (EOP) was prepared by the City to describe its response to emergency situations associated with natural disasters, technological incidents and nuclear defense operations. The EOP outlines the overall organizational and operational concepts in relation to response and recovery and includes the roles and responsibilities of the various committees and agencies during an emergency; and the activation and execution procedures of the emergency response system. No revisions to the EOP would be required as a result of the proposed project.

Construction of the raised crosswalk along Hellyer Avenue/Silver Creek Valley Road and installation of bike lanes along Piercy Road and Hellyer Avenue as required by MM TRANS-1 could require temporary detours; however, primary access to all major roads would be maintained during construction of the

proposed project. Further, circulation paths would be required to comply with all emergency-access related development standards. Additionally, the project would be reviewed for conformance during the building permit stage with all applicable Fire Code and Building Code requirements. Therefore, a less than significant impact would occur.

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

No Impact. CAL FIRE identifies Fire Hazard Severity Zones (FHSZ) and designates State of Local Responsibility Areas within the state of California. New developments located in 'Very High' Fire Hazard Severity Zones are required to comply with exterior wildfire design and construction codes as well as vegetation clearance and other wildland fire safety practices for structures. The project site is not located within a 'Very High' Fire Hazard Safety Zone or other fire hazard severity zone as seen in **Figure 4-3: Fire Hazard Severity Zones** provided in Section 4.20 (CalFIRE, 2022).

The proposed project is not located within the Santa Clara County Wildland Urban Interface as seen in **Figure 4-4: Santa Clara County Wildland Urban Interface Area** provided in Section 4.20 and would not conflict with the wildland fire hazard policies identified in the General Plan EIR (County of Santa Clara, 2022). For these reasons, no impacts would occur.

4.10 Hydrology and Water Quality

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

Existing Setting

The project site is relatively flat, with elevations ranging from approximately 198 feet to 202 feet above mean sea level (Google Earth, 2022). The groundwater table is estimated to be at approximately 21 feet

below ground surface (Romig Engineering, 2021). The project site is currently approximately 5.8 percent impervious (14,206 sf) and is not developed with existing storm drainage infrastructure. Existing drainage patterns generally flow south/southeast towards Piercy Road and Hellyer Avenue (Hazard Management Consulting, 2021). An existing septic tank and two leach fields are located on the northeastern portion of the project site and an existing groundwater well is located on the southeastern portion of the project site, at the corner of Hellyer Avenue and Piercy Road.

The closest waterway to the project site is Coyote Creek, which is located approximately 0.25-mile southeast and ultimately flows into the San Francisco Bay (USFWS, 2022). The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) classifies the project site as being in Zone D, an area of undetermined flood hazard (FEMA, 2022). Zone D is defined as being outside a 100-year floodplain.

Applicable Plans, Policies, and Regulations

Clean Water Act and Porter-Cologne Water Quality Control Act

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. EPA and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. U.S. EPA's regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards, which for the San José area is the San Francisco Bay Regional Water Quality Control Board (RWQCB).

Statewide Construction General Permit

The SWRCB has implemented a NPDES Construction General Permit (CGP) for the state. Projects disturbing one acre or more of soil must obtain permit coverage under the CGP by filing a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the SWRCB prior to commencement of construction. The CGP, which became effective July 1, 2010, includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring.

City of San José Grading Ordinance

All development projects, whether subject to the CGP or not, shall comply with the City's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while 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 project applicant will submit to the Director of Public Works an Erosion Control Plan detailing BMPs to prevent the discharge of stormwater pollutants.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB also has issued the Municipal Regional Stormwater Permit (MRP) (NPDES Permit No. CAS612008). In an effort to standardize stormwater management requirements throughout the region, this permit replaces the formerly separate countywide stormwater permits with a regional permit for 77 Bay Area municipalities including the City of San José. Under the provisions of the MRP, redevelopment projects that create or replace 10,000 sf feet or more of impervious surfaces are required to design and install Low Impact Development (LID) controls to treat post-construction

stormwater runoff from the site. Examples of LID controls include rainwater harvesting/re-use, infiltration, and biotreatment.

The MRP allows certain types of smart growth, high density, and transit-oriented development to use alternative means of treatment depending on specific criteria. Qualifying projects may apply for reduction credits based on location and density criteria that allow non-LID treatment for a portion of a project's runoff, but only after the applicant demonstrates why LID is infeasible for the project. The LID reduction credits are intended to allow Smart Growth projects greater flexibility in meeting stormwater treatment requirements, based on the inherent environmental benefits of Smart Growth and potential technical challenges of implementing LID treatment exclusively on high-density sites in urban areas.

Council Policy 6-29 Post-Construction Urban Runoff Management and Council Policy 8-14 Post-Construction Hydromodification Management

The MRP 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 City's Post-Construction Urban Runoff Management Policy (Council Policy 6-29) implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. Policy 6-29 requires all new development and redevelopment project to implement post-construction Best Management Practices (BMPs) and Treatment Control Measures (TCMs) to the maximum extent practicable. This policy also established specific design standards for post-construction TCMs for projects that create, add, or replace 10,000 sf feet or more of impervious surfaces.

The City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects. Development projects that create and/or replace one acre or more of impervious surface and are located in a sub-watershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. The project is approximately 5.93 acres in size and is located in a sub-watershed or catchment area that is less than 65 percent impervious and is creating over an acre of impervious area. Thus, the project is subject to comply with the hydromodification requirements of Council Policy 8-14.

City of San José Envision San José 2040 General Plan

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

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

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

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

Policy EC-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.

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

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

Policy IN-3.7: Design new projects to minimize potential damage due to storm waters and flooding to the site and other properties

Policy IN-3.10: 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.

Policy MS-3.4: Promote the use of greenroofs (i.e., roofs with vegetated cover), landscapebased treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.

Discussion

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

Less than Significant Impact. The proposed project would involve demolition, excavation and grading activities on-site. Ground-disturbing activities related to construction would temporarily increase the amount of debris on-site. Grading activities could potentially increase erosion and sedimentation that could be carried by runoff into local waterways. Operations of the project would result in an increase in impervious areas and uses that could potentially increase runoff or pollutants into surface water or groundwater.

Construction Impacts

In accordance with Provision C.3, the proposed project would be required to obtain a State Construction General Permit and would comply with the City's standard permit conditions to prevent stormwater pollution and minimize potential sedimentation during construction.. Implementation of these standard permit conditions would prevent stormwater pollution and minimize potential sedimentation during construction. Further, project implementation would remove the existing groundwater well, septic tank, and leach fields. The groundwater well would be destroyed in compliance with Santa Clara Valley Water District's well destruction requirements. The existing leach field and septic systems have been used for domestic wastes and as discussed in the Phase I ESA (Appendix H), are not associated with a chemical use. These features do not constitute a REC and removal would not have the potential to impact water quality on the project site. The proposed project would not require dewatering. Impacts would be less than significant.

Standard Permit Conditions

Construction-related water quality.

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

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

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

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

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

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

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

viii. All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.

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

Post Construction Impacts

The City has developed policies that implement Provision C.3, consistent with the Municipal Regional 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 City's Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects, including the rate or amount of surface runoff.

In accordance with Provision C.3, the project would incorporate site design, source control, and treatment system requirements to manage operational stormwater drainage. Proposed site design features include protecting existing vegetation, directing runoff from roofs and sidewalks to landscape areas, planting trees near parking areas, and creating new pervious areas through landscaping. Source control measures would include beneficial landscaping, water efficient irrigation systems, and good housekeeping. Treatment systems proposed include bioretention areas, sized to control the off-site stormwater flow rate consistent with City's C.3 requirements.

The proposed project would include bioretention basins along the site boundary for treatment of any stormwater runoff. The bioretention basins would be numerically sized to treat the roof and parking lot runoff on-site before entering the City's storm drainage system.

With implementation of the MRP requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would not violate any water quality

standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality and impacts would be less than significant.

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

No Impact. The project site is located within the Santa Clara Valley Groundwater Basin which spans from Diablo Mountains in the east, Santa Cruz Mountains in the west, and the San Francisco Bay in the north. Natural recharge occurs principally as infiltration from streambeds exiting upland areas and from direct percolation of precipitation (Valley Water, 2021). The project site is within the Coyote Valley recharge area for the Santa Clara Valley Groundwater Basin. In 2020, natural recharge from Coyote Valley accounted for 1.3 percent of total Groundwater Basin recharge. The majority of groundwater recharge occurs from managed recharge (e.g. imported supplies and capture in local reservoirs) (Valley Water, 2021). Further, the project site does not contain a managed recharge reservoir. Therefore, while the project would increase impervious area on site from 5.8 percent to 89.3 percent, this would not substantially affect groundwater recharge in the Santa Clara Valley Groundwater Basin.

Additionally, the existing groundwater well and pumping infrastructure serving the project site would be removed upon project implementation and the proposed project would be served by San Jose Municipal Water (SJMW). As discussed further in Section 4.19, Utilities and Service Systems, the project's water demand would not decrease groundwater supplies in a manner that impedes with the sustainable groundwater management. No impact would occur.

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

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

Less than Significant Impact. The project site does not include any streams or rivers that could be altered by the proposed project. The closest waterway to the project site is Coyote Creek, located approximately 0.25-mile southeast of the project site. However, the proposed project would introduce increased impervious areas on the project site, resulting in the potential for increased runoff rates and durations during storm events. The proposed on-site bio-retention basins and flow-through planters would limit the release of storm water from the project site, minimizing the potential for substantial erosion or siltation to occur. Additionally, implementation of the standard permit conditions under threshold a) would further prevent any substantial erosion or siltation off of the site. Thus, impacts would be less than significant.

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

Less than Significant Impact. As shown in **Table 4.10-1: Impervious and Pervious On-Site Surface Area**, the project 5.93-acre site currently has approximately 14,026 sf of impervious surface area. Development of the proposed project would result in approximately 218,707 sf of impervious surface area, for a net addition of approximately 204,501 sf of impervious surface area. This would result in approximately 89.3 percent impervious areas coverage on the site.

Table 4.10-1: Impervious and Pervious On-Site Surface Area

Site Surface	Existing Surface Area SF	Existing Surface Area (%)	Proposed Surface Area SF	Proposed Surface Area (%)
Impervious Surfaces Total	14,206	5.8	218,707	89.3
Pervious Surfaces Total	230,712	94.2	25,645	10.7
Note: Impervious Surface Area represents site specific conditions and excludes public streets Source: HPA architecture, 2022.				

As discussed under Threshold 4.10a, the proposed project would comply with C.3 Provision "New Development and Redevelopment" of the MRP which requires appropriate source control, site design, and stormwater treatment measures to prevent increases in runoff from projects. Per City review for compliance with these requirements, the proposed project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off the site; impacts would be less than significant.

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

Less than Significant Impact. Where development or redevelopment results in an increase in impervious surfaces, increased runoff could exceed the capacity of local storm drain systems. As discussed above, 5.8 percent of the project site is currently impervious. The proposed project would increase this to almost 90 percent, with an increase of 204,501 sf of impervious surface area. The project includes site design measures such as directing runoff from roofs and sidewalks to landscaped areas into the bioretention basins with underdrains to treat stormwater flows on-site and limit the release of storm water from the project site, and planting trees adjacent to impervious areas. Source control measures include beneficial landscaping, efficient use of water in irrigation systems, good housekeeping, and labeling storm drains.

The project would be required to comply with the C.3 Provision of the MRP which provides specific design requirements for capacity including the implementation of stormwater BMPs, volume control design, flow hydraulic design, and combination flow and volume design such that post-development runoff not exceed pre-development levels for listed pollutants. As required by the C.3 Provision of the MRP, a Storm Control Plan would be reviewed and approved by the City of San José Public Works Department. Therefore, the proposed project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff and impacts would be less than significant.

iv. Impede or redirect flood flows?

No Impact. Per the Santa Clara Valley Habitat Plan, the project is not located within a stream setback zone and would not alter the course of a stream or river (Santa Clara Valley Habitat Agency, 2022). Additionally, the project site is classified as Flood Zone D, outside the 100-year flood zone. Therefore there would be no impact.

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

Less than Significant Impact. The project site is classified as Flood Zone D, an area of undetermined flood hazard but is identified as outside the 100-year flood zone. The project is located outside of the tsunami inundation area mapped by ABAG (ABAG, 2022). Seiches are waves produced in a confined body of water such as a lake or reservoir. The project site is not located near an enclosed water body.

The proposed project would allow for a speculative warehouse use that may include limited use of cleaners, paints, solvents; and fertilizers and pesticides for site maintenance and landscaping. Project operations would include the interior use and storage of common cleaning supplies and maintenance chemicals in small quantities, similar to other businesses nearby and would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses should a flooding event occur. The potential for a significant risk release of pollutants due to project inundation is unlikely. Therefore, due to the geographic location of the project and the small quantities of pollutants expected to be present on the project site, minimal impacts are likely to occur due to flooding. Thus, a less than significant impact would occur.

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

Less than Significant Impact. As discussed in 4.10(a) and (c) above, the proposed project would not impact water quality during construction and operation. The project site is over one acre and the project would be required to obtain an NPDES General Permit for Construction Activities. Project construction would require compliance with Santa Clara County's water quality guidelines and the City's Grading Ordinance and water quality guidelines to protect water quality through the use of erosion and sediment controls. Following compliance with local and State regulations and permitting requirements, impacts would be less than significant.

4.11 Land Use and Planning

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Existing Setting

The 5.93-acre project site is flat and currently developed with a single-family residence and a detached garage structure, while the remainder of the site is undeveloped. The project site is located in an urban area. Surrounding land uses primarily include industrial, commercial, and offices. Two single-family residences are located to the south of the project site, beyond Hellyer Avenue.

Existing Land Use Designation and Zoning

The project site is designated as IP by the General Plan. The IP designation is intended for a wide variety of industrial uses such as research and development, manufacturing, assembly, testing and offices.

The project site is zoned as CIC. The CIC Zoning District is intended for commercial or industrial uses, or a compatible mixture of these uses. This zoning district allows for a broad range of commercial uses with a local or regional market, including big box retail, and a narrower range of industrial uses, primarily industrial park in nature but including some low-intensity light industrial uses.

Applicable Plans, Policies, and Regulations

Edenvale Area Development Policy

The purpose of the Edenvale Area Development Policy (EADP) is to manage traffic congestion, promote economic development, and encourage a reverse commute to jobs in the EADP area of south San José. A project's consistency with the EADP is determined by its consistency with the land use development and traffic assumptions described in the EADP, and its contribution to assessment and community facilities districts to finance infrastructure improvements in the EADP, as appropriate. The EADP provides for the development of approximately 2,850,000 sf feet of new industrial development within Sub-Area 3.

San Jose Zoning Ordinance

The purpose of the San Jose Zoning Ordinance is to guide, control, and regulate future growth and development in the city, The zoning ordinance establishes allowed uses and specific guidelines in each zoning district for developments.

City of San José General Plan

The following policies in the General Plan have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City.

Policy CD – 2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low- impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life- span. Strongly discourage small-lot and single family detached residential product types in Growth Areas.

Policy LU – 2.1: Provide significant job and housing growth capacity within strategically identified "Growth Areas" in order to maximize use of existing or planned infrastructure (including fixed transit facilities), minimize the environmental impacts of new development, provide for more efficient delivery of City services, and foster the development of more vibrant, walkable urban settings.

Policy LU – 9.3: Integrate housing development with our city's transportation system, including transit, roads, and bicycle and pedestrian facilities.

Discussion

a) Physically divide an established community?

No Impact. The project site is located in an urban area with a mix of surrounding uses including industrial, commercial, office, and residential uses. Examples of projects that could physically divide an established community include a new freeway or highway that traverse an established neighborhood. The project does not propose any new streets or other physical barriers, which could physically divide an established community. Given its nature and scope, the project would not physically divide an established community. Therefore, no impact would occur.

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

Less than Significant Impact. The City's General Plan land use designation for the project site is IP. The IP land use designation allows for a FAR range of up to 10.0 and an allowed height of 50 feet. Consistent with the IP designation, the proposed project would have a FAR of 0.51 and a maximum height of 42 feet and 7 inches.

The City's Development standards for the CIC Zoning District apply to the proposed project and require a minimum lot area of 6,000 sf and a minimum street frontage of 60 feet. Consistent with the CIC development regulations, the project site is 5.93 acres with a street frontage greater than 60 feet. Further, the proposed Project would meet setback requirements for the CIC Zoning District that require a front building setback of 15 feet from the building; side setback of zero feet from automobile parking and driveways, truck parking, and buildings; a rear setback of zero feet; and maximum building height of 50 feet.

Parking standards per the City's Zoning Ordinance are summarized in Table 4.11-1: Parking Requirements**.**

Table 4.11-1: Parking Requirements

Use	Parking Ratio	Building Area	Parking Spaces Required
Warehouse[1]	1/5,000 SF	132,166 SF	27 stalls

Note: [1] includes office space (incidental)
Source: HPA Architecture, 2021

The proposed project would meet parking requirements for the CIC Zoning District by providing 91 automobile (passenger vehicle) spaces including 37 EV capable stalls. In addition, 10 bicycle racks and 4 motorcycle parking spaces would be provided.

The EADP provides for the development of approximately 2,850,000 sf feet of new industrial development within Sub-Area 3. The proposed projects is consistent with the amount of development allowed under the EADP.

As discussed in Section 4.4 Biological Resources, the proposed project is located within the SCVHP study area, however it is not designated as a natural community area or identified as an important habitat for endangered and threatened species and native vegetation has been cleared for residential, commercial, industrial, transportation, and recreational structures. As such, the proposed project would comply with the General Plan land use, Zoning designation, and SCVHP. Impacts would be less than significant.

4.12 Mineral Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Existing Setting

Mineral resources known to exist in and near the Santa Clara Valley include cement, sand, gravel, crushed rock, clay, and limestone. Santa Clara County has also supplied a significant portion of the nation's mercury over the past century. According to the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated the Communications Hill Area, bordered generally by the Union Pacific Railroad, Curtner Avenue, SR-87, and Hillsdale Avenue as containing mineral deposits which are of regional significance as a source of construction aggregate materials. The project is not located within the Communications Hill area.

Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation. Therefore, other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

Applicable Plans, Policies, and Regulations

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California Legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board, after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

As previously noted, Communications Hill Area (Sector EE) is designated as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation.

Discussion

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

No Impact. The General Plan identifies the area around Communications Hill as the only area in the City containing mineral deposits of regional significance by the State Mining and Geology Board under SMARA. The proposed project site is located more than four miles southeast of Communication Hill. The proposed project is not located in an area known to contain regionally significant mineral resources and would not result in the loss of the availability of a known mineral resource of regional value. Thus, no impacts would occur.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. The project site is not located in an area that has been identified by the City of San José in the General Plan as a locally important mineral resource recovery site. Thus, the project would not result in the loss of availability of a locally important mineral resource recovery site and no impacts would occur.

4.13 Noise

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
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?			X	

This Section is based on findings of the Acoustical Assessment provided in Appendix I.

Existing Setting

The City of San José is impacted by various noise sources. Mobile sources of noise, especially cars and trucks, are the most common and significant sources of noise in most communities. Other sources of noise are the various land uses (i.e., residential, commercial, institutional, and recreational and parks activities) throughout the City that generate stationary-source noise.

Ambient Noise

To determine ambient noise levels in the project area, four short-term (10-minute) noise measurements and one long-term (24-hour) noise measurement were taken using a Larson Davis SoundExpert LxT Type I integrating sound level meter on March 22 through March 24, 2022; refer to Appendix I for existing noise measurement data and **Figure 4-2** for noise measurement locations.

Short-term measurement 1 (ST-1) was taken to represent the ambient noise level at the industrial uses east of the project site on Piercy Road, ST-2 was taken to represent existing noise levels at the residential uses to the south of the project site, ST-3 was taken to represent the existing noise level at the industrial uses to the west, and ST-4 was taken to represent the existing noise level at the residential uses to the northeast. Long-term measurement 1 (LT-1) was taken to represent existing ambient noise levels at the project site. The primary noise sources during the noise measurements were traffic along Piercy Road,

Hellyer Avenue, and stationary noise at commercial and industrial operations nearby. **Table 4.13-1** provides the ambient noise levels measured at these locations.

Table 4.13-1: Noise Measurements

Site No.	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	L_{peak} (dBA)	Time	Date
ST-1	474 Piercy Road	57.0	41.6	75.0	92.6	10:10 a.m. to 10:20 a.m.	3/22/2022
ST-2	363 Piercy Road	60.0	43.9	75.3	90.1	10:50 a.m. to 11:00 a.m.	3/22/2022
ST-3	5890 Silver Creek Valley Road	59.3	52.0	68.5	84.6	11:05 a.m. to 11:15 a.m.	3/22/2022
ST-4	475 Piercy Road	56.8	39.7	74.7	87.5	10:25 a.m. to 10:35 a.m.	3/22/2022
LT-1	Project Site	55.7	42.5	82.5	101.9	11:54 a.m. to 12:04 p.m.	3/23/2022 – 3/24/2022
Source: Noise Measurements taken by Kimley-Horn on March 22nd through 24th, 2022.							

Existing Mobile Noise

Existing roadway noise levels were calculated for the roadway segments in the project vicinity using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from the Project Transportation Analysis (Kimley-Horn 2023). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by Caltrans. The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. The average daily noise levels along roadway segments in proximity to the project site are included in **Table 4.13-2**.

Table 4.13-2: Existing Traffic Noise

Roadway Segment	ADT	dBA DNL[1]
Piercy Road		
East of Hellyer Avenue	1,470	50.5
Silver Creek Valley Road		
West of Piercy Road	20,350	65.4
Hellyer Avenue		
North of Piercy Road	7,150	60.7
South of Piercy Road	7,700	60.9
ADT = average daily trips; dBA = A-weighted decibels; DNL = day-night noise level		
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.		
Source: Based on data from the Transportation Analysis (Kimley-Horn, 2023). Refer to Appendix I for traffic noise modeling assumptions and results.		

The project site is primarily surrounded by industrial and commercial uses. The existing mobile noise in the project area are generated along Piercy Road, which is east of the project site, and Hellyer Avenue which is south of the project site.

Existing Stationary Noise

The primary sources of stationary noise in the project vicinity are those associated with the operations of nearby existing commercial and industrial surrounding of the project site. The noise associated with these sources may represent a single-event noise occurrence, short-term noise, or long-term/continuous noise.

Sensitive Receptors

Noise exposure standards and guidelines for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, schools, guest lodging, libraries, and churches are treated as the most sensitive to noise intrusion and therefore have more stringent noise exposure targets than do other uses, such as manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance. As shown in **Table 4.3-1**: Nearest Sensitive Receptors to Project Site, sensitive receptors near the project site include single-family residences and a church. These distances are from the project site to the sensitive receptor property line.

Applicable Plans, Policies, and Regulations

California Government Code

California Government Code Section 65302(f) mandates that the legislative body of each county and city adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines established by the State Department of Health Services. The guidelines rank noise land use compatibility in terms of "normally acceptable," "conditionally acceptable," "normally unacceptable," and "clearly unacceptable" noise levels for various land use types. Single-family homes are "normally acceptable" in exterior noise environments up to 60 CNEL and "conditionally acceptable" up to 70 CNEL. Multiple-family residential uses are "normally acceptable" up to 65 CNEL and "conditionally acceptable" up to 70 CNEL. Schools, libraries, and churches are "normally acceptable" up to 70 CNEL, as are office buildings and business, commercial, and professional uses.

Title 24 – Building Code

The State's noise insulation standards are codified in the California Code of Regulations, Title 24: Part 1, Building Standards Administrative Code, and Part 2, California Building Code. These noise standards are applied to new construction in California for interior noise compatibility from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are located near major transportation noise sources, and where such noise sources create an exterior noise level of 65 dBA CNEL or higher. Acoustical studies that accompany building plans must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new multi-family residential buildings, the acceptable interior noise limit for new construction is 45 dBA CNEL.

City of San José General Plan

The San José General Plan identifies goals, policies, and implementations in the Noise Element. The Noise Element provides a basis for comprehensive local programs to regulate environmental noise and protect citizens from excessive exposure. **Table 4.13-3: Land-Use Compatibility Guidelines for Community Noise in San José** highlights five land-use categories and the outdoor noise compatibility guidelines.

Table 4.13-3: Land-Use Compatibility Guidelines for Community Noise in San José

Land-Use Category	Exterior Noise Exposure (DNL), in dBA		
	Normally Acceptable[1]	**Conditionally Acceptable[2]**	**Normally Unacceptable[3]**
Residential, Hotels and Motels, Hospitals, and Residential Care	Up to 60	>60 to 75	>75
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds	Up to 65	>65 to 80	>80
Schools, Libraries, Museums, Meeting Halls, Churches	Up to 60	>60 to 75	>75
Office Buildings, Business Commercial, and Professional Offices	Up to 70	>70 to 80	>75
Sports Area, Outdoor Spectator Sports	Up to 70	>70 to 80	>65
Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters		>55 to 70	>70

1. Normally Acceptable – Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction. There are no special noise insulation requirements.
2. Conditionally Acceptable – New construction should be undertaken only after a detailed analysis of the noise reduction requirement is conducted and needed noise insulation features included in the design.
3. Normally Unacceptable – New construction should be discouraged and may be denied as inconsistent with the General Plan and City Code. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
4. Outdoor open space noise standards do not apply to private balconies/patios.

Source: City of San José General Plan, 2014.

The San José General Plan includes the following policies for noise:

Policy EC – 1.1: Locate new development in areas where noise levels are appropriate for the proposed uses. Consider federal, state and City noise standards and guidelines as a part of new development review.

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

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

Policy EC – 1.3: 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.

Policy EC – 1.6: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.

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

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

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

Policy EC – 1.14: Require acoustical analyses for proposed sensitive land uses in areas with exterior noise levels exceeding the City's noise and land use compatibility standards to base noise attenuation techniques on expected Envision General Plan traffic volumes to ensure land use compatibility and General Plan consistency.

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

City of San José Municipal Code

According to San José Municipal Code, Section 20.100.450, construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for construction activities in the City. **Table 4.13-4: City of San José**

Zoning Ordinance Noise Standards shows the San José standards for maximum noise level at the property line.

Table 4.13-4: City of San José Zoning Ordinance Noise Standards

Land Use Types	Maximum Noise Level in Decibels at Property Line
Industrial use adjacent to a property used or zoned for residential purposes	55
Industrial use adjacent to a property used or zoned for commercial purposes	60
Industrial use adjacent to a property used or zoned for industrial or use other than commercial or residential purposes	70
Source: City of San José Municipal Code section 20.50.300.	

Discussion

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

Less than Significant Impact.

Construction

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect the residential neighborhoods surrounding the construction site. Project construction would occur approximately 150 feet from the nearest sensitive receptor, the single-family residences, to the southwest. During construction, exterior noise levels could affect the residential neighborhoods near the construction site. However, construction activities would occur throughout the project site and would not be concentrated at a single point near sensitive receptors. Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery.

Construction activities associated with development of the project would include demolition, site preparation, grading, paving, building construction, and architectural coating. Such activities may require dozers and tractors during site preparation; graders, dozers, and tractors during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, tractors, and paving equipment during paving; and air compressors during architectural coating. Grading and excavation phases of project construction tend to be the shortest in duration and create the highest construction noise levels due to the operation of heavy equipment required to complete these activities. Equipment typically used during the grading and excavating stage includes heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, and scrapers. Operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Other sources of noise would be shorter-duration incidents such as placing large pieces of equipment or the hydraulic movement of machinery lifts, which would last less than one minute.

According to the applicant, no pile-driving would be required during construction and as such a project condition of approval will be included in the project permit to reflect the project's proposed construction.

Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Typical noise levels associated with individual construction equipment are listed in **Table 4.13-5**.

Table 4.13-5: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA) at 50 feet from Source
Air Compressor	80
Backhoe	80
Compactor	82
Concrete Mixer	85
Concrete Pump	82
Concrete Vibrator	76
Crane, Derrick	88
Crane, Mobile	83
Dozer	85
Generator	82
Grader	85
Impact Wrench	85
Jack Hammer	88
Loader	80
Paver	85
Pump	77
Roller	85
Saw	76
Scraper	85
Shovel	82
Truck	84
Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.	

The City of San José does not have construction noise standards. As shown **in Table 4.13-4: City of San José Zoning Ordinance Noise Standards** noise maximum levels are below 88 dBA at 50 feet. The highest anticipated construction noise level of 88 dBA at 50 feet is expected to occur during the demolition phase. Noise impacts for mobile construction equipment are typically assessed as emanating from the center of the equipment activity or construction site.[23] For the proposed project, this center point would be approximately 420 feet from the nearest sensitive receptor, the single-family residences. These sensitive uses may be exposed to elevated noise levels during project construction. The Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) was used to calculate noise levels during construction activities; refer to Appendix I. RCNM is a computer program used to assess construction noise impacts and allows for user-defined construction equipment and user-defined noise

[23] For the purposes of this analysis, the construction area is defined as the center of the project site per the methodology in the FTA Transit Noise and Vibration Impact Assessment Manual (September 2018). Although some construction activities may occur at distances closer than 420 feet from the nearest properties, construction equipment would be dispersed throughout the project site during various construction activities. Therefore, the center of the project site represents the most appropriate distance based on the sporadic nature of construction activities.

limit criteria. Noise levels were calculated for each construction phase and are based on the equipment used, distance to the nearest property/receptor, and acoustical use factor for equipment.

The noise levels calculated in **Table 4.13-6**, show estimated exterior construction noise at the closest receptors. Based on calculations using the RCNM model, construction noise levels would range from approximately 47.8 dBA L_{eq} and 68.1 dBA L_{eq} at the nearest sensitive receptors and nearest off-site uses; see **Table 4.13-6**.

Table 4.13-6: Project Construction Noise Levels

Construction Phase	Receptor Location			Modeled Exterior Noise Level (dBA L_{eq}) [2]	Noise Threshold (dBA L_{eq}) [3]	Exceeded?
	Land Use	Direction	Distance (feet) [1]			
Demolition	Single Family Residential	Southwest	420	66.1	80	No
	Single Family Residential	West	990	58.7		No
	Industrial	West	360	67.4	90	No
Site Preparation	Single Family Residential	Southwest	420	63.5	80	No
	Single Family Residential	West	990	56.1		No
	Industrial	West	360	64.9	90	No
Grading	Single Family Residential	Southwest	420	66.7	80	No
	Single Family Residential	West	990	59.3		No
	Industrial	West	360	68.1	90	No
Building Construction	Single Family Residential	Southwest	420	63.9	80	No
	Single Family Residential	West	990	56.5		No
	Industrial	West	360	65.3	90	No
Paving	Single Family Residential	Southwest	420	58.2	80	No
	Single Family Residential	West	990	50.7		No
	Industrial	West	360	59.5	90	No
Architectural Coating	Single Family Residential	Southwest	420	55.2	80	No
	Single Family Residential	West	990	47.8		No
	Industrial	West	360	56.5	90	No

Notes:
1. Distance is from the nearest receptor to the main construction activity area on the project site. Not all equipment would operate at the closest distance to the receptor.
2. Modeled noise levels conservatively assume the simultaneous operation of all pieces of equipment.
3. The FTA Noise and Vibration Manual establishes construction noise standards of 80 dBA $L_{eq(8\text{-}hour)}$ for residential uses and 90 dBA $L_{eq(8\text{-}hour)}$ for commercial and industrial uses.

Source: Federal Highway Administration, *Roadway Construction Noise Model,* 2006. Refer to **Appendix I** for noise modeling results.

As shown in **Table 4.13-6**, the loudest noise levels would be 66.7 dBA L_{eq} at the nearest sensitive receptor and 68.1 dBA L_{eq} at the nearest industrial uses, which would not exceed the FTA's construction noise standards of 80 dBA L_{eq} and/or 90 dBA L_{eq}. In addition, all construction equipment would be equipped with functioning mufflers as mandated by the State and project construction would comply with Section 20.100.450 of the municipal code, limiting construction hours within 500 feet of a residential unit to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday.

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

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

The project site is located within 500 feet of residential uses, as well as 200 feet from industrial uses south, west, and east of the site. The proposed project construction would result in approximately six months of substantial noise generating activities, including phases such as demolition, grading and building framing as well as seven months of less noise intensive construction phases such as site preparation, building construction, paving, and architectural coating. These phases are considered less noise intensive since they do not include as much heavy equipment, as compared to grading and building framing, and most activities, such as building finishes involve mostly hand tools. Additionally, the project would not include pile-driving. Therefore, the proposed project would not result in more than 12 months of substantial noise generating activities.

Additionally, construction activities would be limited to daytime hours when people would be out of their houses and would conform to the time-of-day restrictions of the City's Municipal Code. The proposed project would be required to adhere to the Standard Permit Conditions which would ensure that all construction equipment is equipped with properly operating and maintained mufflers and other state required noise attenuation devices, helping to reduce noise at the source. Further, the Standard Permit Conditions are required to ensure that construction noise levels do not exceed the City's standards and that time-of-day restrictions are adhered to. With implementation of these conditions, construction noise impacts to nearby receptors would be less than significant.

Construction Traffic Noise

Construction is estimated to be approximately 13 months. Construction noise may be generated by large trucks moving materials to and from the project site. Large trucks would be necessary to deliver building materials as well as remove dump materials. Based on the California Emissions Estimator Model (CalEEMod) default assumptions for this project (Appendix E, the project would generate the highest number of daily trips during the building construction and grading phases. The model estimates that the project would generate approximately 15 daily worker trips during grading. Building construction would have 98 worker trips and 38 daily vendor trips. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and vehicle mix do not also change) would result in a noise level increase of 3 dBA. Hellyer Avenue, south of Piercy Road, has an average daily trip volume of 8,140 vehicles (**Table** 4.13-2). Therefore, a maximum of 151 daily project construction trips (total of 113 daily worker trips and 38 daily vendor trips) would not double the existing traffic volume per day. Construction related traffic noise would not be noticeable and would not create a significant noise impact. Further, while construction is approximately 13 months and would be temporary, the project would be subject to the following standard permit conditions to limit construction noise and impacts.

Standard Permit Conditions

Construction-Related Noise. Noise minimization measures include, but are not limited to, the following:

i. Prohibit pile driving.

ii. Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

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

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

v. Prohibit unnecessary idling of internal combustion engines.

vi. Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

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

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

ix. Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.

x. If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.

xi. Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Operations

Implementation of the project would create permanent new sources of noise in the project vicinity. The major noise sources associated with the project that would potentially impact existing and future nearby residences include the following:

- Off-site traffic noise;
- Mechanical equipment (i.e., trash compactors, air conditioners, etc.);
- Delivery trucks on the project site, and approaching and leaving the loading areas;
- Activities at the loading areas (i.e., maneuvering and idling trucks, loading/unloading, and equipment noise);
- Parking areas (i.e., car door slamming, car radios, engine start-up, and car pass-by); and
- Landscape maintenance activities.

As discussed above, the closest sensitive receptors are located approximately 150 feet to the southwest of the project site. The City of San José stationary source exterior Zoning Ordinance Noise Standards for industrial areas adjacent to a property used for residential purposes uses is 55 dBA L_{eq}. Per General Plan

Policy EC-1.1, land use compatibility standard for business, commercial and industrial areas is up to 70 dBA DNL (DNL).

Traffic Noise

Implementation of the project would generate increased traffic volumes along study roadway segments. The project is expected to generate a net of 213 average daily trips, which would result in noise increases on project area roadways. In general, a traffic noise increase of less than 3 dBA is barely perceptible to people, while a 5-dBA increase is readily noticeable (Caltrans, 2013). Generally, traffic volumes on project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Therefore, permanent increases in ambient noise levels of less than 3 dBA are considered to be less than significant.

As shown in **Table 4.13-7**, the existing traffic-generated noise level on project area roadways is between 50.5 dBA L_{dn} and 65.4 dBA L_{dn} at 100 feet from the centerline. As previously described, L_{dn} is 24-hour average noise level with a 10 dBA "weighting" added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

Traffic noise levels for roadways primarily affected by the project were calculated using the FHWA's Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise modeling was conducted for conditions with and without the project, based on traffic volumes (Appendix I). As noted in **Table 4.13-7**, project noise levels at 100 feet from the centerline would range from 52.1 dBA to 65.4 dBA. The project would have the highest increase of 1.6 dBA on Piercy Road. However, the 1.6 dBA DNL increase is under the perceptible 3.0 dBA noise level increase per General Plan EC – 1.1. Therefore, the project would not have a significant impact on existing traffic noise levels.

Table 4.13-7: Existing and Project Traffic Noise

Roadway Segment	Existing Conditions		With Project		Change from No Project Conditions	Significant Impact?
	ADT	dBA DNL[1]	ADT	dBA DNL[1]		
Piercy Road						
East of Hellyer Avenue	1,470	50.5	1,610	52.1	1.6	**No**
Silver Creek Valley Road						
West of Piercy Road	20,350	65.4	20,563	65.4	0.0	**No**
Hellyer Avenue						
North of Piercy Road	7,150	60.7	7,230	60.9	0.2	**No**
South of Piercy Road	7,700	60.9	7,710	61.0	0.1	**No**
ADT = average daily trips; dBA = A-weighted decibels; DNL= day-night noise levels						
1.Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.						
Source: Based on data from the Transportation Analysis (Kimley-Horn, 2023). Refer to Appendix I for traffic noise modeling assumptions and results.						

Table 4.13-8, shows the background conditions or Background Year traffic. Per the Transportation Analysis, Background Year conditions include 12 approved projects that were added to the existing 2023 volumes. As shown in **Table 4.13-8**, Background Year roadway noise levels with the project would range from 51.8 dBA to 67.8 dBA. The project would have the highest increase of 1.2 dBA on Piercy Road, east

of Hellyer Road. However, the 1.2 dBA DNL increase is under the perceptible 3.0 dBA noise level increase per General Plan EC – 1.1. Additionally, project traffic would traverse and disperse over project area roadways, where existing ambient noise levels already exist. Future development associated with the project would result in additional traffic on adjacent roadways, thereby increasing vehicular noise near existing and proposed land uses. However, the project would not result in noise level increases above 3.0 dBA and wouldn't exceed the City's 3.0 dBA noise level increase per General Plan EC – 1.1. Therefore, impacts are less than significant.

Table 4.13-8: Background Year and Background Year Plus Project Traffic Noise

Roadway Segment	Opening Year		With Project		Change from No Project Conditions	Significant Impact?
	ADT	dBA DNL[1]	ADT	dBA DNL[1]		
Piercy Road						
East of Hellyer Avenue	1,950	51.8	2,090	53.0	1.2	**No**
Silver Creek Valley Road						
West of Piercy Road	35,220	67.8	35,433	67.8	0.0	**No**
Hellyer Avenue						
North of Piercy Road	9,590	62.0	9,670	62.1	0.1	**No**
South of Piercy Road	11,510	62.6	11,520	62.8	0.2	**No**
ADT = average daily trips; dBA = A-weighted decibels; DNL= day-night noise levels						
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.						
Source: Based on data from the Transportation Analysis (Kimley-Horn, 2023). Refer to Appendix I for traffic noise modeling assumptions and results.						

Stationary Noise Sources

Implementation of the project would create new sources of noise in the project vicinity from mechanical equipment, truck loading areas, parking lot noise, and landscape maintenance. **Table 4.13-9** shows the noise levels generated by various stationary noise sources and the resulting noise level at the nearest receiver.[24] **Table 4.13-9** also show the project's compliance with GP Policy EC-1.1 and EC-1.2 as well as the Municipal Code. Each stationary source is discussed below.

Mechanical Equipment

Regarding mechanical equipment, the project would generate stationary-source noise associated with heating, ventilation, and air conditioning (HVAC) units. HVAC units typically generate noise levels of approximately 52 dBA at 50 feet. The closest sensitive receptors to the HVAC units would be the residential area 420 feet southwest of the project site. At this distance, noise levels would be 34 dBA and would be below the City's noise thresholds. The receptor would also not experience an incremental increase in their ambient noise levels. **Table 4.13-6: Project Construction Noise Levels** shows that mechanical equipment would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2. Therefore, mechanical equipment would produce noise levels that are less than significant.

[24] Distances are measured from the project site to the property line of the nearest receiver.

Loading Area Noise

The project is an industrial development that would include deliveries. The primary noise associated with deliveries is the arrival and departure of trucks. Operations of proposed project would potentially require a mixture of deliveries from vans, light trucks, and heavy-duty trucks. Normal deliveries typically occur during daytime hours. During loading and unloading activities, noise would be generated by the trucks' diesel engines, exhaust systems, and brakes during low gear shifting' braking activities; backing up toward the docks/loading areas; dropping down the dock ramps; and maneuvering away from the docks. The project is surrounded by industrial uses to the east, west, and south. The closest that the proposed loading area would be located to sensitive receptors would be approximately 510 feet southwest from the project site. While there would be temporary noise increases during truck maneuvering and engine idling, these impacts would be of short duration and infrequent. Additionally, loading noise levels would be further attenuated by the intervening structures. **Table 4.13-9** shows that truck and loading area noise would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2. Typically, heavy truck operations generate a noise level of 64 dBA at a distance of 50 feet. At the nearest residential receptors, noise levels would be 44 dBA which is below the 55 dBA noise standard. At the nearest industrial receptor, noise levels would be 51 dBA which is also below the 70 dBA noise standard. Both receptors would also experience an incremental noise increase of 0.1 dBA which is below Policy EC-1.2 standards. Therefore, loading areas would produce levels that are less than significant.

Parking Areas

Traffic associated with parking areas is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Parking lot noise can also be considered a "stationary" noise source. The instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 53 to 61 dBA at 50 feet and may be an annoyance to noise-sensitive receptors. Conversations in parking areas may also be an annoyance to sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech. It should be noted that parking lot noise are instantaneous noise levels compared to noise standards in the DNL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower. The nearest residential property line would be located approximately 225 feet away from the project's parking areas. As **Table 4.13-5** show, noise generated from the parking lot would be at 48 dBA at 225 feet which would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2

Landscape Maintenance Activities

Development and operation of the project includes new landscaping that would require periodic maintenance. Noise generated by a gasoline-powered lawnmower is estimated to be approximately 70 dBA at a distance of five feet. Landscape Maintenance activities would be 61 dBA at 50 feet away and 48 dBA at the closest sensitive receptor approximately 60 feet away. Maintenance activities would operate during daytime hours for brief periods of time as allowed by the City Municipal Code and would not permanently increase ambient noise levels in the project vicinity and would be consistent with activities that currently occur at the surrounding uses. Table 4.13-9 shows that landscape maintenance noise would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2.

Table 4.13-9: Stationary Source Noise Levels

Nearest Land Use	Distance (feet)[1]	Reference Level at 50 ft (dBA)	Policy EC-1.1			Policy EC-1.2			
			Noise Level at Receiver	Exterior Noise Standard	Exceed Threshold	Ambient Noise Level (L_{eq})	Combined Noise at Receiver	Incremental Increase (dBA)[10]	Exceed Threshold[9]
Mechanical Equipment									
Residence (southwest)	420	52 dBA[2]	34 dBA	55 dBA[5]	No	60.0 dBA[7]	60.0 dBA	0.0	N/A
Residences (east)	880		27 dBA		No	56.8 dBA[8]	56.8 dBA	0.0	No
Industrial	245		38 dBA	70 dBA[6]	No	67.4 dBA[9]	67.4 dBA	0.0	No
Loading Area									
Residence (southwest)	510	64 dBA[2]	44 dBA	55 dBA[5]	No	60.0 dBA[7]	60.1 dBA	0.1	N/A
Residences (east)	870		39 dBA		No	56.8 dBA[8]	56.9 dBA	0.1	No
Industrial	230		51 dBA	70 dBA[6]	No	67.4 dBA[9]	67.5 dBA	0.1	No
Parking Area									
Residence (southwest)	225	61 dBA[3]	48 dBA	55 dBA[5]	No	60.0 dBA[7]	60.3 dBA	0.3	N/A
Residences (east)	730		38 dBA		No	56.8 dBA[8]	56.9 dBA	0.1	No
Industrial	110		54 dBA	70 dBA[6]	No	67.4 dBA[9]	67.6 dBA	0.2	No
Landscape Maintenance									
Residence (southwest)	215	61 dBA[4]	37 dBA	55 dBA[5]	No	60.0 dBA[7]	60.0 dBA	0.0	N/A
Residences (east)	720		27 dBA		No	56.8 dBA[8]	57.0 dBA	0.0	No
Industrial	100		44 dBA	70 dBA[6]	No	67.4 dBA[9]	67.4 dBA	0.0	No

1. The distance is from the location of the operational noise source to the sensitive receptor property line.
2. Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.
3. Kariel, H. G., *Noise in Rural Recreational Environments*, Canadian Acoustics 19(5), 3-10, 1991.
4. U.S. EPA, *Noise from Construction Equipment and Operations, Building Equipment, and Home Appliances*, 1971.
5. City of San José Municipal Code section 20.50.300 (Table 20-135), which establishes industrial use noise standards of 55 dBA when adjacent to residential zones, 60 dBA when adjacent to commercial zones, and 70 dBA when adjacent to industrial zones or use other than commercial or residential purposes.
6. City of San José General Plan Policy EC-1.1 establishes Normally acceptable noise standards of 65 dBA for residential and recreational uses and 70 dBA for commercial office uses.
7. Noise Measurement ST-2, which is representative of ambient noise levels at the residential uses to the south of the project site.
8. Noise Measurement ST-4, which is representative of ambient noise levels at the residential uses to the northeast of the project site.
9. Noise Measurement ST-1, which is representative of ambient noise levels at the industrial uses to the east of the project site.
10. Incremental noise threshold per City of San José General Plan Policy EC-1.2, which establishes incremental noise standards of 5 dBA where noise levels would remain "Normally Acceptable" and 3 dBA where noise levels would equal or exceed the "Normally Acceptable" level for land uses sensitive to increased noise levels. Normally acceptable levels are 65 dBA for residential uses. Although the normally acceptable standard for industrial and commercial office uses is 70 dBA, it is not considered a land use sensitive to increased noise levels per Policy EC-1.2.

As shown in Table 4.13-9, stationary sources would not exceed the Land Use Compatibility Standards from GP Policy EC-1.1 or the incremental noise increases per GP Policy EC-1.2 at the adjacent industrial use or nearest residential use. Additionally, noise levels would be further attenuated by intervening terrain and structures. Impacts from mechanical equipment, loading area, parking area, and landscape maintenance would be less than significant. Therefore, the project would not result in a significant impact to operational noise.

Overall, implementation of Standard Permit Conditions and adherence to Municipal Code requirements, noise impacts associated with traffic, mechanical equipment, deliveries, loading/unloading activities, parking lot noise, and landscape equipment would be reduced to a less than significant level.

Cumulative Noise Impacts

Noise by definition is a localized phenomenon, and drastically reduces as distance from the source increases. Cumulative noise impacts involve development of the project in combination with ambient growth and other related development projects. As noise levels decrease as distance from the source increases, only projects in the nearby area could combine with the project to potentially result in cumulative noise impacts.

Cumulative Construction Noise

The project's construction activities, when properly mitigated, would not result in a substantial temporary increase in ambient noise levels. The City permits construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise allowed in a Development Permit or other planning approval. The project would contribute to other proximate construction noise impacts if construction activities were conducted concurrently. However, based on the noise analysis above, the project's construction-related noise impacts would be less than significant following compliance with local regulations and City Standard Permit Conditions outlined in this study.

Construction activities at other planned and approved projects would be required to take place during daytime hours, and the City and project applicants would be required to evaluate construction noise impacts and implement mitigation, if necessary, to minimize noise impacts. Each project would be required to comply with the applicable City of San José Municipal Code limitations on allowable hours of construction. Therefore, project construction would not contribute to cumulative impacts and impacts in this regard are not cumulatively considerable.

Cumulative Operational Noise

Cumulative noise impacts describe how much noise levels are projected to increase over existing conditions with the development of the project and other foreseeable projects. Cumulative noise impacts would occur primarily as a result of increased traffic on local roadways due to buildout of the project and other projects in the vicinity. However, noise from generators and other stationary sources could also generate cumulative noise levels.

Stationary Noise

As discussed above, impacts from the project's operations would be less than significant. Due to site distance, intervening land uses, and the fact that noise dissipates as it travels away from its source, noise impacts from on-site activities and other stationary sources would be limited to the project site and

vicinity. No known past, present, or reasonably foreseeable projects would compound or increase the operational noise levels generated by the project. Thus, cumulative operational noise impacts from related projects, in conjunction with project-specific noise impacts, would not be cumulatively significant.

Traffic Noise

A project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. Cumulative increases in traffic noise levels were estimated by comparing the Existing Plus Project and Cumulative scenarios to existing conditions.

The following criteria is used to evaluate the combined effect of the cumulative noise increase.

- *Combined Effect*. The cumulative with project noise level ("Cumulative With Project") would cause a significant cumulative impact if a 3.0 dB increase over "Existing" conditions occurs and the resulting noise level exceeds the applicable exterior standard at a sensitive use. Although there may be a significant noise increase due to the project in combination with other related projects (combined effects), it must also be demonstrated that the project has an incremental effect. In other words, a significant portion of the noise increase must be due to the project.

The following criteria have been used to evaluate the incremental effect of the cumulative noise increase.

- *Incremental Effects*. The "Cumulative With Project" causes a 1.0 dBA increase in noise over the "Opening Year Without Project" noise level.

A significant impact would result only if both the combined and incremental effects criteria have been exceeded. Noise by definition is a localized phenomenon and reduces as distance from the source increases. Consequently, only the project and growth due to occur in the general area would contribute to cumulative noise impacts. **Table 4.13-10** identifies the traffic noise effects along roadway segments in the vicinity of the project site for "Existing," "Cumulative Without Project," and "Cumulative With Project," conditions, including incremental and net cumulative impacts.

Table 4.13-10: Cumulative Plus Project Conditions Predicted Traffic Noise Levels

Roadway Segment	Existing[1]	Cumulative Without Project[1]	Cumulative With Project[1]	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
				dBA Difference: Existing and Cumulative With Project	dBA Difference: Cumulative Without and With Project	
Piercy Road						
East of Hellyer Avenue	50.5	52.5	53.5	2.9	1.0	**No**
Silver Creek Valley Road						
West of Piercy Road	65.4	67.8	67.8	2.4	0.0	**No**
Hellyer Avenue						
North of Piercy Road	60.7	62.0	62.2	1.5	0.2	**No**
South of Piercy Road	60.9	62.7	62.8	1.9	0.1	**No**
ADT = average daily trips; dBA = A-weighted decibels; DNL= day-night noise levels						
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.						
Source: Based on data from the Transportation Analysis (Kimley-Horn, 2023). Refer to Appendix I for traffic noise modeling assumptions and results.						

First, it must be determined whether the "Cumulative With Project" increase above existing conditions (Combined Effects) is exceeded. As indicated in the **Table 4.13-10**, none of the roadway segments exceed the combined effects criterion of 3.0 dB increase. However, under the Incremental Effects criteria, cumulative noise impacts are defined by determining if the forecast ambient ("Cumulative Without Project") noise level is increased by 1 dB or more. As indicated above, the project does reach the 1 dB Incremental Effects criteria on Piercy Road, east of Hellyer Road. However, a significant impact would result only if both the combined and incremental effects criteria have been exceeded.

Therefore, the project's cumulative noise contribution would be less than significant. Based on the significance criteria set forth in this Report, no roadway segments would result in significant impacts because they would not exceed the City's threshold for noise at nearby sensitive receptors. The project would not result in long-term mobile noise impacts based on project-generated traffic as well as cumulative and incremental noise levels. Therefore, the project, in combination with cumulative background traffic noise levels, would result in a less than significant cumulative impact. The project's contribution to noise levels would not be cumulatively considerable.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact.

Construction

Increases in groundborne vibration levels attributable to the project would be primarily associated with construction-related activities. Construction on the project site would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Ground vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

The FTA has published standard vibration velocities for construction equipment operations. In general, depending on the building category of the nearest buildings adjacent to the potential pile driving area, the potential construction vibration damage criteria vary. For example, for a building constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.50 inch per second (in/sec) peak particle velocity (PPV) is considered safe and would not result in any construction vibration damage. The City of San José General Plan Policy EC-2.3 includes a vibration limit of 0.08 in/sec PPV for sensitive historic structures and 0.20 in/sec PPV for normal conventional construction. The surrounding structures are not listed as historical resources. Therefore, the 0.20 in/sec PPV threshold would be utilized.

Table 4.13-11 lists vibration levels at 25 feet and 150 feet for typical construction equipment. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. Based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during project construction range from 0.003 to

0.089 in/sec PPV at 25 feet from the source of activity. Project construction would occur approximately 25 feet from the nearest off-site use, the industrial building located to the northwest, and approximately 150 feet from the nearest sensitive receptor located to the southwest. Therefore, the nearest sensitive receptor would not experience perceptible vibration levels.

Table 4.13-11: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity At 25 feet (in/sec)	Peak Particle Velocity At 150 feet (in/sec)
Large Bulldozer	0.089	0.0061
Loaded Trucks	0.076	0.0052
Rock Breaker	0.059	0.0040
Jackhammer	0.035	0.0024
Small Bulldozer/Tractors	0.003	0.0004
1. Calculated using the following formula: PPVequip = PPVref x (25/D)1.5, where: PPVequip = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPVref = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018; D = the distance from the equipment to the receiver.		
Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018.		

The highest vibration levels are achieved with the large bulldozer operations. This construction activity is expected to take place during grading. As discussed above, project construction would occur approximately 25 feet from the closest structure. Therefore, construction equipment vibration velocities would not exceed the City's 0.20 PPV threshold. In general, other construction activities would occur throughout the project site and would not be concentrated at the point closest to the nearest structure. Therefore, vibration impacts associated with the project would be less than significant.

Operations

The project would not generate groundborne vibration that could be felt at surrounding uses. Project operations would not involve railroads or substantial heavy truck operations, and therefore would not result in vibration impacts at surrounding uses. As a result, impacts from vibration associated with project operation would be less than significant.

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?*

Less than Significant Impact. The nearest airport to the project site is the Reid-Hillview County Airport located approximately 5 miles north of the project site. The project site lies outside of the 65 dBA CNEL noise contours shown in the Reid-Hillview County Airport Master Plan report published in July 2006.[25] Although aircraft-related noise would occasionally be audible at the project site, noise from aircraft would not substantially increase ambient noise levels. Therefore, the project would not expose people residing or working in the project area to excessive airport- or airstrip-related noise levels and impact would be less than significant.

[25] City of San José Reid-Hillview County Airport Master Plan, July 2006.

Source: Nearmap, 2022

Figure 4-2: Noise Measurement Locations

469 Piercy Road Project
Initial Study

Not to scale

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4.14 Population and Housing

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

Existing Setting

As of January 2021, the California Department of Finance estimates that the City of San José has a population of approximately 1,029,782 persons with 3.14 residents per household (California Department of Finance, 2021). According to the General Plan EIR, the City estimates there will be approximately 138,442 additional households in San José by 2035 for a total of 429,350 households in 2035. The ABAG is responsible for forecasting changes to the Bay Area population and prepares population projections. Based on the most recent data, the City is projected to have a population of approximately 1,264,745 persons by 2035 (ABAG, 2017). The unemployment rate for the City of as of January 2022 was 3.6 percent (California Employment Development Department, 2022).

Applicable Plans, Policies, and Regulations

California Government Code Sections 65580–65589

California Government Code Sections 65580–65589.8 include provisions related to the requirements for housing elements of local government general plans. Among these requirements, some of the necessary elements include an assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. Additionally, to assure that counties and cities recognize their responsibilities in contributing to the attainment of the state housing goals, the statute calls for local jurisdictions to plan for, and allow the construction of, a share of the region's projected housing needs.

Plan Bay Area

Plan Bay Area 2050 is the Bay's long-range plan for housing the 10 million people expected to live in the Bay Area in 2050. Section 2 includes strategies for sustainable growth such as housing production at all price points, while coordinating with existing and future transit service, protecting and preserving affordable housing, housing demand at all income levels, and creative inclusive communities. This plan calls for the region's cities, towns, policymakers, public, and a partnership between MTc and ABAG to accelerate the long term vision.

Discussion

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

No Impact. The project proposes a 134,605 sf speculative warehouse building, consistent with the project site's General Plan designation of IP which assumes employment uses would occur on-site. No residential uses are proposed; therefore, the project would result in no direct population growth. The proposed project would generate an estimated 135 employees on site (Strategic Economics, 2016).[26] Because the site is only developed with one single-family residence and a detached garage that are not employment-generating uses, the project would result in a net increase of 135 jobs.

The proposed project would be consistent with the project site's IP General Plan designation and IP Zoning District. Accordingly, jobs associated with development of the project site were considered within employment projections for General Plan buildout. Additionally, the City of San Jose is housing-rich and it is likely that jobs on the project site would be filled by existing residents from the City. Nothwithstanding, this analysis conservatively assumes that all new jobs would be filled by people moving to and residing in the City, and that the project would result in a minor increase to the City's population. This growth would be consistent with employment projections for the project site anticipated by the General Plan and General Plan EIR, and would not be unplanned population growth.

Further, the proposed project would not include infrastructure expansion with the potential to induce indirect population growth. The project is not of the scope or scale to induce substantial unplanned population growth within the City. On site employees during both construction and operational phases of the project are expected to come from the surrounding area. Further, the project would not include infrastructure expansion with the potential to induce population growth. Therefore, the project would not have the potential to induce growth within the project vicinity and no impact would occur.

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

Less than Significant Impact. The 5.93-acre project site is developed with existing single-family residence and detached garage structure. Project implementation would result in demolition of existing structures and redevelopment of the site. The proposed project would be consistent with the project site's IP General Plan land use designation and CIC zoning designation. The residence is an existing non-conforming use and development of the site with industrial uses was anticipated in the General Plan EIR. Therefore, removal of the single-family residence would not result in displacement of substantial numbers of existing people or housing, such that construction of replacement housing would be required. A less than significant impact would occur.

[26] The City calculates one job per 1,000 sf of industrial space. 134,605 sf industrial / 1,000 sf = 135 jobs

4.15 Public Services

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?			X	
ii. Police protection?			X	
iii. Schools?			X	
iv. Parks?				X
v. Other public facilities?				X

Existing Setting

Fire Protection Services

Fire protection services for the project site are provided by the San José Fire Department (SJFD). The SJFD responds to all fires, hazardous materials spills, and medical emergencies in the City (City of San José, 2022c). The closest station to the project site is Station No. 35, located at 135 Poughkeepsie Road, approximately 2.1 miles to the southwest. The General Plan identifies a service goal of eight minutes and a total travel time of four minutes or less for 80 percent of emergency incidents.

Police Protection

Police protection services are provided by the San José Police Department (SJPD), headquartered at 201 West Mission Street and approximately 12.3 miles northwest of the project site.

Schools

The project site is located in the Oak Grove School District and the East Side High School District. Students in the project area attend Lesdesma Elementary School (grades TK-8) and Oak Grove High School (grades 9-12).

Other Public Facilities, Libraries

The City of San José provides parklands, open space, and community facilities for public recreation and community services. Park and recreation facilities vary in size, use and type of service and provide for regional and neighborhood uses. The nearest park to the project site is Shady Oaks Park, located approximately 0.7-mile northwest of the site. Coyote Creek Trail and other outdoor recreational areas along the trail are accessible approximately one mile west of the project site.

The San José Public Library System has 1 main library and 23 branch libraries. The main library, Dr. Martin Luther King, Jr. Library, is located at 150 East San Fernando Street, approximately 4.10-miles northwest of the project site (San Jose Public Library, 2022). The nearest library branches to the project site are listed below:

- Santa Teresa Branch Library located at 290 International Circle, approximately 1.78-miles southwest of the project site
- Edenvale Branch Library located at 101 Branham Lane East, approximately 2.3-miles northwest of the project site

Applicable Plans, Policies, and Regulations

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following public services policies applicable to the proposed project:

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

Policy ES-3.1: Provide rapid and timely Level of Service response time to all emergencies:

1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.
2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.

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

Policy ES-3.11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

Discussion

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered

governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i. Fire protection?

ii. Police protection?

Less than Significant Impact. The proposed project would demolish the existing single-family residence and construct a new warehouse. While the project would intensify development on the project site, the proposed use is consistent with the land use assumptions for the site and thus, would not result in an unplanned demand for fire and police services for the project site. The project area, inclusive of the project site, is already served by the SJFD and SJPD. Development of the proposed project would not result in significant impacts to police and fire services nor would the project require the construction of additional fire or police facilities.

The proposed project would be constructed in accordance with current building codes, fire codes, and City policies to avoid unsafe building conditions and promote public safety. Thus, the project would not require the construction of additional fire or police protection facilities and impacts would be less than significant

iii. Schools?

Less than Significant Impact. As discussed in Section 4.14, Population and Housing, the proposed project would generate 135 employees on-site and conservatively assuming all jobs would be filled by people moving to the City, could result in a minor increase to the City's population. However, as discussed under Section 4.14, this jobs growth was anticipated for the project site at buildout. This increase would not substantially increase the demand for schools within the school districts' boundaries, as the project would be consistent with the development anticipated by the buildout of the General Plan and would not increase students in the General Plan area beyond what was anticipated in the General Plan EIR. The General Plan EIR identified school districts that would require additional schools as a result of the planned growth under the General Plan. These additional facilities would be able to accommodate the increase in demand for schools resulting from the buildout of the General Plan, including the proposed project. Thus, there would be a less than significant impact.

iv. Parks?

No Impact. As discussed in Section 4.14 Population and Housing, the project would not generate substantial population growth within the City that could increase demand on parks. Visitors and on-site employees may visit nearby park facilities; however, these visits would not impact increase the use of local parks to a degree that causes deterioration. Therefore, the project would not require the construction of recreational facilities which might have an adverse physical effect on the environment and there would be no impact.

v. Other public facilities?

No Impact. The proposed project would be consistent with the development assumed by the General Plan EIR as a result of the implementation of the General Plan. The General Plan EIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing

and planned library facilities. Given that the existing and planned library facilities would adequately serve planned growth in the City, there would be no impact.

4.16 Recreation

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Existing Setting

The City of San José manages 3,435 acres of regional and neighborhood/community serving parkland. The City owns 197 neighborhood-serving parks and 9 regional parks (City of San José, 2022d). The closest City managed or owned park to the project site is Shady Oaks Park located at Coyote Road and Broderick Drive, approximately 0.63-mile northwest of the project site. The closest regional park is Edenvale Gardens Regional Park located approximately two miles northwest of the project site.

Applicable Plans, Policies, and Regulations

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following public services policies applicable to the project:

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

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

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

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

Policy PR-2.5: Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Discussion

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

No Impact. The proposed project would not substantially increase the City's population, as discussed in Section 4.14, Population and Housing. While employees of and visitors to the project site could visit nearby parks and recreation facilities, this relatively low number of people and would not result in a substantial physical deterioration of parks or other recreation facilities. Therefore, there would be no impact.

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

No Impact. The proposed project would construct a new warehouse industrial building with associated parking. The project does not include recreational facilities. As discussed in Sections 4.14, Population and Housing and 4.15, Public Services, the project would not result in substantial unplanned population growth in the area nor a substantial increase in the use and deterioration of local parks. Therefore, the project would not construct or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment and there would be no impact.

4.17 Transportation

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

This section is based on findings of the Transportation Analysis (TA) prepared by Kimley-Horn in March 2023.

Existing Setting

The project site is developed with a single family residence and detached garage. Access to the site is provided via one driveway along Piercy Road.

Regional and Local Access

The following local and regional roadways provide access to the project site:

Hellyer Avenue is a four-lane arterial that provides access to the project site as well as various commercial and industrial businesses between Silicon Valley Boulevard and Highway 101 in the north south direction. West of Highway 101, Hellyer Avenue becomes a two-lane residential collector street and terminates at Senter Avenue. The roadway is designated as a City Connector Street. Near the project site, the roadway has a posted speed limit of 40 mph, has sidewalks and provides Class II bike lanes on both sides of the street.

Piercy Road is a two-lane collector street in the north-south direction that provides access the project as well as to various commercial and industrial businesses between Silver Creek Valley Road and Hellyer Avenue. The roadway provides sidewalks on both sides of the street, but does not have bike facilities.

Silver Creek Valley Road is a divided arterial in the east-west direction between Highway 101 and Yerba Buena Road. Near the project site, Silver Creek Valley Road is a six-lane facility with a raised median and provides direct access to commercial and industrial businesses. On-street parking is prohibited along Silver

Creek Valley Road and the posted speed limit is 45mph. The roadway provides sidewalks on both sides of the street and Class II bike lanes with direct access to the Coyote Creek Trail for multi-modal access.

Blossom Hill Road (County Route G10) is a divided arterial in the east-west direction between Highway 101 in San José and Santa Cruz Avenue in Los Gatos. Near the project site, Blossom Hill Road is a six-lane facility with a raised median. On-street parking is prohibited along Blossom Hill Road and the overcrossing bridge at Highway 101 is currently being expanded with additional travel lanes and a Class I separated shared use path.

Fontanoso Way is a two-lane collector street in the north-south direction that provides access to various commercial and industrial businesses between Silver Creek Valley Road and Hellyer Avenue. The roadway provides sidewalks but does not have bike facilities on both sides of the street.

Monterey Road is a six-lane grand boulevard north of Blossom Hill Road and a four-lane major arterial south of Blossom Hill Road. Monterey Road extends from Market Street in downtown San José to Highway 101 south of the City of Gilroy. Near the project site, Monterey Road runs parallel to the Caltrain railroad tracks and provides access to the project site via interchanges at Blossom Hill Road. The corridor does not provide on-street parking but provides a Class II bike lane and some sidewalk facilities.

Highway 101 is an 8-lane freeway (three mixed-flow lanes and one HOV lane in each direction) that connects with State Route 85 and travels in a north-south direction in the City of San José. Access to and from the project site is provided by ramp terminals at Blossom Hill Road / Silver Creek Valley Road. The existing interchange at Blossom Hill Road is being expanded to provide additional travel lanes and roadway capacity.

Pedestrian and Bicycle Facilities

Connected sidewalks at least six feet wide are available on at least one side of all major City roadways in the study area. At signalized intersections, marked crosswalks, Americans with Disabilities Act (ADA) standard curb ramps, and count down pedestrian signals provide improved pedestrian visibility and safety.

The Coyote Creek trail is a Class I shared use pathway and one of the longest trail systems extending from the Bay to the City's southern boundary. The trail runs parallel to Coyote Creek and provides both pedestrian and bicycle access to the project site. At the intersection of Silver Creek Valley Road at Piercy Road, a grade-separated undercrossing and crosswalk facilities are present for pedestrian and bike connectivity to the Coyote Creek trail.

Bicycle facilities in the area include Silver Creek Valley Road, Blossom Hill Road, Hellyer Avenue, and Monterey Road which consist of Class II bike lanes with buffered striping to separate the vehicle and bike travel way. Most of these corridors feature green paint markings in potential conflict areas at the signalized intersections. Bicycle parking in the area is limited to private commercial and industrial lots.

Near the project site, Silver Creek Valley Road provides sidewalk and bicycle facilities for pedestrian and bike access. Connectivity to the Coyote Creek Trail is currently provided on the northside of Silver Creek Valley Road adjacent to the project as well as on the south side with crosswalks in the east and south legs of the Silver Creek Valley Road / Piercy Road intersection. Overall, the existing pedestrian and bicycle facilities near the project have adequate connectivity and provide pedestrian and bicyclists with routes to the surrounding land uses.

The San José Better Bike Plan 2025 indicates that a variety of bicycle facilities are planned in the project study area. The following facility improvements would benefit the project area.

- Blossom Hill Road from Monterey Road to Coyote Road (Class I shared use path)
- Piercy Road from Silver Creek Valley Road to Hellyer Avenue (Class II bike lanes)
- Silver Creek Valley Road from US 101 to Yerba Buena Road (Class IV protected bike lanes)
- Hellyer Avenue from Silver Creek Valley Road to Senter Road (Class IV protected bike lanes)
- Coyote Road from Silver Creek Valley Road to Senter Road (Class IV protected bike lanes)
- Silicon Valley Boulevard/Bernal Road from Heaton Moor Drive to Hellyer Avenue (Class IV protected bike lanes)

Transit Service

Transit services in the study area include light rail, shuttles, and buses provided by the Santa Clara Valley Transportation Authority (VTA). The closest transit stops by the project are located at the Silver Creek Valley Road at Hellyer Avenue and Hellyer Avenue at Piercy Road intersections. Per the updated February 14, 2022 service schedule,[27] the project study area is served by bus route 42, between Evergreen College and the VTA Santa Teresa Light Rail station. Most regular bus routes operate on weekdays from early in the morning (5:00 AM to 6:00 AM) until late in the evening (10:00 PM to midnight) and on weekends from early morning (5:00 AM to 6:00 AM) until mid-evening (8:00 PM to 10:00 PM). Local service is available every 30-60 minutes on weekdays and weekends.

Applicable Plans, Policies, and Regulations

Edenvale Area Development Policy

The City of San Jose has adopted an Area Development Policy for the Edenvale Area in conformance with the provisions of General Plan Policy TR-5.3, which authorizes the City Council to adopt an "area development policy" to establish special traffic level of service standards for a specific geographical area which identifies development impacts and mitigation measures. This policy was adopted to manage the traffic congestion associated with near term development in the Edenvale Policy Area, promote general plan goals for economic development, particularly high technology driven industries; encourage a citywide reverse commute to jobs at southerly locations in San Jose: and provide for transit oriented, mixed-use residential and commercial development to increase internalization of automobile trips and promote transit ridership.

Metropolitan Transportation Commission

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

[27] Note that the routes and service schedules described above are based on February 14, 2022 schedules. At the time that this report was prepared, COVID 19 had affected routes and service schedules and is not reflective of typical operations.

and ABAG adopted the final Plan Bay Area in July 2013 which includes the region's Sustainable Communities Strategy and the most recently adopted Regional Transportation Plan (2040).

Santa Clara Valley Transportation Agency Congestion Management Program

In accordance with California Statute, Government Code 65088, Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. VTA serves as the Congestion Management Agency for Santa Clara County and maintains the County's CMP. The CMP requires review of substantial individual projects, which might on their own impact the CMP transportation system. Specifically, the CMP Traffic Impact Analysis measures impacts of a project on the CMP Highway System. Compliance with the CMP requirements ensures a city's eligibility to compete for State gas tax funds for local transportation projects.

San José Transportation Impact Policy 5-1

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development under CEQA, as suggested by SB 743. According to the policy, a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average citywide per capita VMT. An employment project's (e.g., office, research and development) transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per employee VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per employee VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures are required.

The policy also requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, which may include local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and to recommend needed transportation improvements.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following transportation policies applicable to the proposed project:

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

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

Policy TR-1.3: Increase substantially the proportion of travel using modes other than the single occupant vehicle. The 2030 and 2040 mode split targets for all trips made by San Jose residents, workers, and visitors are presented in General Plan Table TR-1.

Policy TR-1.4: Through the entitlement process for new development, fund needed transportation improvements for all transportation modes, giving first consideration to improvement of bicycling, walking and transit facilities. Encourage investments that reduce vehicle travel demand.

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

Policy TR-2.8: Require new development where feasible to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.

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

Policy 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.

Policy 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.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

Policy CD-2.10: Recognize that finite land area exists for development and that density supports retail vitality and transit ridership. Use land use regulations to require compact, low-impact development that efficiently uses land planned for growth, especially for residential development which tends to have a long life span. Strongly discourage small-lot and single-family detached residential product types in growth areas.

Policy CD-3.3: Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

Discussion

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

Less than Significant Impact. In accordance with General Plan policies, the proposed project will facilitate pedestrian and bicycle access and safety, see the discussion of threshold b below. The project also includes short- and long-term bicycle parking.

There is existing pedestrian and bicycle infrastructure in the project area. Connected sidewalks at least six feet wide are available on at least one side of all major City roadways in the project area with adequate lighting and signage. The project will additionally construct 10 -foot sidewalk along the Piercy Road and Hellyer Avenue frontages. At signalized intersections, marked crosswalks, Americans with Disabilities Act (ADA) standard curb ramps, and count down pedestrian signals provide improved pedestrian visibility and safety. The proposed project would not negatively impact these existing facilities. In addition, the project would provide a fair share contribution to the City for construction of Class IV protected bike lanes along the project frontage, as well as Piercy Road from Hellyer Avenue to Silver Creek Valley Road as identified within the San José Bike Plan 2025. As determined through coordination with the City, the project would provide a contribution of $141 per linear foot for these bike lane improvements.

The nearest transit stops to the project site are located at the intersections of Hellyer Avenue / Piercy Road and Silver Creek Valley Road / Hellyer Avenue located on the project frontage and approximately 500 feet northwest of the project site, respectively . As for bicycle connectivity, the Class I Coyote Creek Trail and Class II bike lanes on Silver Creek Valley Road and Hellyer Avenue provide bicycle facilities approximately 300 feet northwest of the project site.

Construction-related traffic would occur prior to site operations and represent an insignificant amount of traffic compared to existing and future conditions. Therefore, project construction would not impact transit, roadway, bicycle or pedestrian facilities in the project area. Due to the function and operational characteristics of the proposed industrial use, the project is not anticipated to add substantial project trips to the existing pedestrian, bicycle, or transit facilities in the area.

For these reasons, the proposed project is consistent with goals, policies, and programs adopted by the City and VTA and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Therefore, there would be no impact.

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

Less than Significant with Mitigation Incorporated. To determine whether a project would result in CEQA transportation impacts related to VMT, the City has developed the San José VMT Evaluation Tool to streamline the analysis for residential, office, and industrial projects. A project's VMT is compared to the appropriate thresholds of significance based on the project location and type of development. For an office or industrial project, the project's VMT is divided by the number of employees to determine the VMT per employee. The project's VMT is then compared to the City's existing level VMT and VMT thresholds of significance as established in Council Policy 5-1.

The proposed project was evaluated in the VMT tool assuming development of 132,793 sf of industrial use. **Table 4.17-1: Project VMT Analysis** summarizes the project VMT analysis.

Table 4.17-1: Project VMT Analysis

Scenario	Industrial VMT per Employee	Exceeds City Threshold and VMT Impact?
City VMT Threshold	14.37	N/A
Existing Conditions	14.67	Yes
Project Conditions	14.62	Yes
Project with VMT Reduction Strategies	14.31	No

Based on the VMT Evaluation tool and the project's APN, the City's VMT per employee threshold for industrial land uses is 14.37. For the surrounding land use area, the existing VMT is 14.67. The proposed project is anticipated to generate a VMT per employee of 14.62. The evaluation tool estimates that the project would exceed the City's industrial VMT per employee threshold and would trigger a potentially significant VMT impact.

For projects that would result in a VMT impact, VMT reduction strategies can be used to mitigate the VMT impact. Projects may select a combination of strategies and measures from the VMT reduction strategies described in Section 3.6 of the San José Transportation Analysis Handbook. Although implementation of every available City VMT reduction strategy and measure may not be feasible, a combination can help projects meet the City VMT threshold.

Based on direction from the City, implementation of Tier 2 Multimodal Network Improvements would reduce the project's per employee VMT to 14.31, which is below the 14.37 industrial VMT threshold. The project applicant would be responsible for ensuring that these improvements are implemented. After the project is constructed and the site is occupied, the property manager for the development would assume responsibility for implementing any ongoing VMT reduction strategy requirements. Therefore, with implementation of Mitigation Measure TRANS-1, impacts would be less than significant.

Impact TRANS-1: The proposed project would exceed the City's industrial VMT per employee threshold of 14.37 by 0.25 and would trigger a potentially significant VMT impact.

Mitigation Measure

TRANS-1 Tier 2 Multi-Modal Infrastructure

The project applicant shall coordinate with the City and implement the following improvements for VMT mitigation:

- Construct raised crosswalks at the intersection corners of Silver Creek Valley Road / Piercy Road. Potential civil improvements such as drainage, signal, and utility modifications would be needed to implement the raised crosswalk for VMT mitigation.
- Install Class IV protected bike lanes along the project frontage as well as Piercy Road from Hellyer Avenue to Silver Creek Valley Road per City of San Jose Better Bike Plan 2025. The project will be required to provide a monetary in-lieu fee contribution of $141 per linear foot (LF) for the class IV protected bike lane along the Hellyer Avenue project frontage.

Implementation of Mitigation Measure TRANS-1 would effectively improve pedestrian access and reduce the project's distance to the nearest existing bicycle facility from approximately 2,000 feet to 1,000 feet, and reduce project VMT to 14.31, below the City's industrial VMT per employee threshold of 14.37. As demonstrated in the Transportation Analysis (Appendix J), the above Mitigation Measure TRANS-1 would reduce the Project VMT to a less than significant level.

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

No Impact. A review of the project was conducted (see Appendix J) to determine if adequate site access and on-site circulation is provided and to identify any access issues that should be improved to address safety concerns. The review, summarized below, was based on the current site plans, and in accordance with generally accepted traffic engineering standards and City of San José requirements.

Site Access

The at-grade parking lot for employees would be accessed by two driveways, one at Hellyer Avenue and one at Piercy Road. The Hellyer Avenue driveway would provide right-in/right-out access for passenger vehicles only, while the Piercy Road driveway would provide full access for passenger and truck vehicles.

The project driveway at Hellyer Avenue would be approximately 350-feet southeast of the Silver Creek Valley Road/Hellyer Avenue intersection. The proposed driveway at Piercy Road would be approximately 350 feet northeast of the Hellyer Avenue/Piercy Road intersection. Per City guidance, driveways should be a minimum of 150 feet from any intersection, and the project satisfies this standard.

Per City Municipal Code 20.90.100 and Table 20-220, the minimum width of a two-way drive aisle is 26 feet. The width of the driveway on Hellyer Avenue would be 26 feet to accommodate employee passenger vehicles. The driveway on Piercy Road would be 32 feet to accommodate trucks and passenger vehicles. The drive aisles from both driveways would connect at the loading dock area on the north side of the warehouse building. Access to the loading dock area would be controlled by automatic steel rolling gates to restrict access for authorized employees and truck deliveries. Gate control at the loading dock area would be optimized to maintain security and the gate's rapid opening and closing cycle. The 150-foot setback from the sidewalk would allow vehicles to access the Piercy Road driveway without blocking or impeding traffic flow on City streets.

Vehicles accessing the project driveways would be allowed to make turns in and out the site when there are sufficient vehicle gaps along Hellyer Avenue and Piercy Road. Based on the queuing analysis, inbound vehicle queues and delays are not expected to be significant (Appendix J). For outbound vehicles, on-site vehicle queues are expected during the AM and PM peak due to a combination of inherent unpredictability of vehicle arrivals at driveways, and the random occurrence of gaps in traffic.

Vehicular On-Site Circulation

The proposed project would provide 91 standard vehicular parking spaces. Analysis using the American Association of State Highway and Transportation Officials template concludes that passenger vehicles could adequately access the driveways, maneuver through the parking area, and park in the stalls without conflicting with other vehicles or stationary objects. The project's drive aisle width provides sufficient vehicle clearance.

Delivery trucks and heavy vehicles are currently prohibited from stopping or parking along Hellyer Avenue and Piercy Road along the project frontage. All delivery activity for the project would occur on the site in the designated loading areas. Per City Municipal Code 20.90.410, a building intended for use by a manufacturing plant, storage facility, warehouse facility, goods display facility, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning establishment, or other use having a floor area of 10,000 sf or more must provide a minimum of one off-street loading space plus one additional such loading space for each 20,000 sf of floor area. The project would provide 18 truck loading docks, which satisfies the City requirement.

Surface Transportation Assistance Act (STAA) delivery trucks would be able to maneuver on Piercy Road adjacent to the project site and access the designated truck driveways to load/unload and exit the site. The Hellyer Avenue driveway would be 32-feet wide, based on STAA vehicle templates to provide sufficient vehicle access and circulation for entering and exiting vehicles. This would provide sufficient vehicle and truck access to and from the project site without conflict. Thus, delivery trucks would be able to enter either designated truck driveway to load/unload and exit the site without conflict. Garbage and recycling bins are anticipated to be located near the loading docks on the north side of the building. Waste collection vehicles would be able to enter the project driveway to pick up bins and exit the site without conflict. Based on the above analysis, the proposed project would not substantially increase hazards due to a geometric design feature.

d) Result in inadequate emergency access?

No Impact. In the event of an emergency, it is assumed that fire apparatus vehicles would stage in the project parking lots, along Hellyer Avenue, or along Piercy Road. Existing fire hydrants along the project frontage provide direct fire access for emergency personnel. The project driveways are 26 to 32 feet in width and provide at least 10-feet high clearance; therefore, they meet the 20-foot horizontal and 10-foot vertical minimum access clearances established in the 2016 California Fire Code. Gate control for fire access would be provided with Knox boxes. The project has been designed to provide adequate emergency access and there would be no impact.

Operational Transportation Issues Not Required Under CEQA

The following information is not required under CEQA, but is provided here for informational purposes to help the decision makers in their consideration of the proposed project.

Trip Generation

Trip generation for the proposed project land uses was calculated using trip generation rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition* (September 2021). Per the 2020 *Transportation Analysis Handbook*, trip generation reduction credits were applied to the project including location-based mode-share and potential VMT credits.

Development of the proposed project (excluding trip adjustments) are anticipated to generate a net gross total of 213 daily trips, including 23 AM and 21 PM peak hour trips to the roadway network. Of the AM peak hour trips, approximately 18 trips would be inbound to the project site and 5 trips would be outbound from the project. For the PM peak hour trips, approximately 5 trips are inbound while 16 trips are outbound. See **Table 4.17-2: Estimated Project Trip Generation.**

Table 4.17-2: Estimated Project Trip Generation

LAND USE/ DESCRIPTION	PROJECT SIZE		TOTAL DAILY TRIPS	AM PEAK TRIPS				PM PEAK TRIPS			
				TOTAL	IN	/	OUT	TOTAL	IN	/	OUT
Trip Generation Rates											
Warehousing [ITE 150]	Per	1,000 Sq Ft	1.71	0.19	77%	/	23%	0.18	28%	/	72%
1. Baseline Vehicle-Trips											
469 Piercy Road	134.605	1,000 Sq Ft	230	26	20	/	6	24	7	/	17
Baseline Project Vehicle Trips			**230**	**26**	**20**	**/**	**6**	**24**	**7**	**/**	**17**
2. Internal Trip Adjustments											
Mixed-Use Reduction (VTA Internal Capture)	0%	N/A	0	0	0	/	0	0	0	/	0
Project Vehicle-Trips After Reduction			**230**	**26**	**20**	**/**	**6**	**24**	**7**	**/**	**17**
3. Location-based Mode Share Adjustments											
Suburb w/ SFH Reduction (Mode Share)	-5%	N/A	(12)	(2)	(1)	/	(1)	(2)	(1)	/	(1)
Project Vehicle-Trips After Reduction			**218**	**24**	**19**	**/**	**5**	**22**	**6**	**/**	**16**
4. Project Trip Adjustments											
VMT Vehicle-Trip Reduction (Mode Sketch Tool)	-2.12%	N/A	(5)	(1)	(1)	/	0	(1)	(1)	/	0
Project Vehicle-Trips After Reduction			**213**	**23**	**18**	**/**	**5**	**21**	**5**	**/**	**16**
5. Other Trip Adjustments											
Pass-by and Diverted Link Trips	0%	N/A	0	0	0	/	0	0	0	/	0
Existing Uses	0%	N/A	0	0	0	/	0	0	0	/	0
Net Project Vehicle-Trips			**213**	**23**	**18**	**/**	**5**	**21**	**5**	**/**	**16**
Notes:											
Project Land Uses assumed based on proposed site plan from HPA Architecture											
Daily, AM, and PM trips based on average land use rates from the Institute of Traffic Engineers Trip Generation 11th Edition											
A 5% Mode Share Reduction from San Jose Transportation analysis Handbook 2020 was applied since the project is located in an "Suburban with Single Family Home" Area.											
A 2.12% VMT Reduction from San Joe Transportation Analysis Handbook 2020 was applied since the project is planning to implement Tier 2 Multimodal VMT reduction strategies. Reduction percentage obtained from City VMT Evaluation Tool.											

Trip Distribution

Due to the nature of the proposed development, vehicle project trips are anticipated to access the US 101 regional freeway. Trip distribution and assignment assumptions for the project were based on the project driveway locations, the freeway ramp location, community characteristics, and professional engineering judgment. The project trips to and from the site are anticipated to access the following regional facilities and destinations:

- Hellyer Avenue North
- Hellyer Avenue South
- Monterey Road North
- Monterey Road South

- Blossom Hill Road West
- Silver Creek Valley Road East
- US 101 North
- US 101 South

The project trip assignment and distribution for the proposed project is presented in Appendix J.

The study intersections are anticipated to operate at acceptable LOS during the AM and PM peak hours, and the project is not anticipated to create a significant traffic adverse effect under Background Plus Project conditions. As shown in **Table 4.17-3: Intersection Operation Summary, Background Plus Project Conditions – AM Peak Hour** and **Table 4.17-4: Intersection Operation Summary, Background Plus Project Conditions – PM Peak Hour**, the study intersections are anticipated to operate at acceptable LOS during the AM and PM peak hours, and the proposed project is not anticipated to create a significant traffic impact.

Table 4.17-3: Intersection Operation Summary, Background Plus Project Conditions – AM Peak Hour

#	INTERSECTION	LOS CRITERIA	BACKGROUND PLUS PROJECT CONDITIONS							
			AM PEAK							
			LOS	DELAY (SEC)	DELAY VAR	V/C RATIO	V/C VAR	CRIT DELAY (SEC)	CRIT DELAY VAR	IMPACT
1	Silver Creek Valley Rd/ Piercy Rd	D	A	7.1	0.0	0.487	0.006	9.6	0.0	NO
2	Silver Creek Valley Rd/ Hellyer Ave	D	C	27.6	0.0	0.546	0.002	28.2	0.2	NO
3	Hellyer Ave/ Piercy Rd	D	B	22.5	0.2	0.331	0.003	27.4	0.1	NO
4	Hellyer Ave/ Project DWY #1	D	A	9.7	9.7	0.004	0.004	0.0	0.0	NO
5	Piercy Rd/ Project Dwy #2	D	A	8.5	8.5	0.007	0.007	0.7	0.7	NO

Table 4.17-4: Intersection Operation Summary, Background Plus Project Conditions – PM Peak Hour

#	INTERSECTION	LOS CRITERIA	BACKGROUND PLUS PROJECT CONDITIONS							
			PM PEAK							
			LOS	DELAY (SEC)	DELAY VAR	V/C RATIO	V/C VAR	CRIT. DELAY (SEC)	CRIT. DELAY VAR	IMPACT
1	Silver Creek Valley Rd/ Piercy Rd	D	B	22.9	0.0	0.553	0.004	23.2	0.1	NO
2	Silver Creek Valley Rd/ Hellyer Ave	D	C	33.6	0.1	0.738	0.004	35.7	0.3	NO
3	Hellyer Ave/ Piercy Rd	D	B	23.9	0.3	0.372	0.003	20.3	0.3	NO
4	Hellyer Ave/ Project DWY #1	D	B	10.9	10.9	0.013	0.013	0.1	0.1	NO
5	Piercy Rd/ Project DWY #2	D	A	8.9	8.9	0.010	0.010	0.5	0.5	NO

4.18 Tribal Cultural Resources

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

Existing Setting

Native American resources in this part of Santa Clara County have been found near areas containing oak, buckeye, laurel, and hazelnut trees, as well as near a variety of plant and animal resources. Typically, these sites are also found near watercourses and bodies of water. The project site contains one single-family residence and detached garage and is located approximately 0.25-mile north of Coyote Creek, the nearest major watercourse.

Based on five previous archeological studies conducted in the immediate area, including studies that covered 100 percent of the project site, no recorded archaeological resources have been identified at this location. However, there is one informally recorded resource within and adjacent to the project site (C-839), described as a well-developed midden, or Native American habitation area. A subsurface reconnaissance of the project site was conducted in April 2018 as part of the 459 and 469 Piercy Road Hotel Projects IS/MND. Findings of this reconnaissance concluded that the informally recorded resource (C-839) was not present on the project site and was likely erroneously mapped. However, based on the

information search conducted by the NWIC, this general area of the City has a moderate potential to yield unrecorded Native American resources.

Applicable Plans, Policies, and Regulations

The City's General Plan includes policies applicable to all development projects in San José. The following policies are specific to tribal cultural resources and are applicable to the proposed project.

Assembly Bill 52

Assembly Bill 52 promotes the involvement of California Native American Tribes in the decision making process when it comes to identifying and developing mitigation to resources of importance in their culture. CEQA lead agencies are required to consult with tribes about potential tribal cultural resources in the project area, the potential significance of project impacts, the development of project alternatives, and the type of environmental document that should be prepared. AB 52 specifically states that a project that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment (PRC § 21084.2).

Tribal Cultural Resources

Policy ER-10.1: For proposed development sites that have been identified as archaeologically or paleontologically sensitive, require investigation during the planning process in order to determine whether potentially significant archeological or paleontological information may be affected by the project and then require, if needed, that appropriate mitigation measures be incorporated into the project design.

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon 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.

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

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

Discussion

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

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

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

Less than Significant with Mitigation Incorporated. As discussed under Section 4.5, Cultural Resources, the project site does not contain previously identified archeological or cultural resources, including those eligible for listing in the CRHR or the City of San Jose Historic Preservation Building Environment Resources Directory. However, the project site is located within an archeologically sensitive area with a "high"-potential for the presence of unrecorded Native American resources and a moderate potential for unrecorded historic-period archaeological resources to be within the project site (City of San Jose, 2022a).

Project activities such as project site clearing, preparation, excavation, grading, and trenching could potentially encounter buried tribal resources. Should this occur, the ability of the deposits to convey their significance, either as containing information about prehistory or history, as possessing traditional or cultural significance to the Native American or other descendant communities, would be materially impaired. Implementation of the following Standard Permit Conditions listed in the Cultural Resources Section 4.5, would reduce the proposed project's impact to potentially uncover and damage or destroy unknown tribal cultural resources to a less than significant level. The proposed project, with implementation of the Standard Permit Conditions listed in the Cultural Resources Section to protect archaeological and tribal resources in the unlikely event they are discovered during construction grading and excavation activities, would result in a less than significant impact to tribal cultural resources.

AB 52 requires lead agencies to conduct formal consultations with California Native American tribes during the CEQA process to identify tribal cultural resources that may be subject to significant impacts by a project. Where a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. This consultation requirement applies only if the tribes have sent written requests for notification of projects to the lead agency. In 2017, the City sent a letter to tribal representatives in the area to welcome participation in the AB 52 consultation process for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific areas of the City. On June 30, 2021, Kanyon Sayers-Roods of the Band of Costanoan Ohlone people verbally requested AB 52 notification for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or an Environmental Impact Report. Accordingly, the subject project's AB 52 notification was sent electronically on April 5, 2022. City staff met with the representative of the Band of Costanoan Ohlone people on February 4, 2022 and concluded consultation March 3, 2022. The representative deferred to the Tamien Nation for recommended cultural resource protection measures.

On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB 52 notification and the written notice received June 28, 2021, requesting notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. Accordingly, AB 52 notification for this

particular project was sent electronically to Tamien Nation on April 5, 2022. City staff consulted with Tamien Nation for the project during a standing meeting on June 9, 2022. Pursuant to the meeting, the City resent electronically the requested project information for consultation. Another follow up email for consultation was sent on June 28, 2022. Till this date no written consultation from Tamien Nation has been received.

While there are no documented resources on-site, future ground-disrupting activities within the project site could have the potential to uncover and damage or destroy unknown or undocumented resources. Implementation of the Mitigation Measures **MM CUL-1.1** through **MM CUL-1.3**, the Standard Permit Conditions listed in Section 4.5, Cultural Resources would reduce the proposed project's impact to potentially uncover and damage or destroy unknown tribal cultural resources to less than significant.

4.19 Utilities and Service Systems

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

Existing Setting

The project site is located within the Urban Service Area of the City of San José and is currently served by City services. The project site is served by an 18-inch water main line located in Hellyer Avenue and a 12-inch water main located in Piercy Road.

Utilities and services are furnished to the project site by the following providers:

Wastewater Treatment: Wastewater treatment and disposal is provided by the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José /Santa Clara Water Pollution Control Plant (WPCP). Sanitary sewer lines are maintained by the City of San José. There is an existing 15-inch VCP sanitary sewer main along Piercy Road and 18-inch VCP sanitary sewer main along Hellyer Avenue. There are also existing 48-inch RCP storm drain mains located within both Piercy Road and Hellyer Avenue.

Water Service: The project site is within the San Jose Municipal Water (SJMW) service area; however, the existing single-family unit on site relies on groundwater from an existing well located on the southwest corner of the site.

Storm Drainage: Storm drainage at the site is provided by City of San José Public Words Department. There are two existing 48-inch storm mains located in Hellyer Avenue and Piercy Road that serve the project site. The main drains into Coyote Creek, which carries stormwater from the storm drains into the San Francisco Bay.

Solid Waste: Solid waste disposal at the site is provided by Republic Services (Dry, Customized, and Wet). Active landfills within the City include the Zanker Material Processing Facility, Newby Island Sanitary Landfill, Kirby Canyon Recycling and Disposal Facility, and the Guadalupe Sanitary Landfill (CalRecycle, . The total permitted landfill capacity of the four operating landfills in the City is approximately 5.3 million tons per year with disposal capacity through 2022.

Natural Gas and Electricity: Natural gas and electricity at the site is currently provided by Pacific Gas and Electric (PG&E). The project site is expected to continue to be served by the existing PG&E electrical facilities.

Telecommunications: Telecommunications at the site is provided by AT&T, Comcast, Viasat, Frontier, and Spectrum

Applicable Plans, Policies, and Regulations

Assembly Bill 939

AB 939 established the California Integrated Waste Management Board (CIWMB, now CalRecycle) and required all California counties to prepare integrated waste management plans. AB 939 required all municipalities to divert 50 percent of the waste stream by the year 2000.

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 set a statewide goal for 75 percent disposal reduction by 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.

Assembly Bill 1826 (2014)

AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate four or more (two or more by December 31, 2020) cubic yards of commercial solid waste per week. AB 1826 set a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code that establishes 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 resource efficiency, and indoor environmental quality. These standards include a mandatory set of guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels:

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent; and
- Providing readily accessible areas for recycling by occupant.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

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

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50 percent of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if construction and demotion materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities. Though not a requirement, the permit holder may want to consider conducting an inventory of the existing building(s), determining the material types and quantities to recover, and salvaging materials during deconstruction.

Urban Water Management Plan

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, and opportunities for water transfers, and contingency plans for drought events. SJMW adopted its most recent UWMP in June 2021.

San José Zero Waste Strategic Plan/Climate Smart San José

Climate Smart San José 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 José goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

Private Sector Green Building Policy

The City of San José's Green Building Policy for private sector new construction encourages building owners, architects, developers, and contractors to incorporate meaningful sustainable building goals early in building design process. This policy establishes baseline green building standards for private sector new 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 in the City of San José.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following utility and service policies applicable to the project:

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-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.

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

Policy IN-1.5: Require new development to provide adequate facilities or pay its fair share of the cost for facilities needed to provide services to accommodate growth without adversely impacting current service levels.

Policy 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.

Policy 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 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.

Policy IN-3.7: Design new projects to minimize potential damage due to stormwaters and flooding to the site and other properties.

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

Discussion

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

Water Supply

Less than Significant Impact. The project site is within the San Jose Municipal Water (SJMW) service area; however, the existing single-family unit on site relies on groundwater from an existing well located on the southwest corner of the site. The existing groundwater well would be removed as part of the project, and the proposed project would be served by SJMW as the water service provider. The project would include construction of an 8- to 10-inch water lines on-site, connecting to an existing 12-inch water main within Piercy Road.

The proposed project would increase water demand on the project site over exiting conditions. However, the proposed project would be consistent with the General Plan land use designation and zoning for the project site, and development anticipated by the General Plan EIR. Therefore, the project demand is within normal growth projections for water demand in the SJMW system. In addition, implementation of the 2040 General Plan policies, existing regulations, and local programs would ensure that the project would reduce water consumption and implement of water conservation measures. Thus, relocation or construction of new or expanded water facilities would not be needed and there would be a less than significant impact.

Wastewater

Less than Significant Impact. The proposed project would construct a new sanitary sewer lateral, connecting to an existing 15-inch vitrified clay pipe sanitary sewer main along Piercy Road. According to the General Plan EIR, development under the General Plan is estimated to generate 30.8 million gallons per day (mgd) of average dry weather influent flow. Since the City has approximately 38.8 mgd of excess treatment capacity, planned growth in the City is not expected to exceed the City's allotted capacity. The San José-Santa Clara Regional Wastewater Facility (RWF) is the regional wastewater treatment facility that provides wastewater treatment services for the project area.

Implementation of the 2040 General Plan policies, existing regulations and local programs would ensure that the San José-Santa Clara RWF has sufficient treatment capacity to accommodate planned growth, as well as reduce the potential for future exceedances of the RWQCB effluent limit. While project implementation would result in more wastewater generation than existing conditions, the project would be consistent with the maximum build out considered by the General Plan and would not increase

wastewater generation beyond what was previously analyzed in the General Plan EIR. Therefore, the treatment capacity of the San José-Santa Clara RWF would not be exceeded as a result of the proposed project or the project's contribution to existing treatment commitments.

Environmental impacts from the construction of new or expanded facilities would be avoided by utilization of existing facilities, which are currently below capacity and are not expected to exceed capacity due to the demand from projects that are within the maximum build out of the General Plan, including the proposed project. The project would not result in an exceedance of capacity at the RWF. A determination of excess treatment capacity at the RWF takes into account current uses within the City and within the treatment plant's service boundaries. Thus, the treatment capacity of the RWF would be sufficient and would not require relocation or construction of new or expanded wastewater facilities and there would be a less than significant impact.

Stormwater

Less than Significant Impact. As discussed in Section 4.10, Hydrology and Water Quality, implementation of the proposed project would increase impervious surfaces on the site. The proposed project would be required to comply with the hydromodification requirements of the MRP (City Policy 8-14) because it would create more than one acre of impervious surface. Consistency with these policies is typically determined through the submittal of stormwater control plans and a Hydromodification Management Plan to the San José Department of Public Works and Department of Planning, Building, and Code Enforcement. With implementation of a stormwater control plan consistent with RWQCB requirements and compliance with City policies pertaining to stormwater and drainage, the projects would have a less than significant impact.

Electric Power, Natural Gas, and Telecommunications Facilities

Less than Significant Impact. The project site is located in an urban area with a mix of surrounding uses including industrial, commercial, office, and residential uses. As discussed above, Natural gas and electricity at the site is currently provided by Pacific Gas and Electric (PG&E). The project site is expected to continue to be served by the existing PG&E electrical facilities with energy sourced from SJCE. The project would enroll in the TotalGreen program from SJCE and would not include use of natural gas. Telecommunications would continue to be provided by AT&T, Comcast, Viasat, Frontier, and/or Spectrum, the providers available for the project site. Therefore, the proposed project would not require or result in the relocation or construction of new or electric power, natural gas, or telecommunications facilities and there would be a less than significant impact

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

Less than Significant Impact. As discussed above, water service in the City is provided by SJMW. An increase in water demand was accounted for in the 2020 UWMP, which projected a 89 percent increase between actual 2020 demand and estimated 2045 demand (City of San Jose, June 2021). As discussed in the UWMP, SJMW is able to meet water demands within its service area in normal water years through 2045. However, during a single dry year or multiple dry years, the SJMW would experience a supply shortage and would implement conservation measures identified in its Water Shortage

Contingency Plan to decrease customer water demands. The proposed project would comply with all applicable water conservation measures.

The project is within the maximum build out of the General Plan considered by the General Plan EIRwhich serves as the basis for UWMP projections. Therefore, the anticipated project demand would be within normal growth projections for water demand in the SJMW service area. According to the General Plan EIR, water demand could exceed water supply with implementation of the General Plan during dry and multiple dry years after 2025. Implementation of the General Plan policies, existing regulations and local programs would ensure that build out of the General Plan, which includes implementation of the proposed project, would ensure water demand would not exceed water supply. Thus, impacts would be less than significant.

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

No Impact. As discussed above, development under the General Plan is estimated to generate 30.8 mgd of average dry weather influent flow. Since the City has approximately 38.8 mgd of excess treatment capacity, growth in the City in accordance with the General Plan is not expected to exceed the City's allotted capacity at the RWF. Since the project is consistent with the maximum build out of the General Plan considered by the General Plan EIR, the wastewater demand from the project would result in a determination by the wastewater provider that it has adequate capacity to meet demand. Further, implementation of the General Plan policies, existing regulations, and local programs would ensure that the RWF has sufficient treatment capacity to accommodate planned growth, as well as reduce the potential for future exceedances of the RWQCB effluent limit. Therefore, the demand from the project would result in a determination by the wastewater provider that it has adequate capacity to meet demand as a result of the previously mentioned policies, regulations and local programs and there would be no impact.

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

and,

e) *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Less than Significant Impact. Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and was reviewed in 2004 and 2007. According to the IWMP, Santa Clara County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. Additionally, the City of San José requires 75 percent diversion of nonhazardous construction and demolition debris for projects that quality under CALGreen, which is more stringent than the state requirement of 65 percent (San José Municipal Code Section 9.10.2480). Construction and

demolition debris generated by the project would be diverted in compliance with the City's Construction and Demolition Deposit Diversion Program.

The City disposes of approximately 350,000 tons per year at Newby Island Landfill, and approximately 673,000 tons are landfilled each year at all landfills in the City of San José. The total permitted landfilling capacity of the five operating landfills in the City is approximately 5.3 million tons per year.-The proposed project would generate approximately 108.4 pounds per day (ppd) of solid waste (CalRecycle, 2019).[28] Solid waste generation from implementation of the proposed project would be reduced with the ongoing implementation of the City's Zero Waste Strategic Plan. Compliance with the General Plan policies, existing regulations, and local programs would ensure the proposed project would not result in significant impacts to landfill capacities to accommodate the City's increased service population. Therefore, impacts would be less than significant.

[28] Proposed Project = 134,605 sf warehouse*(1.42 lb/100 sf/day)/100 + 15,000 sf office*(0.006 lbs/day/sq ft) = 108.4 ppd.

4.20 Wildfire

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

Existing Setting

The 5.93-acre site is located within an urban area and is predominately surrounded by industrial and open space uses. According to the California Department of Forestry and Fire Protection Fire Hazard Severity Zone map last updated in January 2020, the project site is within a Local Responsibility Area (LRA) and is not within a very high fire hazard severity zone (CalFIRE, 2022). The nearest Very High Fire Hazard Severity Zone is approximately 3.5 miles northeast of the project site. The proposed project is not within the Santa Clara County Wildland Urban Interface Fire Area (County of Santa Clara, 2022).[29] See **Figure 4-3: Fire Hazard Severity Zones** and **Figure 4-4: Santa Clara County Wildland Urban Interface Fire Area**

The City has participated in the development of a multi-jurisdictional hazard plan by ABAG. The hazard mitigation plan, Taming Natural Disasters, includes mitigation activities and strategies for dealing with hazards that are likely to impact the Bay Area, including wildfires. The City has also adopted an Emergency Operations and Evacuation Plan, which includes standard operating procedures for hazards, including urban/wildland interface fires. The Plan identifies the responsibilities of City personnel and coordination

[29] County of Santa Clara. Santa Clara County Wildland Urban Interface Fire Area. Available at: https://stgenpln.blob.core.windows.net/document/WUIFA_Adopted_Map.pdf. Accessed on February 18, 2022.

with other agencies to ensure the safety of San José citizens in the event of a fire, geologic, or other hazardous occurrence.

Applicable Plans, Policies, and Regulations

Wildland-Urban Interface Fire Area Standards in the California Building Code

The 2007 California Building Code requires that any new buildings proposed in State Responsibility Areas, Local Agency Very-High Fire Hazard Severity Zone, or Wildland-Urban Interface Area (as designated by the enforcing agency) be constructed to meet the Wildland-Urban Interface Fire Area Building Standards. The California Building Code establishes minimum standards for materials and material assemblies in order to provide a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface areas.

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following wildfire policies applicable to the project:

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

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

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

Discussion

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

No Impact. The City has adopted an Emergency Operations and Evacuation Plan, which includes standard operating procedures for hazards, including urban/wildland interface fires. The project site is not within a very high fire hazard severity zone or within the Santa Clara County Wildland Urban Interface Area. Therefore, the proposed project would not substantially impair the City's Emergency Operations and Evacuation Plan. Thus, no impacts would occur.

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

No Impact. The project site is not within a very high fire hazard severity zone or within the Santa Clara County Wildland Urban Interface Area. The nearest very high fire hazard severity zone is approximately 3.5 miles northeast of the project site. In addition, the project site is relatively flat and in an urbanized

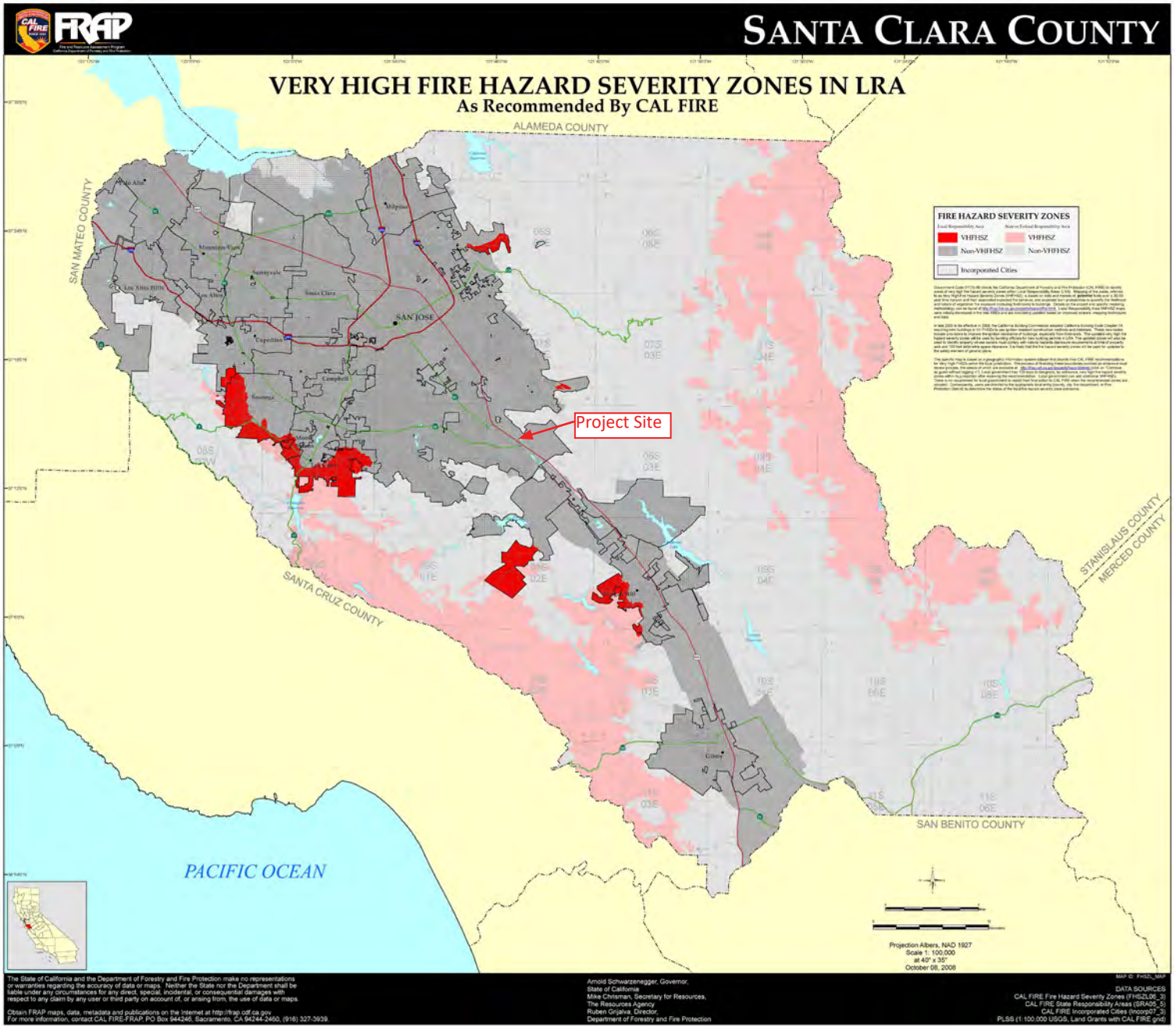
area with industrial and residential buildings. Thus, the project would not exacerbate wildfire risks and no impacts would occur.

c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

No Impact. All proposed project components (including infrastructure, roads, etc.) would be located within the boundaries of the project site, and impacts associated with the development of the project within this footprint area have been analyzed throughout this document. The project site is not within a very high fire hazard severity zone or within the Santa Clara County Wildland Urban Interface Area. Therefore, all project activity will occur outside of a fire hazard severity zone and would not exacerbate fire risk. Additionally, as part of the City's process, the City will review all plans for adequate fire suppression, fire access, and emergency evacuation included in the project. As a result of project location and adherence to standard City policies, no impacts would result in this regard.

d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

No Impact. The project site is not within a very high fire hazard severity zone or within the Santa Clara County Wildland Urban Interface Area. Additionally, the project site is relatively flat and located within an urbanized, built-up area. The proposed on-site detention/infiltration basins and facilities would also limit the release of stormwater from the site. Therefore, since the proposed project is not within a very high fire hazard severity zone and does include stormwater facilities, the proposed project site would not expose people to flooding or landslides as a result of runoff, post-fire slope instability or drainage changes. Thus, no impacts would occur.



Source: CalFire

Figure 4-3: Fire Hazard Severity Zones
469 Piercy Road Project
Initial Study

Not to scale

Kimley»Horn
Expect More. Experience Better.

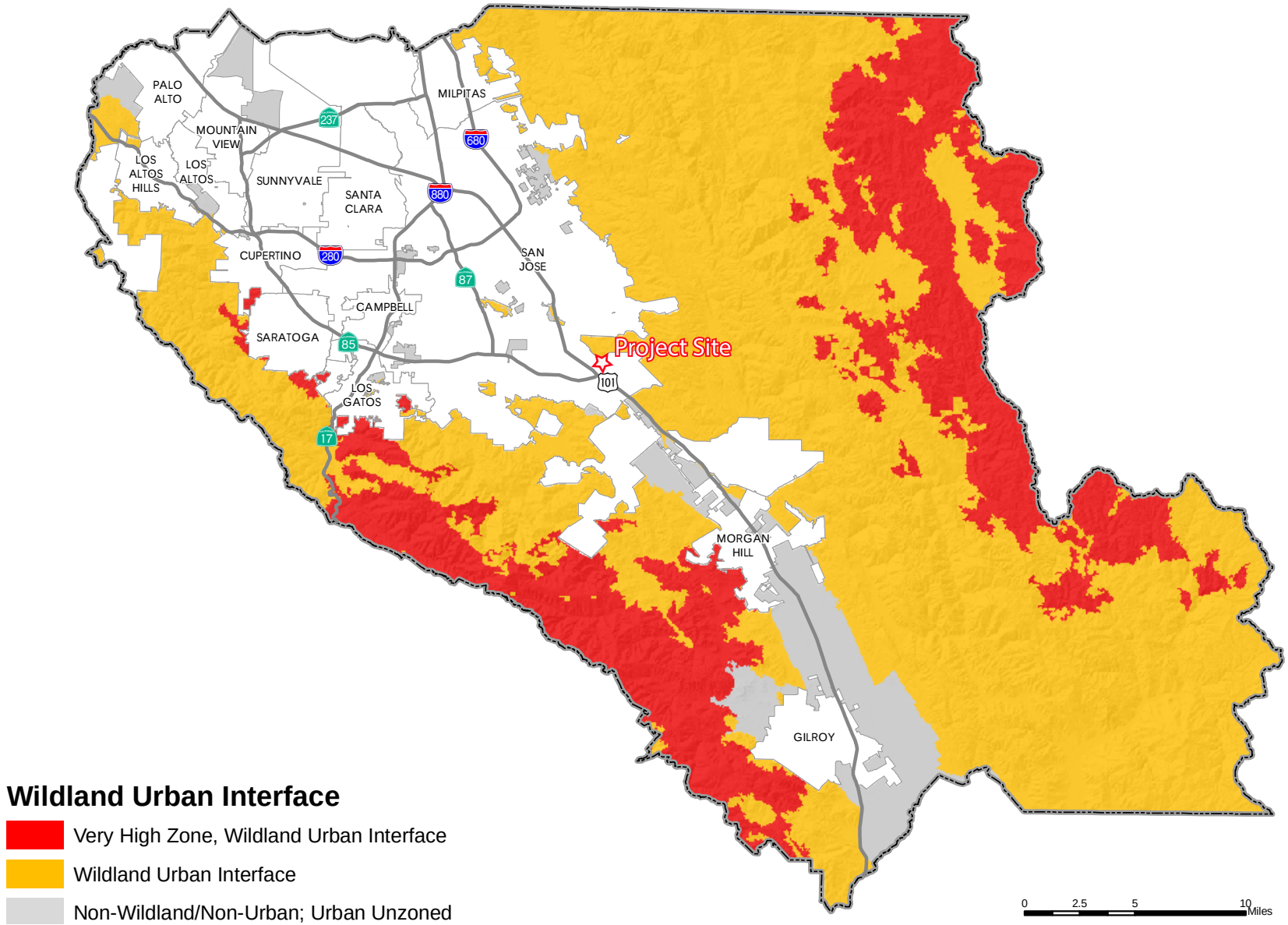


Figure 4-4: Santa Clara County Wildland Urban Interface Fire Area
469 Piercy Road Project
Initial Study

Not to scale

Kimley»Horn
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4.21 Mandatory Findings of Significance

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

Discussion

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

Less than Significant Impact with Mitigation Incorporated. As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified Standard Permit Conditions and mitigation measures. As discussed in Section 4.4, Biological Resources, the proposed project would not have a significant impact on sensitive habitat or species following compliance with City Standard Permit Conditions and implementation of Mitigation Measures BIO-1 and BIO-2.

As identified in Section 4.5, Cultural Resources, the proposed project would not have a significant impact on historic, cultural, or tribal cultural resources located on the project site following compliance with City

Standard Permit Conditions and implementation of Mitigation Measures CUL-1 through CUL-3. The proposed project would result in a less than significant impact on cultural resources.

As discussed in Section 4.9, Hazards and Hazardous Materials, the proposed project would result in a less than significant impact concerning transport, use, or disposal of hazardous materials following compliance with City Standard Permit Conditions and implementation of Mitigation Measures HAZ-1 and HAZ-2.

As described in the environmental topic sections of this Initial Study, impacts were found to be less than significant, and the proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

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

Less than Significant Impact. Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The proposed project would result in temporary air quality, water quality, biology, and noise impacts during construction and permanent impact to biology due to tree removal. However, with the implementation of the identified mitigation measures, Conditions of Project Approval, and Standard Permit Conditions, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. As the identified impacts are would be mitigated, the project would not have cumulatively considerable impacts on air quality, water quality, biology, and noise impacts in the project area.

Implementation of the proposed project would result in the demolition of the existing single-family residence and detached garage. The project would also contribute to the continued urbanization of the project area consistent with the assumptions of the General Plan.

The proposed project would have a less than significant impact with mitigation on biological resources and transportation. The proposed project would have less than significant impact on aesthetics, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, population and housing, public services, and utilities and service systems, and would not contribute to cumulative impacts to these resources. The proposed project would not impact recreation, agricultural and forest resources, or mineral resources. Therefore, the proposed project would not contribute to a significant cumulative impact on these resources.

The General Plan EIR determined that there is a significant cumulative transportation impact under full build out of the General Plan. The project would not, however, would not contribute to the cumulative transportation impact because it would have a less than significant impact with implementation of mitigation measures.

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

Less than Significant Impact. Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the proposed project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction impacts related to air quality and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

5.0 REFERENCES AND PREPARERS

References

Association of Bay Area Governments (ABAG), 2022. Resilience Program data. Available at http://gis.abag.ca.gov/website/Hazards/?hlyr=tsunami. Accessed March 29, 2022.

ABAG, 2017. Projections 2040 by Jurisdiction (Curated). Available at http://projections.planbayarea.org/. Accessed March 28, 2022.

California, Department of Conservation, California Important Farmland Finder. Available at https://maps.conservation.ca.gov/dlrp/ciff/. Accessed June 14, 2021.

California Department of Conservation, 2022. Earthquake Zones of Required Investigation. Available at https://maps.conservation.ca.gov/cgs/EQZApp/. Accessed March 30, 2022.

California Department of Conservation, Williamson Act/Land Conservation Act. Available at http://www.conservation.ca.gov/dlrp/lca. Accessed January 19, 2022.

California Employment Development Department, 2022. Current Unemployment Rates. Available at https://data.edd.ca.gov/. Accessed March 28, 2022.

California Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2021. Available at http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/. Accessed March 26, 2022.

California Department of Fish and Wildlife (CDFW), 2022. California Natural Diversity Database (CNDDB). Accessed March 29, 2022. Data version March 2022.

California Department of Forestry and Fire Protection (CalFire), 2022. FHSZ Viewer. Available at https://egis.fire.ca.gov/FHSZ/. Accessed March 17, 2022.

California Department of Forestry and Fire Protection. VHFHSZ in LRA. Available at https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414. Accessed on 17, 2022.

California Department of Toxic Substances Control, 2022. Envirostor Database. Available at https://www.envirostor.dtsc.ca.gov/public/. Accessed March 30, 2022.

California, State of, Water Resources Control Board, 2022. Geotracker. Available at https://geotracker.waterboards.ca.gov/. Accessed March 30, 2022.

CalRecycle, 2022. Solid Waste Information System Facility/Site Activity Search. Available at https://www2.calrecycle.ca.gov/SolidWaste/Activity. Accessed October 20, 2022.

CalRecycle, 2019. Estimated Solid Waste Generation Rates. Available at: https://www2.calrecycle.ca.gov/wastecharacterization/general/rates. Accessed March 7, 2022.

Caltrans, 2022. California State Scenic Highway System Map. Available at https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed August 17, 2022.

City of San José. Code of Ordinances. Available at https://library.municode.com/ca/san_jose/codes/code_of_ordinances. Accessed June 14, 2021.

City of San José, June 2011. Draft Program Environmental Impact Report for the Envision San José 2040 General Plan.

City of San José, November 2011. Envision San José 2040 General Plan.

City of San José, 2022a. Public GIS Viewer. Available at https://gis.sanjoseca.gov/maps/publicgisviewer/. San José, CA: San José Spatial team Accessed March 25, 2022.

City of San José, 2022b. Historic Resource Inventory – Web Viewer. Available at https://www.arcgis.com/apps/webappviewer/index.html?id=b2d7cc355a86493c8da904b8c2fc3e3e&extent=-13591970.1207%2C4462771.7617%2C-13533877.9792%2C4499308.6613%2C102100. Accessed on March 28, 2022.

City of San José, 2022c. About San José Fire Department. Available at https://www.sanjoseca.gov/your-government/departments/fire-department/. Accessed March 25, 2022.

City of San José, 2022d. Parks & Trails. Available at https://www.sanjoseca.gov/your-government/departments/parks-recreation-neighborhood-services/outdoor-activities/-selcat-102. Accessed March 30, 2022.

City of San Jose, 2022e. Natural Asbestos. Available at https://gisdata-csj.opendata.arcgis.com/datasets/CSJ::natural-asbestos/explore?location=37.260154%2C-121.776651%2C15.00. Accessed October 20, 2022.

City of San Jose, 2021. 2020 Urban Water Management Plan. Available at https://www.sanjoseca.gov/home/showpublisheddocument/422/637602045327100000. Accessed September 21, 2022.

City of San Jose, 2021. 2020 Urban Water Management Plan. Available at https://www.sanjoseca.gov/home/showpublisheddocument/422/637602045327100000. Accessed September 21, 2022.

City of San José, 2007. Resolution No. 74077. Available at http://www3.sanjoseca.gov/clerk/ORDS_RESOS/RESO_74077.pdf. Accessed March 30, 2022.

City of San José Fire Department, 2018. City-Wide Response Metrics. Available at: https://www.sanjoseca.gov/home/showdocument?id=9053. Accessed March 25, 2022.

Cornerstone Earth Group, February 2021. Geotechnical Investigation.

County of Santa Clara, 2012. Final Santa Clara Valley Habitat Plan. Available at https://scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan. Accessed March 30, 2022

County of Santa Clara, 1995. Integrate Waste Management Plan. Available at https://reducewaste.sccgov.org/santa-clara-county-integrated-waste-management-plan. Accessed March 30, 2022.

County of Santa Clara, 2009. Santa Clara County Wildland Urban Interface Fire Area. Available at https://stgenpln.blob.core.windows.net/document/WUIFA_Adopted_Map.pdf. Accessed March 30, 2022.

Federal Emergency Management Agency 2022. FEMA Flood Map Service Center: Search by Address. Available at https://msc.fema.gov/portal/search#searchresultsanchor. Accessed March 29, 2022.

H.T. Harvey & Associates, 2018. 459/469 Piercy Road Hotel, VHP Rare Plant Habitat Assessment (Project 4144-01).

Santa Clara Valley Habitat Agency, 2022. Habitat Agency Geobrowser. Available at http://www.hcpmaps.com/habitat/. Accessed March 29, 2022.

San Jose Public Library, 2022. Map Search. Available at https://www.sjpl.org/locations-map-search. Accessed April 14, 2022.

Strategic Economics, 2016. San Jose Market Overview and Employment Lands Analysis, prepared for the City of San José Four-Year General Plan Review. Available at https://www.sanjoseca.gov/home/showpublisheddocument/22529/636688929663530000. Accessed September 21, 2022.

United States Fish and Wildlife Service (USFWS), 2022. National Wetlands Inventory, Wetlands Mapper. Available at https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/. Accessed March 28, 2022.

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