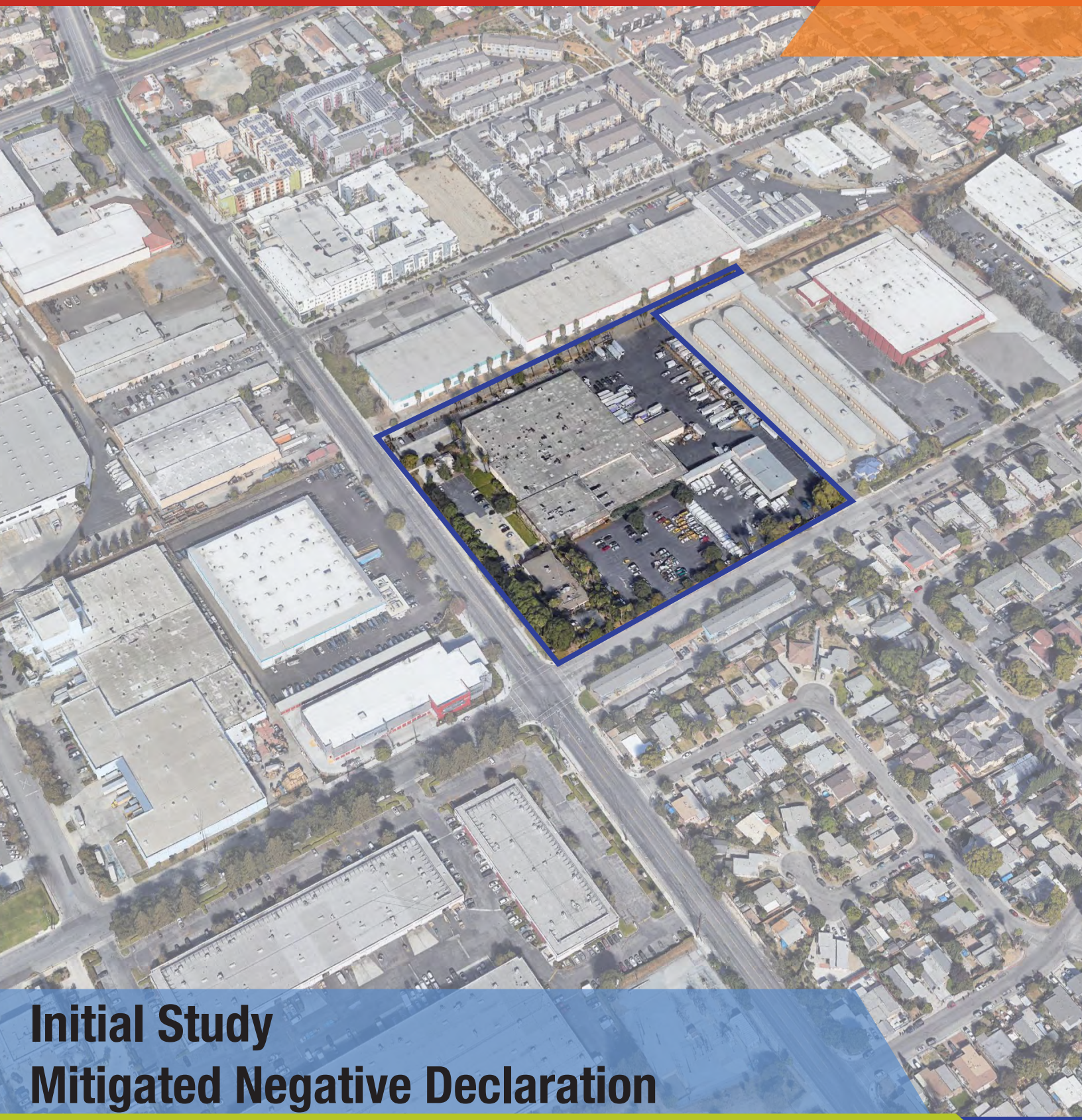

Initial Study
Mitigated Negative Declaration

650 North King Road Industrial Project

File No. H21-011
December 2021

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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650 North King Road Industrial Project

Public Review Draft

Initial Study/Mitigated Negative Declaration

December 2021

City File No. H21-011

Prepared for:

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Prepared by:

Kimley»Horn

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Figures

Appendices

1.0 INTRODUCTION & PURPOSE

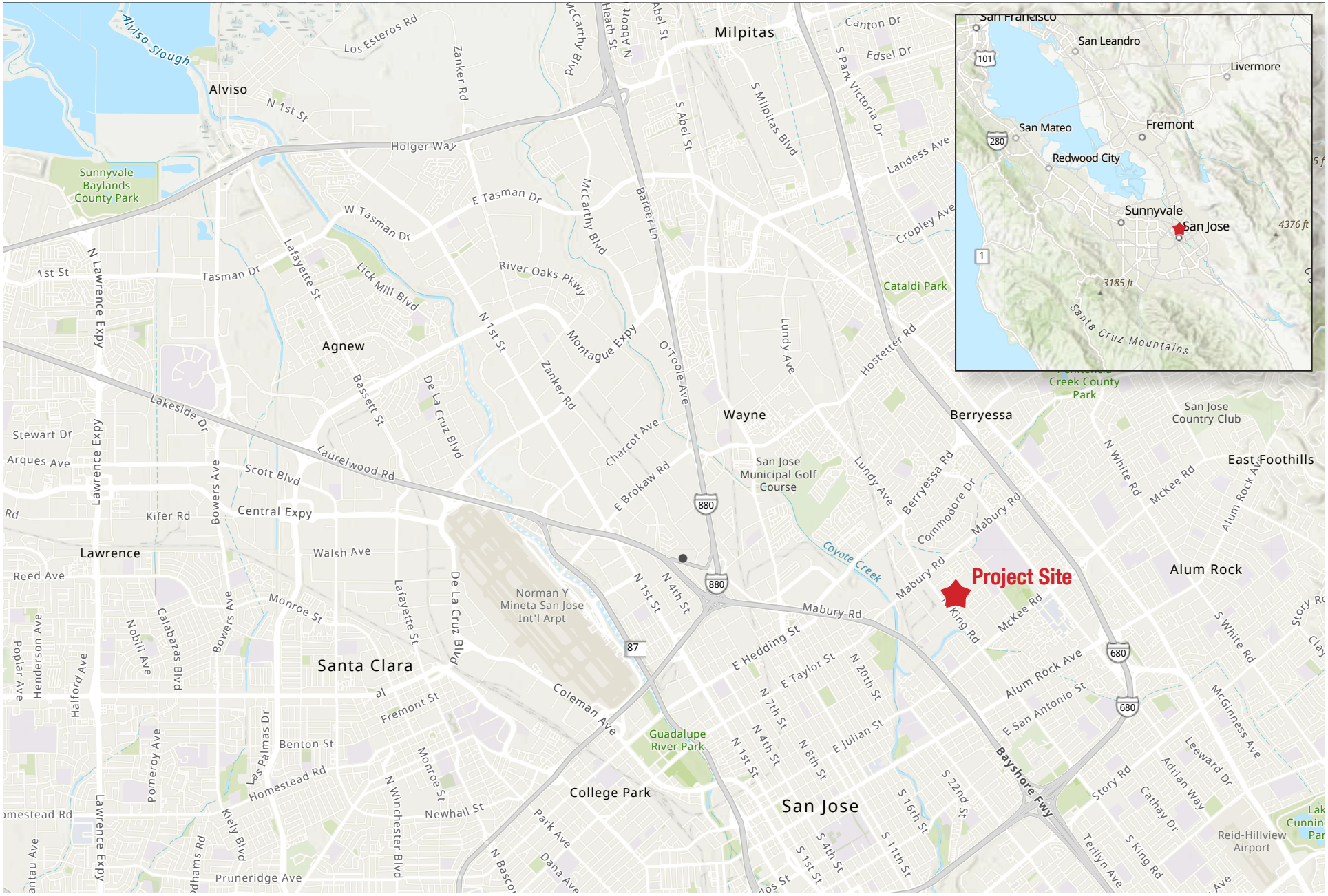
1.1 Context for Planning and Environmental Review

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), the 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 project to the decision makers who will be reviewing and considering the project.

The project site is located at 650 North King Road in the City of San José. The project site is on the northeast corner of North King Road and Las Plumas Avenue. See **Figure 1-1** and **Figure 1-2**.

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 intent was for the General Plan EIR to be a program level document from which subsequent development consistent with the General Plan could tier. The General Plan EIR did, however, develop project level information whenever possible, 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 adopted Statements of Overriding Consideration for all identified 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 in the General Plan. Future development projects such as the 650 North King Road Industrial Project will be evaluated for consistency with this assumption and may require supplemental analysis to identify additional mitigation measures.



Source: USGS, 2021

Figure 1-1: Regional Map

650 North King Road Industrial Project
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Not to scale

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Source: USGS, 2021

Figure 1-2: Project Vicinity Map

650 North King Road Industrial Project
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2.0 PROJECT INFORMATION

2.1 Project Title and File Number

650 North King Road Industrial Project
File No. H21-011

2.2 Project Location

The 10.7-acre project area is located at 650 North King Road in the City of San José. The project site is located on the northeast corner of North King Road and Las Plumas Avenue. See **Figure 1-1** and **Figure 1-2**.

2.3 Lead Agency Contact

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

Environmental Project Manager: Bethelhem Telahun
Phone: (408) 535-5624
Email: Bethelhem.Telahun@sanJoséca.gov

2.4 Property Owner/Project Applicant

Contact: Mark English
Seven Bridges Properties
6200 Center Street, Suite 200
Clayton, CA 94517

2.5 Assessor's Parcel Number(s)

APNs: 254-54-023 and 254-55-013

2.6 Zoning District and General Plan Designation

General Plan: Light Industrial (LI)
Zoning: Light Industrial (LI)

2.7 Habitat Plan Designation

Land Cover Designation:	*Urban-Suburban*
Development Zone:	*Urban Development greater than two acres covered*
Fee Zone:	*Urban Area*
Owl Conservation Zone:	*N/A*

2.8 Project-Related Approvals, Agreements and Permits

- Site Development Permit
- A Grading Permit is required prior to the issuance of a Public Works Clearance
- Demolition Permit
- Building Permit
- A Haul Route Permit is required from the Department of Transportation for projects hauling more than 10,000 cubic yards of cut/fill to or from project site.
- Lot Line Adjustment to merge APNs 254-54-023 (main parcel) and 254-55-013 (Railroad parcel). The main parcel is presently 8.95 acres and the Railroad Parcel is 1.76 acres, which totals 10.71 acres. The Lot Line Adjustment would result in a larger main parcel of approximately 9.48 acres that would include the portion of the Railroad parcel contiguous with the main parcel, and a smaller Railroad parcel that connects the main parcel with Educational Park Drive.
- Tree Removal Permit is required from Public Works
- Removal Action Workplan (RAW) for review and approval by the California Department of Toxic Substances Control (DTSC), and a Soils Management Plan (SMP) for review and approval by Santa Clara County.

3.0 DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

3.1 Project Location

The 10.7-acre project area is located at 650 North King Road in the City of San José. The project site is located on the northeast corner of North King Road and Las Plumas Avenue. See **Figure 1-1** and **Figure 1-2.**

3.2 Existing Site Conditions

The 10.7-acre project area includes the 8.95-acre 650 North King Road property (APN 254-54-023), as well as a second 1.76-acre linear parcel along the northern portion of the site (APN 254-55-013) that was previously owned and operated by Southern Pacific Railroad. The property was first developed in 1964 as a manufacturing and distribution plant for Frito Lay. The proposed project site currently consists of four office/warehouse buildings that are partially occupied and still in operation. The buildings are occupied by eight tenants with uses including cold storage, distribution, and a taxi/transportation company. The four buildings consist of approximately 135,044[1] square feet of warehouse and office space. The project site is currently surrounded by residential land uses to the south and industrial land uses to the west, north, and east. Further to the south and south east of Las Plumas Avenue are residential neighborhoods. The surrounding land uses are shown in **Figure 1-2.** Photographs of the existing site conditions are shown in **Figure 3-1.** The nearest transit stop is the King and Las Plumas bus stop located at the corner of North King Road and Las Plumas Avenue.

Land Use and Zoning

The project site is designated as Light Industrial (LI) by the General Plan, which allows for warehousing uses. The project site is zoned as Light Industrial (LI). The LI Zoning District allows for warehouse, light to medium manufacturing, and wholesale establishments. The project as proposed would be consistent with the General Plan and proposed land use.

Parking

Surface parking is available throughout the site. No parking is allowed along North King Road and Las Plumas Avenue frontages.

Trees and Landscaping

There is existing landscaping located along the North King Road and Las Plumas Avenue frontages. There are 163 existing trees located throughout the site. Of these 163 existing trees, 122 are ordinance-sized trees per the City of San José Tree Ordinance and the remaining are non-ordinance-sized trees.

Utilities

An existing 8-inch sanitary sewer main is located within Las Plumas Avenue. An existing 8-inch sanitary sewer lateral currently stubs into the proposed project site, which is the only service for the four buildings.

[1] Per email communication with Project Applicant on December 7, 2021.

There are existing storm drain facilities (e.g. a 33-inch storm drain inlet and manholes) located along North King Road. An existing 12.75-inch waterline is located along Las Plumas Avenue.

Existing light fixtures are located throughout the site and along the street frontages of North King Road and Las Plumas Avenue.

3.3 Project Description

Proposed Development

Building Program and Design

The project would demolish and remove the four existing building onsite and redevelop the property with a new 225,280 square feet (sf) warehouse industrial building as shown in **Figure 3-2**. The maximum height of the building would be 45 feet and 6 inches. See **Figure 3-3**, for building elevations.

The project intends to redevelop the property as a modern industrial facility. While no end users have been identified, the building is programmed and designed to attract users such as logistics, e-commerce, warehouse/distribution, wholesaling, industrial services, and light to medium manufacturing. The development plan proposes approximately 27,000 sf of manufacturing space and 198,280[2] sf of warehouse and mezzanine/office space, for a total of 225,280 sf. Because office space in considered an incidental or ancillary use to the permitted warehouse uses, the analysis in this document integrates office space into the primary warehouse use to be consistent with industry standards and municipal code. The mezzanine/office space may serve as additional office/research and design (R&D) space, storage or a variety of additional uses.

The southeast corner of the proposed building includes high visibility exterior architecture consisting of extensive glazing at the corner of Las Plumas Avenue and North King Road, parapet articulation, and varied color and material finishes. The site plan also includes outdoor employee space as a tenant amenity.

Parking, Circulation, and Access

As currently proposed, an internal road in the form of a simple driveway would provide two-way circulation within the site from each 40-foot driveway entrance. The primary pedestrian entrance to the building would be provided from Las Plumas Avenue. The warehouse building would include 27 high truck trailer loading dock doors for delivery and service trucks. The proposed project also includes surface parking with 119 automobile (passenger vehicle) spaces and 48 truck trailer parking spaces on site. Of the 119 automobile spaces provided, 48 spaces would be Electric Vehicle (EV) capable. In addition, 12 bicycle racks and 5 motorcycle spaces will be provided.

Automobile parking would be located south of the warehouse building adjacent to Las Plumas Avenue. Access to the project site would be provided from two driveways on Las Plumas Avenue and one driveway on North King Road. See **Figure 3-2**. The western and eastern driveways would have a width of 40 feet for truck access. The second driveway on Las Plumas Avenue would be 26 feet wide. Fire truck access would

[2] 198,280 sf warehouse space = 164,488 sf of warehouse + 33,792 sf of mezzanine/office space

be available from these driveways. All exterior walls of the building would be within 150 feet from the access road along the internal circulation path. See **Figure 3-4**.

Truck parking would be located along the site's northern boundary and would be accessible from the western and eastern 40-foot driveway off North King Road and 40-foot driveway off Las Plumas Avenue. As required by City of San Jose Public Works, the project would construct a raised median in the Center of North King Road.

In terms of parking, City code requires 1 space per 5,000 square feet of warehouse space provided that office space represents less than 15 percent of the total square footage. The proposed parking plan assumes a maximum buildout of 225,280 square feet which includes 191,488 square feet of warehouse/manufacturing space and 33,792 square feet of office/mezzanine space on two levels. The proposed parking plan is sized to be flexible and to accommodate range of users within this basic user profile. As planned, each user will have its own unique profile depending on the mix of office, warehouse, and manufacturing employees. Manufacturing and advanced manufacturing firms, for example, tend to have a higher employee headcount out on the floor (and therefore greater parking demand), and fewer logistics needs (i.e. fewer dock doors and fewer trailer parking needs). Thus, depending on the future tenant and final design plans, variation of the parking area could be configured to accommodate the end user. User demand for industrial space in San José, and Silicon Valley more generally, tend to come from companies that more actively use interior space with a higher employee headcount.

Landscaping

The proposed landscaping plan and plant palette is provided as **Figure 3-5**. The project site has mature landscape vegetation including trees and shrubs along the site boundary. Project implementation would remove existing vegetation throughout the site, including 163 trees. No existing trees would remain, and trees would be replaced or otherwise mitigated according to tree replacement ratios required by City conditions of approval. As shown in **Figure 3-5**, the project would replant a total of 94 trees on site and along the street frontages of North King Road and Las Plumas Avenue. Additional landscaping throughout the site would include a mix of trees, shrubs and groundcover. Landscape coverage would be provided along the eastern, southern, and western boundaries of the building. 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 Jose Water Efficient 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/Engineering

Grading

The project site is relatively flat. Construction will require demolition of existing buildings and associated structures, grading with heavy equipment, ground preparation, clearing and grubbing, site-wide grading, trenching, staking and flagging, and installation and extension of utility systems. To meet the desired finished floor elevation, the project's earthwork is estimated to result in 9,000 cubic yards of cut and 19,000 cubic yards of fill, for a net estimate of 10,000 cubic yards of fill material to be imported and compacted. See **Figure 3-6** for a preliminary grading and drainage plan.

Water and Sewer

Sewer and water services would continue to be provided by the City of San José. As part of the proposed project, the sewer pipelines would be installed to connect to existing 8-inch sanitary sewer lateral located along Las Plumas Avenue. The proposed project would connect to the existing 12-inch water line located along Las Plumas Avenue. See **Figure 3-7**.

Stormwater

As shown in **Figure 3-8** stormwater will drain through flow-through concrete planters on site that will drain from a west to east direction.

Electricity and Natural Gas

The project would be capable of delivering up to 4,000-amp electrical service at multiple locations within the building and will include a conduit for natural gas delivery.

Project Construction and Phasing

Construction will occur in one phase and is expected to occur over a 12-month period. Construction activities are expected to commence in January 2022. Site remediation work would occur prior to building construction.

Site Remediation Work

The project site has been the subject of extensive investigation for hazardous materials and recognized environmental conditions (RECs). The investigations defined the nature and extent of environmental impacts to shallow soils, primarily associated with the former railroad spur right of way. As a result of these investigations, the applicant has consulted directly with the California Department of Toxic Substances Control (DTSC) to review all findings and will prepare a Removal Action Workplan (RAW) for DTSC review and approval to address the contamination. The RAW project activities for this project is anticipated to include the installation of a sub slab vapor intrusion mitigation system (VIMS), limited excavation and/or on-site management of shallow soils where contamination of lead and arsenic has been detected, a Soil Management Plan (SMP) to be implemented during grading, preparation of an Operation, Monitoring & Maintenance Plan (OM&M) to ensure longer term monitoring and reporting, and the recordation of land use covenants to document and disclose all findings and actions and prohibit land uses that are more sensitive to residual exposures. The VIMS would be installed beneath the footprint of the future on-site building to minimize the potential exposure of VOCs present in soil vapor beneath the site to future occupants. Due to the localized areas of contamination in shallow soils, the quantity of material to be removed subject to the RAW will not significantly exceed the total grading quantities required for the project as a whole. The project applicant conservatively estimates that about 1,500 cubic yards (cy) of contaminated soil will require removal and disposal at a qualified facility. This earthwork could include relocation and reconsolidation of potential impacted soils from areas of interest (AOIs), and temporary stockpiling of potentially impact soils from AOIs.

Project Operations

Tenant Profile and Hours of Operation

As noted previously, the future tenant/tenants have not been identified at this time. As proposed, the applicant plans to build the project speculatively, meaning that if a tenant is not identified by the time planning approvals are granted, the applicant will proceed with building the project and find a tenant

upon the project's completion. Interior improvements such as any ancillary office space and installation of equipment will be built once a tenant is identified as part of the tenant's occupancy permit.

The target tenants for the proposed project are expected to fall into two general categories, (a) logistics users who may either be retail or materials-oriented businesses, or (b) traditional light manufacturing or advanced manufacturing businesses. A common feature of these tenants is the need for both improved office space as well as light industrial warehouse space. Hours of operation for administrative or business functions are expected to occur between 7:00 a.m. and 5 p.m. Employees focused on logistics and/or manufacturing activities are anticipated to work in shifts that roughly correspond with the more traditional workday hours, as well as nighttime (6:00 p.m. to 2:00 a.m.) and occasional graveyard shifts (2:00 a.m. to 8:00 a.m.).

Trucks and Passenger Vehicles

The project has been designed to separate the arrival and departure of passenger vehicles and trucks. Employee and visitor parking, which would be most active during daytime hours, is clustered primarily along the North King Road and Las Plumas intersection and up Las Plumas, with some parking along North King Road. The majority of these vehicles will enter through the 26 feet wide driveway, approximately 150 feet up Las Plumas from the North King intersection. Truck traffic will arrive and enter the property via one of two entrances – one at the northwestern corner of the property off North King Road, and the second at the southeast corner of the property off Las Plumas. Both truck entrances have been designed to accommodate a smooth ingress and egress of large trucks so trucks will not have to reverse, stop or ride over curbs to enter/exit, which tend to cause traffic backups and heavy wear and tear on curbs and sidewalks. **Figure 3-9** shows the ingress / egress turning radii of trucks to illustrate how the sizing of the truck driveways accomplishes this goal.

Property Management

The applicant currently uses local property management firm to oversee and maintain the property (e.g. maintenance of landscaping, walkways, cleaning, common areas, and parking areas) because the current property is occupied by a number of different tenants and businesses. As proposed, future tenants of the project site will be responsible for providing security and property management services.

Security features of the building will include closed-circuit cameras and an alarm system for the building, and fencing/gates to security the dock areas. Typically, tenants will employ a security firm to patrol the property regularly during hours when activity in the building is more limited (typically at night). The applicant intends to implement an explicit set of lease clauses that set forth expectations for tenants are maintained and comply with all property- or City-specific requirements per code or land use approvals.

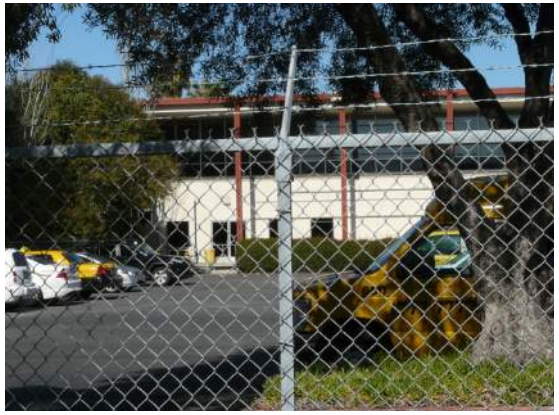
Outdoor Operations

Outdoor activity at the property would typically involve the arrival and departure of trucks and employees. Unloading of trucks is done by pulling up to the dock high or roll up doors and unloading and re-loading of materials and product is done inside the building. Storage is generally done inside the warehouse space since materials and products are not suitable for outdoor storage. It is anticipated future employers will provide outdoor dining areas and some recreational facilities for workers on break.

Lighting

Project lighting will be required to comply with Section 20.40.530 Lighting of the City code and will be designed to minimize glare beyond the property boundaries, particularly along the building façade

fronting Las Plumas Avenue, and the parking areas in this same location. The lighting systems are very similar to those of retail and office buildings, where the goal is to provide lighted common areas at night to promote a secure area, yet employ shields to deflect the light down and not horizontally where it can be a nuisance to neighboring properties.



Source: Kimley-Horn, 2021

Figure 3-1: Existing Site Photos

650 North King Road Industrial Project
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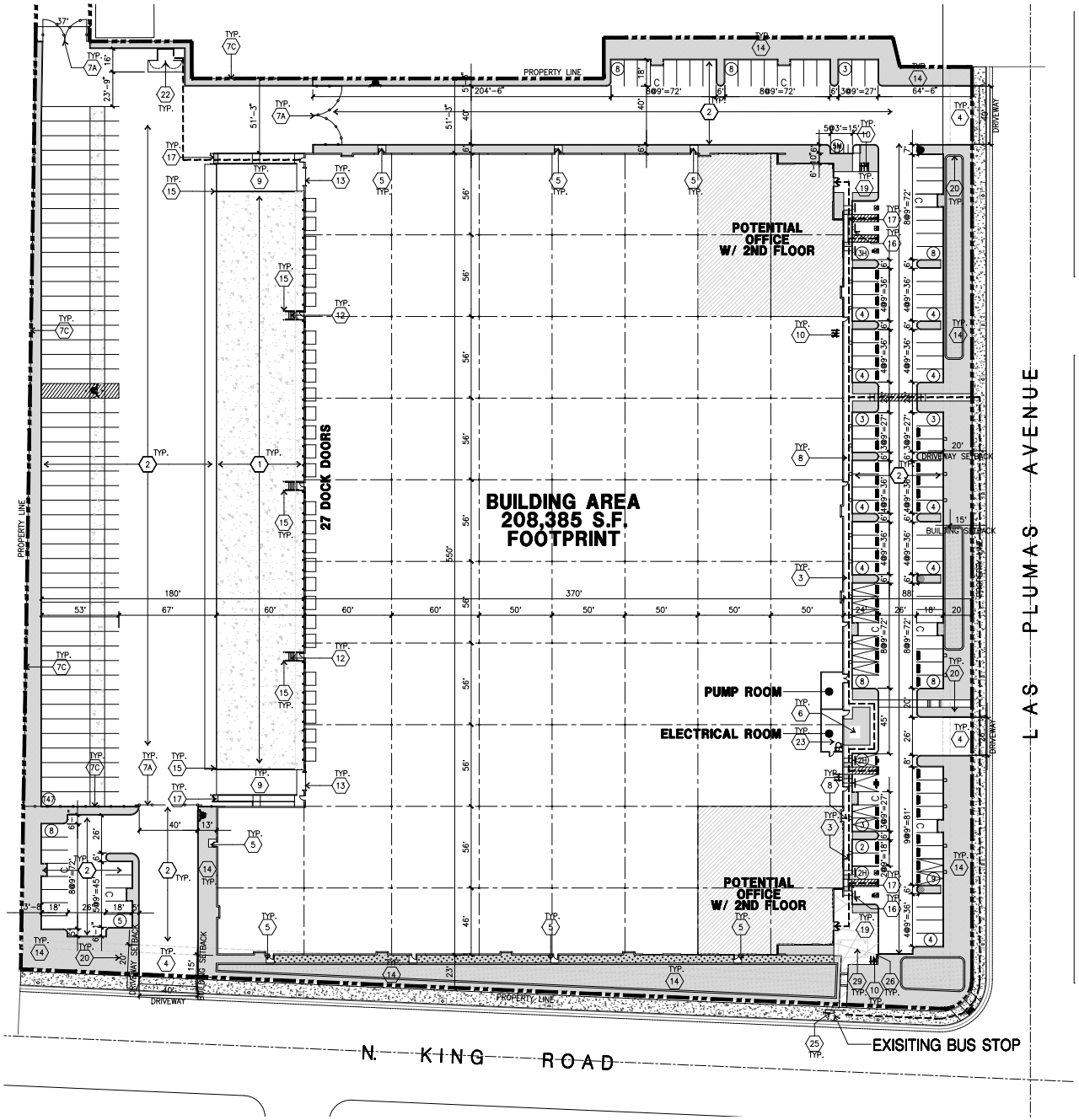

Source: Project Plans for SP20-033, 2021

Figure 3-2: Site Plan

650 North King Road Industrial Project
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Not to scale

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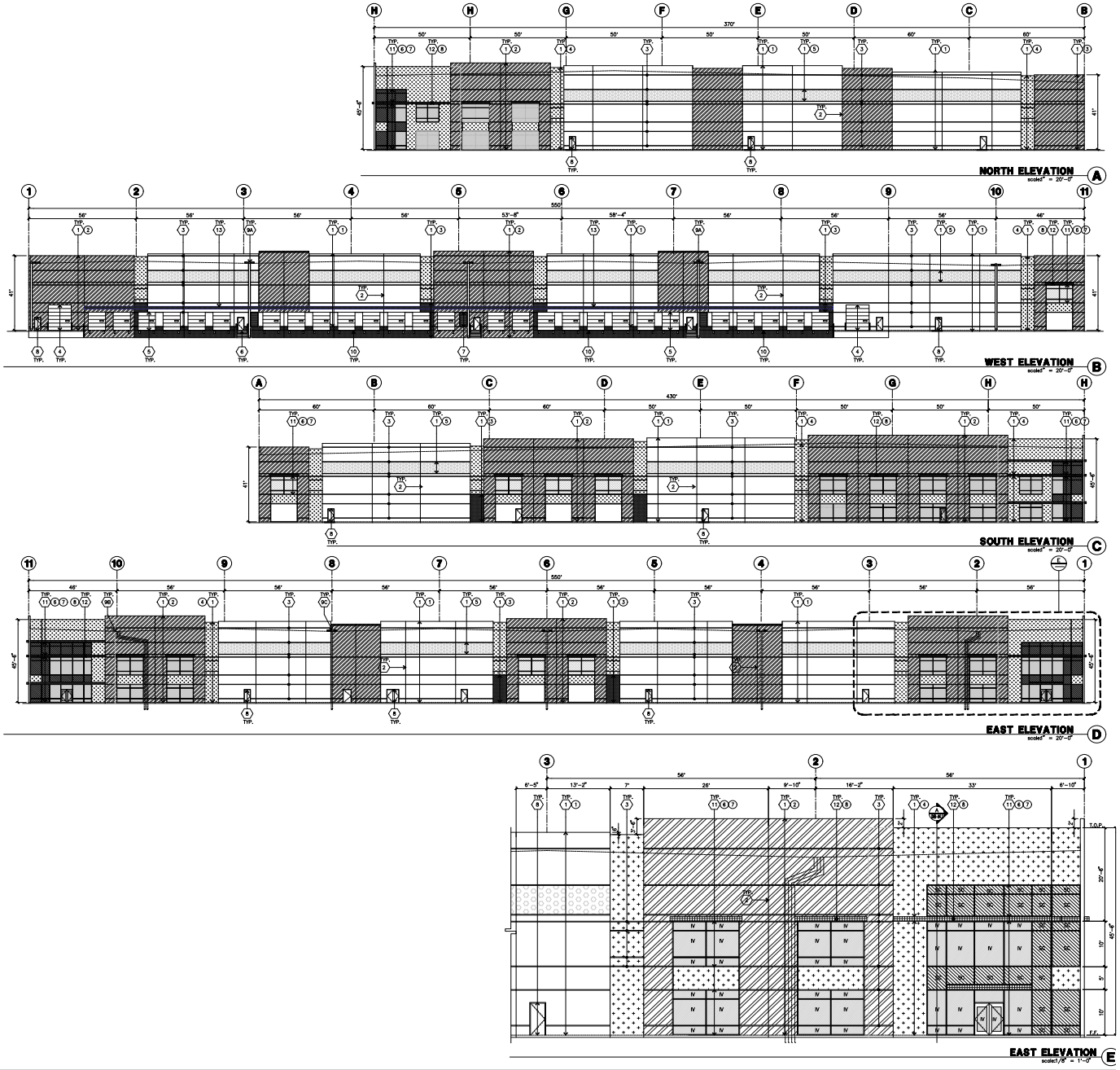

Source: Project Plans for SP20-033, 2021

Figure 3-3: Building Elevations

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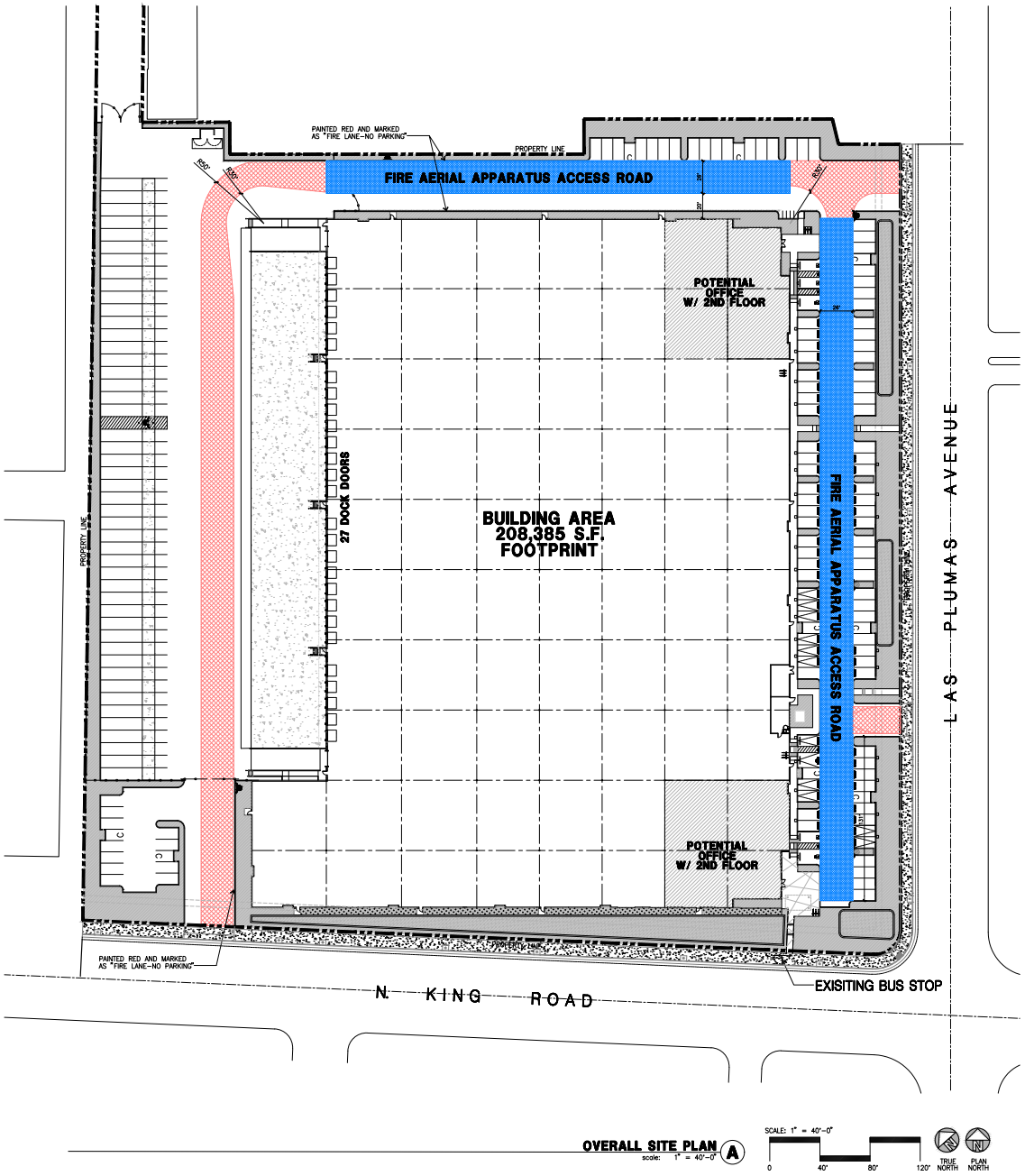

Source: Project Plans for SP20-033, 2021

Figure 3-4: Fire Access Site Plan

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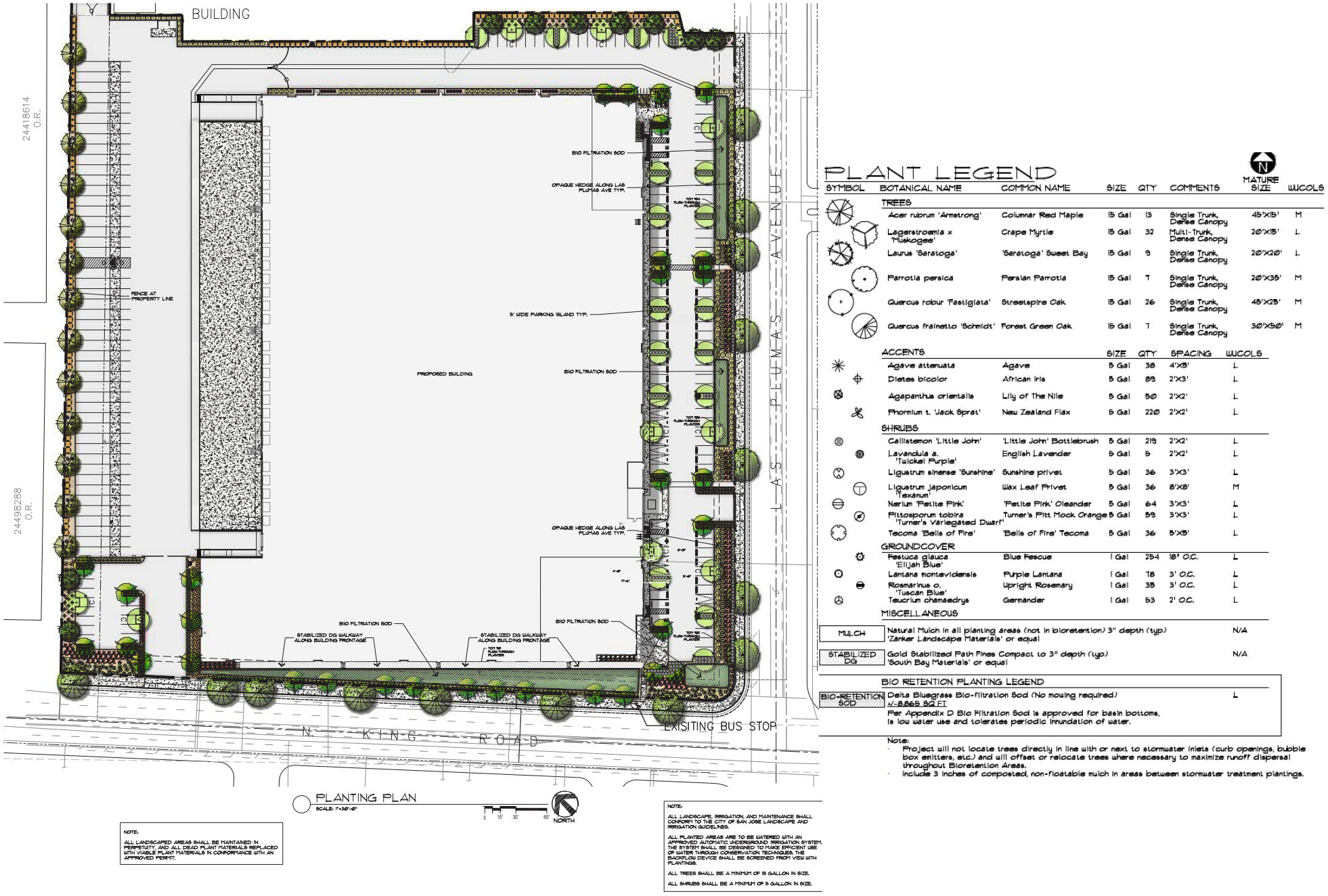

PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY	COMMENTS	MATURE SIZE	WUCOLS
	TREES						
	Acer rubrum 'Armstrong'	Columnar Red Maple	15 Gal	13	Single Trunk, Dense Canopy	45'X15'	M
	Lagerstroemia x 'Muskogee'	Crape Myrtle	15 Gal	32	Multi-Trunk, Dense Canopy	20'X15'	L
	Laurus 'Saratoga'	'Saratoga' Sweet Bay	15 Gal	9	Single Trunk, Dense Canopy	20'X20'	L
	Parrotia persica	Persian Parrotia	15 Gal	7	Single Trunk, Dense Canopy	20'X35'	M
	Quercus robur 'Fastigiata'	Streetspire Oak	15 Gal	26	Single Trunk, Dense Canopy	45'X25'	M
	Quercus frainetto 'Schmidt'	Forest Green Oak	15 Gal	7	Single Trunk, Dense Canopy	30'X50'	M
	ACCENTS		**SIZE**	**QTY**	**SPACING**	**WUCOLS**	
	Agave attenuata	Agave	5 Gal	38	4'X5'	L	
	Dietes bicolor	African Iris	5 Gal	89	2'X3'	L	
	Agapanthus orientalis	Lily of The Nile	5 Gal	50	2'X2'	L	
	Phormium t. 'Jack Sprat'	New Zealand Flax	5 Gal	220	2'X2'	L	
	SHRUBS						
	Callistemon 'Little John'	'Little John' Bottlebrush	5 Gal	219	2'X2'	L	
	Lavandula a. 'Twickel Purple'	English Lavender	5 Gal	5	2'X2'	L	
	Ligustrum sinense 'Sunshine'	Sunshine privet	5 Gal	36	3'X3'	L	
	Ligustrum japonicum 'Texanum'	Wax Leaf Privet	5 Gal	36	8'X8'	M	
	Nerium 'Petite Pink'	'Petite Pink' Oleander	5 Gal	64	3'X3'	L	
	Pittosporum tobira 'Turner's Variegated Dwarf'	Turner's Pitt Mock Orange	5 Gal	58	3'X3'	L	
	Tecoma 'Bells of Fire'	'Bells of Fire' Tecoma	5 Gal	36	5'X5'	L	
	GROUNDCOVER						
	Festuca glauca 'Elijah Blue'	Blue Fescue	1 Gal	254	18" O.C.	L	
	Lantana montevidensis	Purple Lantana	1 Gal	78	3' O.C.	L	
	Rosmarinus o. 'Tuscan Blue'	Upright Rosemary	1 Gal	35	3' O.C.	L	
	Teucrium chamaedrys	Germander	1 Gal	53	2' O.C.	L	
	MISCELLANEOUS						
MULCH	Natural Mulch in all planting areas (not in bioretention) 3" depth (typ) 'Zanker Landscape Materials' or equal					N/A	
STABILIZED DG	Gold Stabilized Path Fines Compact to 3" depth (typ) 'South Bay Materials' or equal					N/A	

BIO RETENTION PLANTING LEGEND

BIO-RETENTION SOD	Delta Bluegrass Bio-Filtration Sod (No mowing required) +/- 8865 SQ FT Per Appendix D Bio Filtration Sod is approved for basin bottoms, is low water use and tolerates periodic inundation of water.	L

Note:
- Project will not locate trees directly in line with or next to stormwater inlets (curb openings, bubble box emitters, etc.) and will offset or relocate trees where necessary to maximize runoff dispersal throughout Bioretention Areas.
- Include 3 inches of composted, non-floatable mulch in areas between stormwater treatment plantings.

Source: Project Plans for SP20-033, 2021

Figure 3-5: Landscape Plan

650 North King Road Industrial Project
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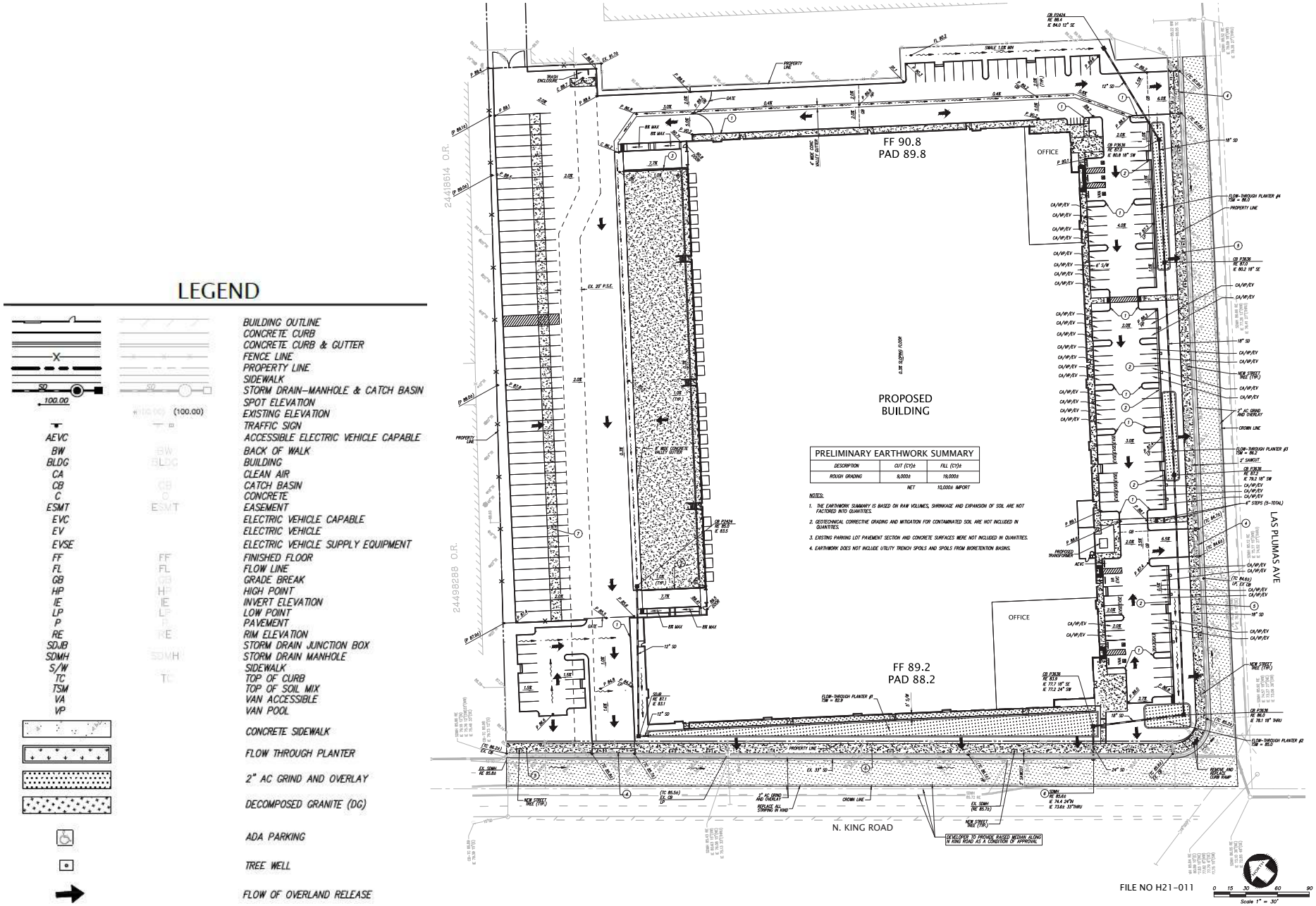

Source: Project Plans for SP20-033, 2021

Figure 3-6: Preliminary Grading and Drainage Plan

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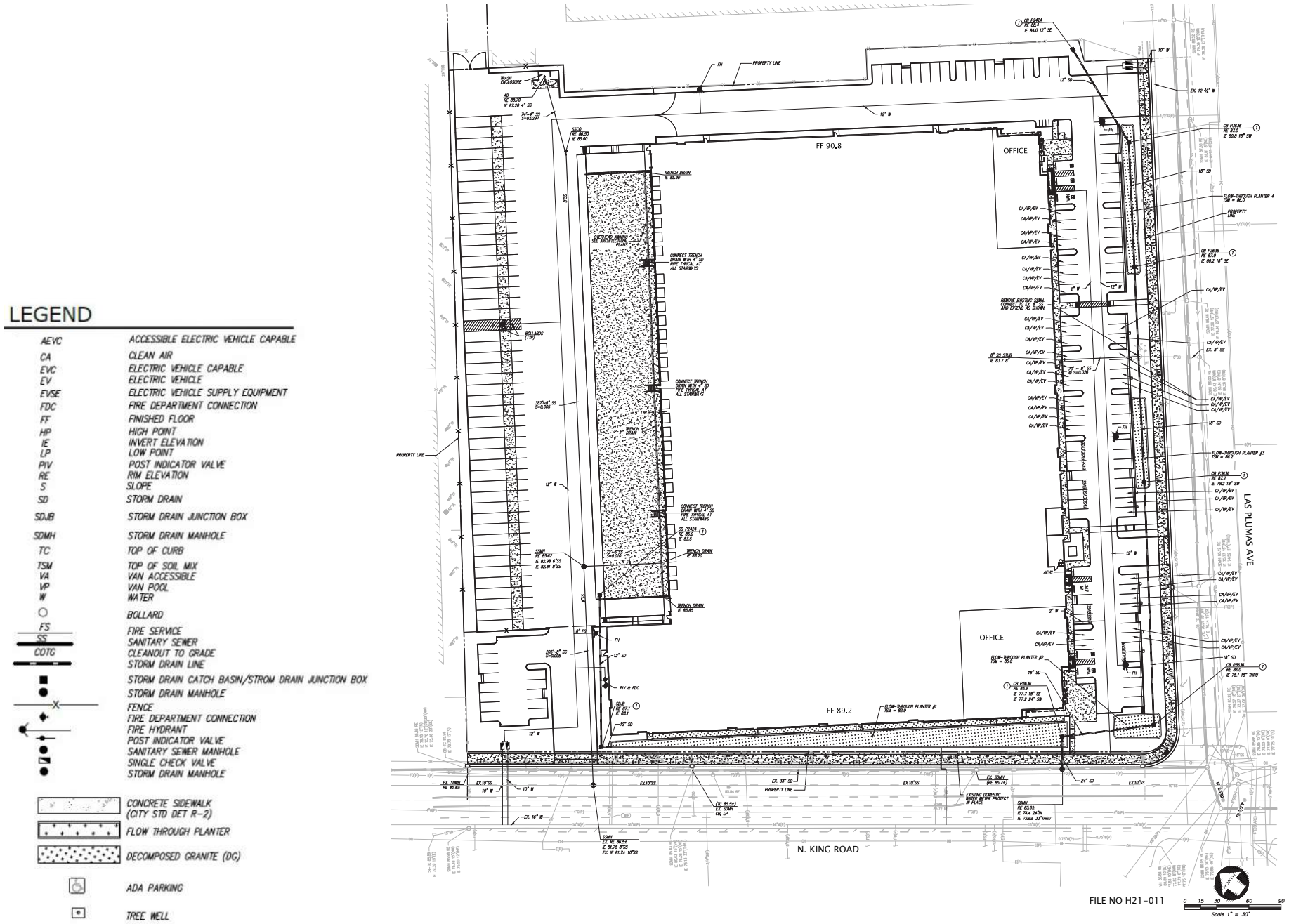

Source: Project Plans for SP20-033, 2021

Figure 3-7: Utility Plan

650 North King Road Industrial Project
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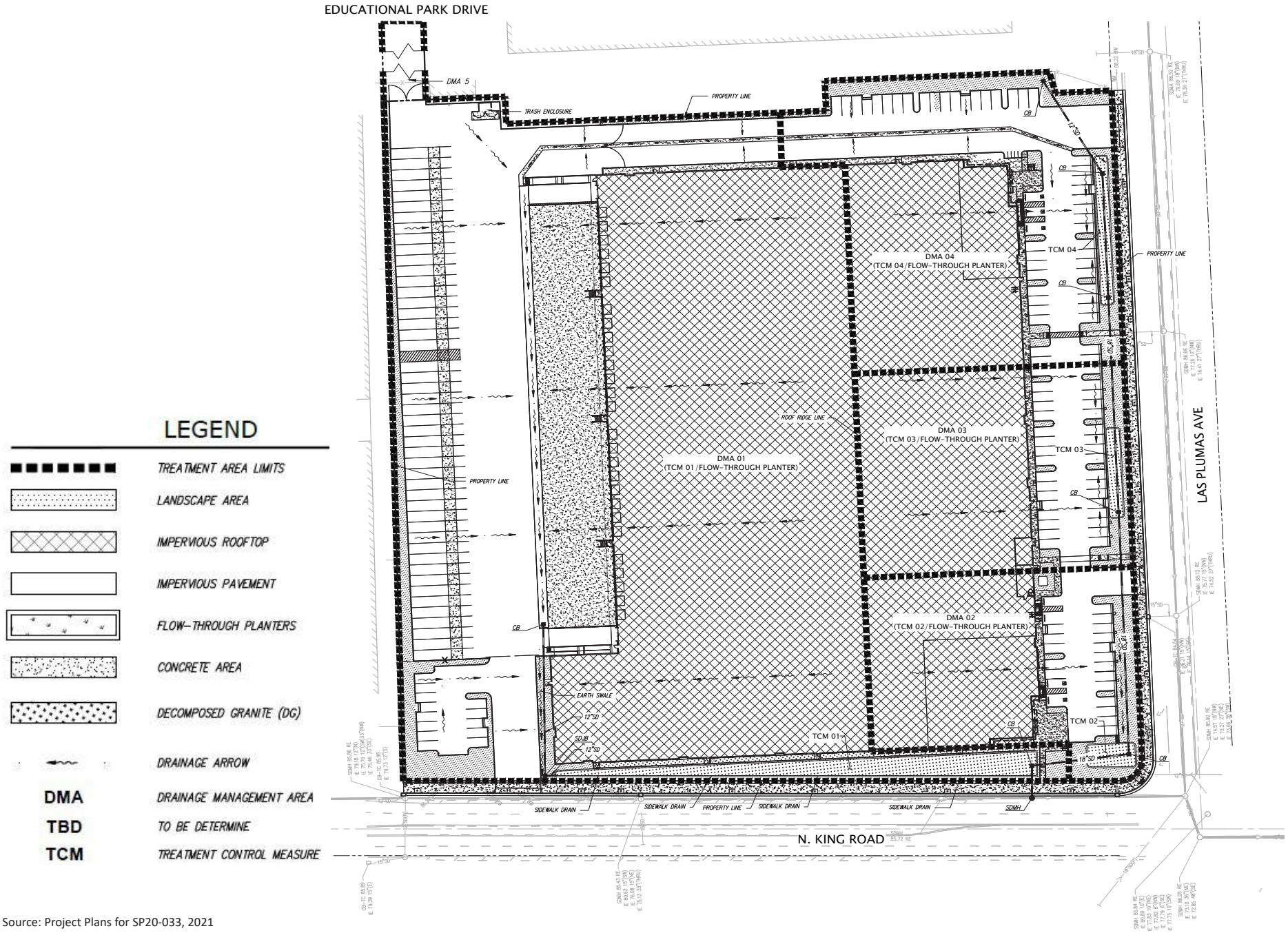

Source: Project Plans for SP20-033, 2021

Figure 3-8: Stormwater Plan

650 North King Road Industrial Project
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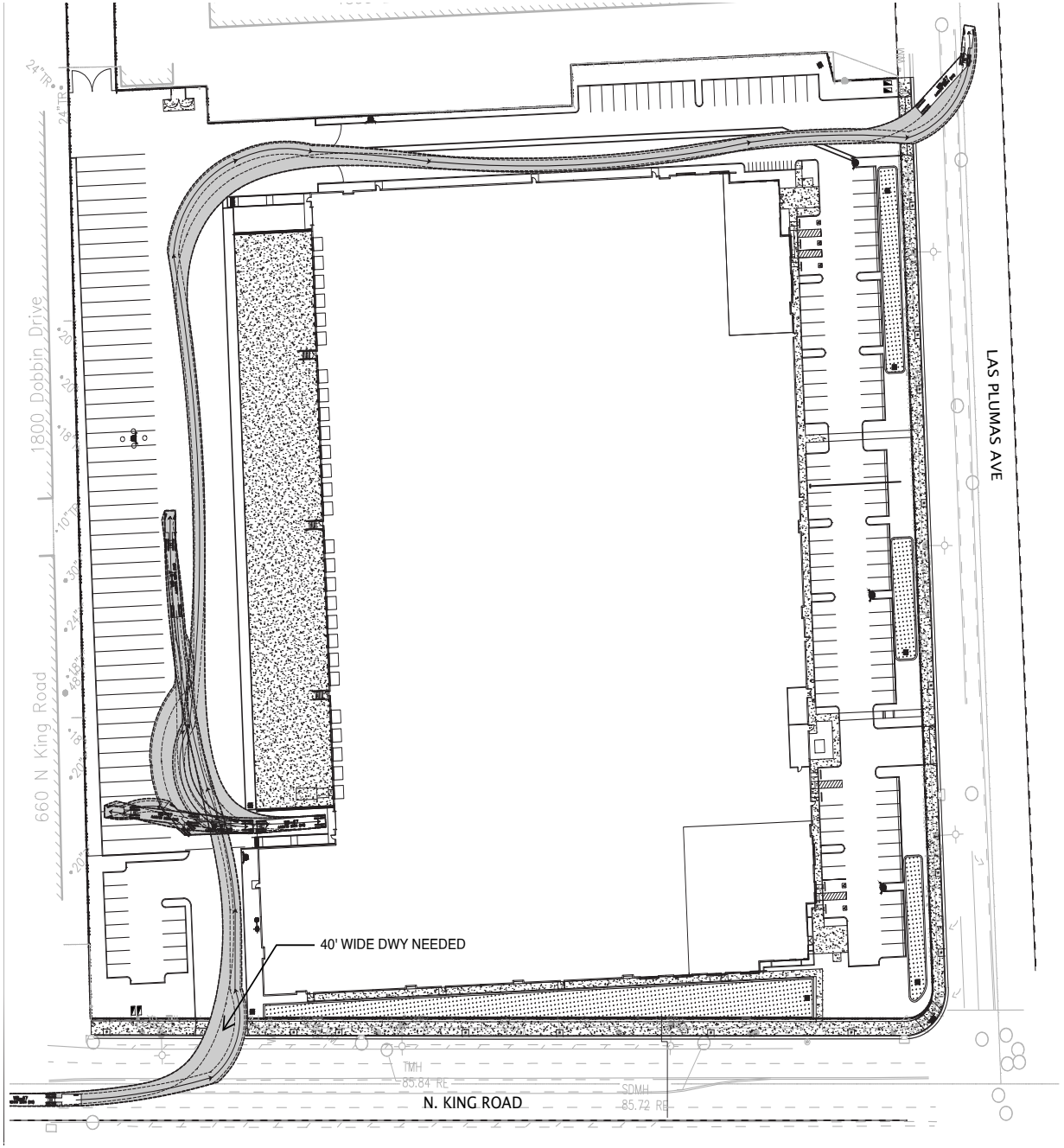

Source: Project Plans for SP20-033, 2021

Figure 3-9: Truck Turning Plan

650 North King Road Industrial Project
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4.0 ENVIRONMENTAL ANALYSIS

4.1 Aesthetics

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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 10.71-acre project site is generally flat and currently developed as an industrial site with four existing office/warehouse industrial buildings. The existing building located at 650 North King Road is a two-story building with ancillary office space, truck loading docks, and on-site truck and automobile parking. All other buildings on site are single-story with associated automobile parking.

There is existing landscaping and trees along the North King Road frontage and Las Plumas Avenue frontage. Surface parking stalls are located on site as shown in **Figure 3-2**.

The visual context of the project site is predominantly urban with similar industrial uses within the area. The predominant character of the visual and aesthetic environment is that of an aging industrial area;

however, new high density residential development is occurring one block away along Dobbins Drive, significantly changing the character of the immediate neighborhood. Buildings and transportation infrastructure (i.e. roadways) dominate the aesthetic character. There are no scenic vistas or protected visual resources within the Alum Rock Planning Area, and the proposed project is not located near scenic resources or corridors identified in the City of San José General Plan. Surrounding uses are a mix of light manufacturing, warehouse/retail, distribution facilities and residential uses. See **Figure 1-2**. All existing buildings immediately adjacent to the project site are of similar industrial design and scale.

Scenic Views

The City of San José is located in the Santa Clara Valley, bounded by the foothills of the Santa Cruz Mountains to the west, the Santa Teresa Hills to the south, and the Diablo Mountain Range to the east. The topography of the project site is flat and therefore does not provide scenic views of the Diablo foothills, approximately five miles east, or the Santa Cruz Mountains, approximately ten miles west, of the project site. Due to its urban location, existing buildings, trees, and infrastructure (e.g., utility lines, elevated roadways, etc.) obscure viewpoints and viewsheds.

As noted in the General Plan EIR, views of the hillsides and prominent peaks bordering the City are not consistently visible from within the City. Buildings, trees, and infrastructure (i.e., utility lines, elevated roadways) obscure most viewpoints. Therefore, the urbanized character of project site and surrounding area provide limited views of scenic resources surrounding the City.

Nighttime Lighting

Sources of nighttime lighting in the project area include indoor lighting visible through windows, street lighting, buildings, walkways, parking lots, and industrial buildings.

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 on private development in the City of San José that provides adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

Envision San José 2040 General Plan

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

And/or,

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 surrounded by industrial/warehouse buildings, as well as residential neighborhoods across Las Plumas Avenue. The project area is relatively flat and the potential for views of protected scenic views are limited or nonexistent. The project would not affect or obscure a scenic vista from surrounding public locations. In addition, the project site is not located along a State scenic highway or designated scenic corridor. The nearest Officially Designated State Scenic Highway is Highway 9, located approximately 11 miles southwest of the proposed project site. The nearest eligible State scenic highway is Highway 280 at the Highway 17 interchange- approximately 5.0 mile west of the project site. The project site would not be visible from these eligible State Scenic highway segments. As such, the project would not result in an adverse effect a scenic vista or damage scenic resources within a State-designated scenic highway. There are no significant visual resources on the site, such as significant trees or historic structures. 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 office buildings. Project implementation would replace the four existing office/warehouse buildings with a new 225,280 square foot two-story warehouse building with ancillary office uses and mezzanine. Per Section 20.50.200 of the City Municipal Code, the proposed project would be subject to development regulations for the Light Industrial zone that requires a front building setback of 15 feet from the building; side setback of 20 feet from automobile parking and driveways, 30 feet from truck parking, and zero feet from buildings; a rear setback of zero feet; and maximum building height of 50 feet. As shown in **Figure 3-2** and **Figure 3-3**, the proposed building would meet all setback requirements and have maximum height of 45 feet and 6 inches, which is consistent with development regulations for the proposed zoning of Light Industrial.

As discussed above, there is existing landscaping and trees located on site. The project proposes to remove 163 trees on site to facilitate the construction of the project. Landscaping would be replanted or otherwise mitigated in accordance with Section 20.50.260 of the City Municipal Code to enhance the visual appearance of the site and street frontages. In addition, the proposed project would be required to comply with the City's Industrial Design Guidelines related to aesthetics, including building form, setbacks, size, and landscaping. For these reasons, the proposed project would ensure that the building would be visually compatible with the surrounding area. With adherence to the policies set forth in the General Plan and development regulations for Light Industrial uses, the proposed project would not substantially

degrade the existing visual character or quality of the project site and its surroundings. 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 proposed project would include outdoor lighting on the site for safety and security, typical of a light-industrial warehouse development. New sources of lighting would not be significantly different from existing lighting sources at the project site and its surroundings, thus the project would not create a substantial sources of light and glare over exiting conditions. The proposed project would be subject to a design review process during the planning review and would be reviewed for consistency with the General Plan, San José Municipal Code, and related City Council Development policies such as Outdoor Lighting on Private Developments (Policy 4-3). The General Plan EIR, as supplemented, concluded that new development and redevelopment allowed under the General Plan would result in new sources of nighttime light and daytime glare; however, compliance with General Plan 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 Issues	Potentially Significant Unless 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.[3]

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 (FMMP) provides maps and data to decision makers to assist them in making informed decisions regarding the planning of the present and future use of California's agricultural land resources.

Forest Land and Timberland

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

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

Discussion

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

No Impact. The proposed project 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 proposed 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

[3] California, State of, Department of Conservation, Williamson Act/Land Conservation Act. Available at http://www.conservation.ca.gov/dlrp/lca. Accessed March 14, 2021.

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 zoned for 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. No designated agricultural or forest land is located within the project site. Therefore, no impacts would occur.

4.3 Air Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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	

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 bounded to the north by the San Francisco Bay and 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.

Pollutants in the air 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.

The project site is located in an urban area in City of San José. The surrounding land uses are predominantly commercial and industrial, with some residences to the east. The eastern boundary of the site is Las Plumas Avenue. **Table 4-1** lists the distances and locations of the nearest sensitive receptors.

Table 4-1: Nearest Sensitive Receptors to Project Site

Receptor Description	Distance and Direction from the Project Site
Multi-family Residences	60 feet east
Single-family residential community	165 feet east
Multi-family Residences	320 feet west
St. Thomas Syriac Orthodox Church	650 feet north
Independence Adult Center	1,320 feet northeast
Educational Park Branch Library	1,650 feet northeast

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 and the California Clean Air Act mandate the control and reduction of specific air pollutants. Under these Acts, the U.S. Environmental Protection Agency (US EPA) and the California Air Resources Board (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. Environmental Protection Agency (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 4-2** summarizes the State California Ambient Air Quality Standards (CAAQS) and the National Ambient Air Quality Standards (NAAQS).

Table 4-2: 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	-
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/m³ = micrograms per cubic meter; mg/m³ = 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/m3. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m³.
   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 ($\mu g/m^3$). 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}.

Ambient Air Monitoring

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 2.6 miles northeast of the project site. Local air quality data from 2017 to 2019 is provided in Appendix A.

National Ambient Air Quality Standards

As required by the Clean Air Act, the NAAQS have been established for the six primary criteria pollutants: carbon monoxide (CO), nitrogen oxides (NO_X), ozone (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.[4]"

Clean Air Act

The Clean Air Act (CAA) of 1970 and the CAA Amendments of 1971 required the 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 can tolerate occasional exposure to air pollutant concentrations considerably above these minimum standards before adverse effects are observed.

The 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 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 (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.

4 http://www.sparetheair.org/ accessed August 16, 2021.

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 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 California Clean Air Act (CCAA) 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 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 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.

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 offsite 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.

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-12.2: Require new residential development projects and projects categorized as sensitive receptors to be located an adequate distance from facilities that are existing and potential sources of odor. An adequate separation distance will be determined based upon the type, size and operations of the facility

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.

Sensitive Receptors

BAAQMD defines sensitive receptors as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and the chronically ill are likely to be located. These facilities may include residences, school playgrounds, child-care centers, retirement homes, convalescent homes, and people with illnesses.

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 the site poses a health risk to nearby sensitive receptors.

Under the BAAQMD Air Quality Guidelines (as shown in 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.

Discussion

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

Less than Significant. The most recently adopted plan, the Clean Air Plan, in the Basin outlines how the San Francisco area will attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions.

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 "Light Industrial (LI)". The project site is zoned "Light Industrial (LI)". The LI Zoning District allows for warehouse, light to medium manufacturing, and wholesale establishments. The project would be consistent with the development assumptions for the land use. Therefore, the project is consistent with the General Plan assumptions. The proposed project consists of 225,280 square feet of industrial/commercial/office space consistent with the Envision San José 2040 General Plan Supplemental Program EIR 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.

As described below, construction and operational air quality emissions generated by the proposed project would not exceed the BAAQMD's emissions thresholds. Since the proposed project would not exceed these thresholds, the proposed 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.

The project is anticipated to generate 121 jobs within the City. ABAG predicts that job opportunities in the City of San José will grow from 387,510 in 2010 to 554,875 by 2040. As of 2015, there are 359,128 job opportunities in the City[5]. The project is consistent with the City General Plan, therefore the addition of 207 new jobs would be within the ABAG growth projections for the City of approximately 554,875 job by 2040 and would not exceed the ABAG growth projections for the City As identified in the General Plan FEIR, the City currently has an existing ratio of jobs per resident of 0.8. The General Plan FEIR identified that at full buildout of the General Plan, the existing ratio of jobs per employed resident would be increased to a job per employed resident ratio of 1.3. The increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City. The project would not exceed the level of population or housing in regional planning efforts. Additionally, the proposed project would not significantly affect regional vehicle miles travelled pursuant to the CEQA Guidelines (Section 15206). Therefore, population growth from the project would be consistent with ABAG's projections for the City and with the City's General Plan.

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 primary method of determining consistency with the 2017 Clean Air Plan growth assumptions is consistency with the General Plan land use designations and zoning designations for the site. It should be noted that the Clean Air Plan does not make a specific assumption for development on the site, but bases assumptions on growth in population, travel, and business, based

5 City of San José. Envision San José 2040 General Plan DEIR.

on socioeconomic forecasts. As noted above, the project would not exceed the growth assumptions in the General Plan. Therefore, the growth assumptions in the Clean Air Plan would not be exceeded.

Given that approval of a project would not result in significant and unavoidable air quality impacts after the application of all feasible project conditions, the project is considered consistent with the 2017 Clean Air Plan. In addition, projects are considered consistent with the 2017 Clean Air Plan if they incorporate all 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.

The project is consistent with the 2017 Clean Air Plan policies that are applicable to the project site. As discussed in **Table 4-3**, the project would comply with City, State, and regional requirements.

Table 4-3: 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 not include uses that would generate new sources of TAC that would impact nearby sensitive receptors. The building design accommodates interior uses such as e-commerce, warehousing, assembly, fabrication, wholesaling, related office and similar uses that are not heavy industrial or would exhaust TACs. Additionally, any future sources would be subject to the new source rule, would require permits, and would be required to implement best available control measures.
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.
SS30: Residential Fan Type Furnaces	**Consistent**. BAAQMD is the responsible party for implementation of this regulation. The project would use the latest central furnaces that comply with the applicable regulations. The project would not conflict with BAAQMD's implementation of that measure.
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**. Use of back-up generators by the project is currently not anticipated. However, if emergency generators were to be installed they would be required to meet the BAAQMD's emissions standards for back-up generators.
SS33: Commercial Cooking Equipment	**Consistent**. The project does not include the potential development of restaurant facilities. However, if any kitchen facilities or restaurants occur and they install a charbroiler, a catalytic oxidizer system must also be installed pursuant to BAAQMD Rule 6-2.

Control Measure	Project Consistency
SS34: Wood Smoke	**Consistent**. The project would comply with BAAQMD Regulation 6, Rule 3 and prohibit the construction of wood burning appliances/ fireplaces.
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 based on 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 best management practices, such as watering exposed surfaces twice a day, covering haul trucks, keeping vehicle speeds on unpaved roads under 15 mph, to minimize the creation of fugitive dust. See City of San José Standard Permit Conditions for a more detailed list.
SS40: Odors	**Consistent**. The project is an industrial development and is not anticipated to generate odors. The project would comply with BAAQMD Regulation 7 to strengthen odor standards and enhance enforceability.
Transportation Control Measures	
TR2: Trip Reduction Programs	**Consistent**. The project would include a number of travel demand measures (TDM) such as mix of land uses and ride sharing. These TDM Programs would help reduce vehicle miles traveled (VMT) and mobile greenhouse gas emissions.
TR8: Ridesharing and Last-Mile Connections	
TR9: Bicycle and Pedestrian Access Facilities	**Consistent**. Bicycle facilities in the area include North King Road, McKee Road, Mabury Road, and Berryessa Road, which provide Class II bike lanes with buffered striping to separate the vehicle and bike travel way. The proposed project would include 12 bicycle parking spaces.
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 within 2,000 feet of a transit stop at King / Las Plumas Avenue intersection. Therefore, these employment opportunities would be easily accessible via transit, furthering the City's General Plan goals to support a healthy community, reduce traffic congestion and decrease greenhouse gas emissions and energy consumption. The project would not conflict with implementation of this measure.
TR13: Parking Policies	**Consistent.** The proposed project would create approximately 167 new parking spaces (48 trailer spaces and 119 automobile spaces). The proposed parking is sufficient for the proposed uses.
TR19: Medium and Heavy Duty Trucks	**Consistent.** The project includes a warehousing use that would generate truck trips. However, per the transportation analysis prepared for the project indicated there would be approximately 127 daily truck

Control Measure	Project Consistency
	trips. The project would not conflict with the implementation of this measure.
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.
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 the City's Green Building Ordinance.
EN2: Decrease Electricity Demand	
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.
L2: Decarbonize Buildings	
BL4: Urban Heat Island Mitigation	**Consistent**. The project would demolish the existing warehouse buildings and associated asphalt surfaces. The project would include some landscaping.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	**Not Applicable**. The project site is an existing warehouse building. The project includes landscaping with vegetation and trees.
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 Cal Green 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 Jose's 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 & Associates, 2021.	

The addition of 121 new jobs as a result of the proposed project would be within the ABAG growth projections for the City of approximately 554,875 jobs by 2040. When compared to the estimated 128 jobs provided at the site from existing employers, the project would result in an estimated net decrease of 7 jobs. Therefore, population growth from the project would be consistent with ABAG's projections for the City and with the City's General Plan. In addition, the City of San José is "housing-rich", and the increase of jobs would promote a jobs/housing balance that is closer to 1 to 1. Population growth from the project would be consistent with ABAG's projections for the City and with the City's General Plan. Thus, the project would not exceed the assumptions in the General Plan or the Clean Air Plan.

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

Less than Significant

Construction Emissions

Project construction activities would generate short-term emissions of criteria air pollutants. 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.

Construction results in the temporary generation of emissions 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. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities, as well as weather conditions and the appropriate application of water. For this project, site preparation includes the excavation and removal of previously identified contaminated soils.

The duration of construction activities associated with the project are estimated to last approximately 12 months, beginning in July 2022 and concluding at the end of June 2023. 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. Project demolition and site preparation are anticipated to begin in July 2022 and last approximately two months. Project grading and construction is anticipated to begin in August 2022 and last approximately 10 months and will import approximately 10,000 cubic yards (cy) of soil (requiring approximately 1,250 hauling truck trips). The Project would also require approximately 1,500 cy of contaminated soil to be off hauled and backfilled during site preparation, which would require approximately 375 additional hauling truck trips. Paving and Architectural Coating were modeled to be completed June 2023. The exact construction timeline is unknown; however, to be conservative, earlier dates were utilized in the modeling. 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 4-4**.

Table 4-4: 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 ($PM_{2.5}$)
Unmitigated						
2022	3.77	42.27	1.67	1.53	20.30	10.27
2023	45.49	19.59	0.80	0.76	2.45	0.66
Maximum	**45.49**	**43.29**	**1.68**	**1.54**	**20.30**	**10.27**
BAAQMD Significance Threshold [2, 3]	*54*	*54*	*82*	*54*	*BMPs*	*BMPs*
Exceed BAAQMD Threshold?	No	No	No	No	N/A	N/A
Mitigated						
2022	1.30	13.48	0.16	0.16	9.00	4.48
2023	44.29	6.68	0.13	0.13	2.32	0.63
Maximum	**44.29**	**13.48**	**0.16**	**0.16**	**9.00**	**4.48**
BAAQMD Significance Threshold [2, 3]	*54*	*54*	*82*	*54*	*BMPs*	*BMPs*
Exceed BAAQMD Threshold?	No	No	No	No	N/A	N/A

1. Emissions were calculated using CalEEMod. Mitigated emissions include compliance with the BAAQMD's Basic Construction Mitigation Measures Recommended for All projects and the City of San José Environmental Standard Conditions. These measures include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours. The mitigated emissions also include implementation of Mitigation Measure AQ-1, which requires the use of construction equipment that meets CARB Tier 4 Final emissions standards to reduce construction health impacts at nearby sensitive receptors.
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 A.

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. The BAAQMD recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance and the project would implement the BAAQMD Basic Construction Control Measures as a Standard Permit Condition to control dust at the project site during all phases of construction.

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. Replant vegetation in disturbed areas as quickly as possible.
viii. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
ix. 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.
x. 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.
xi. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

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, NO_X, PM_{10}, and $PM_{2.5}$. The BAAQMD recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance thresholds. The See the above listed Standard Permit Conditions. As detailed in **Table 4-4**, project construction emissions would not the BAAQMD thresholds and construction emissions would not result in a potentially significant impact. Therefore, construction air quality impacts would be less than significant.

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 beginning in spring 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. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint.

Summary. As shown in **Table 4-4**, 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, project condition of approval, the proposed project's construction would not worsen ambient air quality, create additional violations of federal and state standards, or delay the Basin's goal for meeting attainment standards. Impacts would be less than significant.

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 4-5 shows that the project's maximum emissions would not exceed BAAQMD operational thresholds.

Table 4-5: 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 ($PM_{2.5}$)
Existing Project Site						
Area	3.39	0.00	0.00	0.00	0.00	0.00
Energy	0.01	0.13	0.01	0.01	0.00	0.00
Mobile	1.40	2.00	0.03	0.03	3.05	0.81
Total Emissions	**4.80**	**2.13**	**0.04**	**0.04**	**3.05**	**0.81**
Proposed Project						
Area	5.58	0.00	0.00	0.00	0.00	0.00
Energy	0.07	0.61	0.05	0.05	0.00	0.00
Mobile	1.51	26.76	0.23	0.22	7.25	2.00
Total Project Emissions	**7.16**	**27.37**	**0.28**	**0.27**	**7.25**	**2.00**
Net Emissions						
Existing Project Site	4.80	2.13	0.04	0.04	3.05	0.81
Proposed Project	7.16	27.37	0.28	0.27	7.25	2.00
Net Change	**+2.36**	**+25.24**	**+0.24**	**+0.23**	**+4.20**	**+1.19**
BAAQMD Significance Threshold[2]	*54*	*54*	*82*	*54*	*N/A*	*N/A*

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 ($PM_{2.5}$)
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 A.						

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

Energy Source Emissions. Energy source emissions would be generated as a result of electricity and natural gas 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.

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 (2021). Based on the Transportation Analysis, the project would result in a gross total of 535 daily vehicle trips. However, with applicable trip reductions including location-based mode-share the project would result in a net of 492 new trips. The existing site generates 496 vehicle trips, therefore the project would not generate any additional daily trips.

Total Operational Emissions. As indicated in **Table 4-5**, net project operational emissions would not exceed BAAQMD thresholds. As noted above, the BAAQMD has set its CEQA significance threshold based on the trigger levels for the federal NSR Program and BAAQMD's Regulation 2, Rule 2 for new or modified sources. The NSR Program was created to ensure projects are consistent with attainment of health-based federal ambient air quality standards. 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 SFBAAB 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. discussed above, the project's construction-related emissions would not have the potential to 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, it can be expected that 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 mitigation 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.[6]

As shown in **Table 4-5**, 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?

Potentially Significant Unless Mitigation Incorporated.

Sensitive land uses are defined as facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of these sensitive receptors are residences, schools, hospitals, and daycare centers. The State CEQA Guidelines indicate that a potentially significant impact could occur if a project would expose sensitive receptors to substantial pollutant concentrations. CO concentrations would be well below the State and federal standards according to the General Plan Final EIR.

Construction Toxic Air Contaminants

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust which is a known Toxic Air Contaminants (TAC). Diesel exhaust from construction equipment operating at the site poses 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 DPM and criteria pollutant emissions from in-use off-road diesel-fueled vehicles and limit the idling of heavy-duty construction

[6] 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).

equipment to no more than five minutes. These regulations would further reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions.

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust which is a known Toxic Air Contaminants (TAC). Diesel exhaust from construction equipment operating at the site poses 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 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 prepared by Kimley-Horn (2021), maximum (worst case) $PM_{2.5}$ exhaust construction emissions over the entire construction period were used in AERMOD to approximate construction DPM emissions. See the HRA for additional methodology on the modeling analysis. Risk levels were 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 this assessment are summarized in **Table 4-6**.

Table 4-6: Construction Risk

Emissions Sources	Pollutant Concentration ($\mu g/m^3$)	Cancer Risk (per Million)	Chronic Hazard	Acute Hazard
Unmitigated				
Construction	0.42	26.15	0.02	0.17
BAAQMD Threshold	*0.3*	*10*	*1.0*	*1.0*
Threshold Exceeded?	Yes	Yes	No	No
Mitigated				
Construction	0.06	2.90	0.002	0.024
BAAQMD Threshold	*0.3*	*10*	*1.0*	*1.0*
Threshold Exceeded?	No	No	No	No
1. Heavy-duty off-road construction equipment would also meet CARB Tier 4 Final emissions standards per Mitigation Measure AQ-1. Refer to Appendix A.				

Maximum unmitigated concentration of $PM_{2.5}$ during construction would be 0.42 $\mu g/m^3$, which would exceed the BAAQMD threshold of 0.3 $\mu g/m^3$. The highest calculated unmitigated carcinogenic risk from project construction would be 26.15 per million, which would exceed the BAAQMD threshold of 10 in one million. The maximally exposed individual (MEI) during construction (i.e., the closest sensitive receptor) to the project site are the residences across Las Plumas Avenue (approximately 60 feet away).

Mitigation Measure AQ-1 requires the use of construction equipment that would meet CARB Tier 4 Final emissions standards in order to reduce diesel exhaust construction emissions. Mitigation Measure AQ-1

would reduce the project $PM_{2.5}$ concentration to 0.06 µg/m^3 and would reduce the project's maximum cancer risk to 2.90 per million, which are below the BAAQMD thresholds of 0.3 µg/m^3 and 10 in one million, respectively. Non-cancer hazards for DPM would be below BAAQMD threshold, with a chronic hazard index computed at 0.02 and an acute hazard index of 0.17 without mitigation and 0.002 and 0.024 with mitigation. Acute and chronic hazards would be below the BAAQMD significance threshold of 1.0. As described above, construction risk levels would be below the BAAQMD's thresholds with Mitigation Measure AQ-1. Construction risk levels would be less than significant with mitigation.

Impact AQ-1: Project construction would temporarily exceed BAAQMD threshold limits for $PM_{2.5}$. Unmitigated, the project could produce up to 0.42 µg/m^3, which would exceed the BAAQMD threshold of 0.3 µg/m^3. The highest calculated unmitigated carcinogenic risk from project construction would be 26.15 per million. Unmitigated, the carcinogenic risk from project construction would exceed the BAAQMD threshold of 10 in one million.

Mitigation Measure

MM AQ-1 Additional Construction Mitigation Measures

Prior to issuance of any demolition, grading permits, and/or building permits (whichever occurs earliest), the project applicant shall prepare and submit a construction operations plan that includes specifications of the equipment to be used during construction to the Director of Planning, Building and Code Enforcement or the Director's Designee. The plan shall be accompanied by a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below.

- For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet U.S. EPA Tier 4 Final emission standards.
- If Tier 4 Final equipment is not available, all construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter exhaust and 40 percent reduction in NOx in comparison to uncontrolled equipment.

The project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the contractor will achieve the measures outlined in this mitigation measure. The plan shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any demolition, grading and/or building permits (whichever occurs earliest). The plan shall include, but not be limited to the following:

- List of activities and estimated timing.
- Equipment that would be used for each activity.
- Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to

each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.

- How the construction contractor will ensure that the measures listed are monitored.
- How the construction contractor will remedy any exceedance of the thresholds.
- How often and the method the construction contractor will use to report compliance with this mitigation measure.

Operational Toxic Air Contaminants

The project would demolish the four existing buildings onsite and construct a new 225,280 square feet office/warehouse industrial building. According to the Transportation Analysis prepared, the project would include passenger vehicles, vans, and trucks. The project is anticipated to generate approximately net 492 daily vehicle trips. As shown in **Table 4-7**, the highest calculated carcinogenic risk resulting from the project is 0.69 per million residents, which is below the BAAQMD threshold of 10 per million. Acute and chronic hazards also would be below the BAAQMD significance threshold of 1.0. Operational mobile impacts would be less than significant.

Table 4-7: Operational Risk Assessment Results

Exposure Scenario	Pollutant Concentration ($\mu g/m^3$)	Maximum Cancer Risk (Risk per Million)	Chronic Noncancer Hazard	Acute Noncancer Hazard
Particulate Matter ($PM_{2.5}$)	0.004	0.69	0.0002	0.002
Threshold	*NA*	*10*	*1.0*	*1.0*
Exceed Threshold?	**No**	**No**	**No**	**No**

Refer to Appendix A.

1. The maximum cancer would be experienced at a residence along Las Plumas Avenue southeast of the project site based on worst-case exposure durations for the project, 95th percentile breathing rates, and 30-year exposure duration.

The pollutant concentrations modeled in AERMOD represent the exposure levels outdoors. The BAAQMD conservatively does not include indoor exposure adjustments for residents. However, the typical person spends the majority of time indoors rather than remaining outdoors in the same location for 24 hours a day.[7] Therefore, the AERMOD outdoor pollutant concentrations are not necessarily representative of actual exposure at the project site, and tend to overestimate exposure.

Cumulative Health Risk Analysis

In addition to mobile sources, stationary sources within a 1,000-foot radius of the project site were reviewed using BAAQMD's Stationary Source Screening Analysis Tools. There were no stationary sources located within a 1,000-foor radius of the project site. **Table 4-8**, below shows the cumulative health risk values for the proposed project.

[7] California Air Resources Board Research Division and University of California, Berkeley, *Activity Patterns of California Residents,* May 1991. The study indicates that on average, adults and adolescents in California spent almost 15 hours per day inside their homes, and 6 hours in other indoor locations, for a total of 21 hours (87% of the day). Approximately two hours per day were spent in transit, and just over one hour per day was spent in outdoor locations.

Table 4-8: Cumulative Operational Health Risk

Emissions Sources	$PM_{2.5}$ (µg/m^3)	Cancer Risk (per million	Hazard
Project Mobile Emissions	0.004	0.69	0.0002
Major Street Sources[1]	0.05	2.34	0.2
Highway Sources[1]	0.47	24.36	1.88
Railway Sources[1]	0.002	1.02	0.008
Cumulative Health Risk Values	0.53	28.41	2.09
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, 2021.

Cumulative impacts are defined as two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. As described above, the project is more than 1,000 feet away from the closest sensitive receptors and would be outside the zone of influence as defined by the BAAQMD. 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."

As described above in **Table 4-8**, cumulative impacts related to cancer risk and hazard would be less than cumulatively considerable and within acceptable limits. Additionally, cumulative residential $PM_{2.5}$ would not exceed the BAAQMD's cumulative threshold of 0.8 µg/m^3, the primary contributor to those concentrations is the existing highway sources near the project area. The existing highway sources have a high $PM_{2.5}$ (0.47 µg/m^3). The highway sources represent approximately 89 percent of the total concentrations and are completely unrelated to the project. The project represents less than 0.75 percent of total cumulative $PM_{2.5}$ in the project area. Therefore, the project's cumulative impacts would be less than significant.

The incremental effect of the individual project is less than significant.[8] As the project is more than 1,000 feet away from sensitive receptors it would not have a combined effect. As such, although the related cumulative TAC sources in the project area exceed BAAQMD cumulative thresholds for cancer risk, the project's incremental effects would not be cumulatively considerable. 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 492 net new daily trips. Any changes to vehicle distribution and travel speeds can affect vehicle emissions rates, although these changes would

[8] 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).

be minimal and would not substantially change criteria pollutant emissions, which are primarily driven by vehicle miles travelled (VMT). Traffic is also predominantly light-duty and gasoline powered and 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, however, 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 "hot spots," 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 carbon monoxide (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 (2021), the project would not generate any net new daily trips. The project's effects to existing vehicle distribution and travel speeds would be nominal. Therefore, the project would not involve intersections with more than 24,000 or 44,000 vehicles per hour. As a 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.

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

BAAQMD has established odor screening thresholds for land uses that have the potential to generate substantial odor complaints, including wastewater treatment plants, landfills or transfer stations, composting facilities, confined animal facilities, food manufacturing, and chemical plants. BAAQMD's thresholds for odors are qualitative based on BAAQMD's Regulation 7, Odorous Substances. This rule places general limitations on odorous substances and specific emission limitations on certain odorous compounds.

The project includes a 225,280 square foot office/warehouse industrial building which is not anticipated to generate odors. None of the above listed odor generating uses are located near the project site. Impacts would be less than significant.

4.4 Biological Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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				X

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
approved local, regional, or state habitat conservation plan?				

Existing Setting

An Arborist report was prepared for the project by WRA Environmental Consultants in September 2020 and is included as Appendix B. The purpose of this report was to assess the existing trees onsite and the potential project impacts resulting from constructing and operating the project.

Trees

The project site has mature landscape vegetation including trees and shrubs located on site and along the site boundary frontages. The Arborist Report revealed 163 existing trees located throughout the project site. Of the 163 trees surveyed, 122 trees are considered ordinance-size trees per the City Tree Ordinance. Trees surveyed in the project area ranged in size from 12.2 to 180.6 inches in circumference. The approximate height surveyed ranged from 10 to 65 feet. Tree species identified on site are listed in **Table 4-9**.

Table 4-9: Tree Inventory

Tree Species	Number of Trees
tree of heaven (*Ailanthus altissima*)	5
plume acacia (*Albizia lophantha*)	2
camphor tree (*Cinnamomum camphora*)	2
hop bush (*Dodonaea viscosa*)	2
Raywood ash (*Fraxinus angustifolia 'Raywood'*)	9
evergreen ash (*Fraxinus uhdei*)	6
glossy privet (*Ligustrum lucidum*)	2
white mulberry (*Morus alba*)	1
common myrtle (*Myrtus communis*)	25
olive tree (*Olea europaea*)	15
Canary Island pine (*Pinus canariensis*)	3
Chinese pistache (*Pistacia chinensis*)	1
evergreen ash (*Fraxinus uhdei*)	6
Lombardy poplar (*Populus nigra*)	4
cherry plum (*Prunus cerasifera*)	7
flowering ornamental pear (*Pyrus calleryana*)	1
interior live oak (*Quercus wislizeni*)	9
Mexican fan palm (*Washingtonia robusta*)	71
Total Trees	**163**

Source: WRA, 2020

Riparian Habitat

There are no creeks, rivers, or other water bodies are located on or adjacent to the project site and the closest creek is the Coyote Creek, approximately 0.4 mile west from the site. Typical bird species that use urban areas as habitat include rock dove, mourning dove, house sparrow, scrub jay, and starlings.

Wildlife Habitat

Wildlife habitat quality on the project site is low due to the level of disturbance from 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. According to the City of San José General Plan, special status animal species, including federal and State-listed Threatened and Endangered Species, that may be affected by future development in the Alum Rock Planning Area include:

- Pacific Lamprey, Green Sturgeon, Chinook Salmon, Steelhead and Longfin Smelt
- California Tiger Salamander, California Red-Legged Frog, Foothill Yellow-Legged Frog
- Western Pond
- Burrowing Owl

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, and California Department of Fish and Wildlife. 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 Tree Ordinance

The City of San José tree ordinance (Chapter 13.32 of the Municipal Code) regulates the removal of trees. A tree removal permit is required by 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 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) are handled by 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?

No Impact. The project site is fully developed and located within an urban area and there are no natural features that could otherwise be modified. Further, no candidate, sensitive, or special status species exist in the project area. Therefore, there would be no impact.

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. The project site is developed and contains four existing office/industrial buildings. Existing vegetation on the project site consist of trees and landscaping onsite, more specifically along the boundaries of North King Road and Las Plumas Ave. Additionally, the project area is not identified to contain any riparian habitat or other sensitive natural community in any local or regional plans, policies or regulation. For these reasons, there would be no impact.

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 fully developed 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 0.4-mile west of the project site (Google Earth, 2021). 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?

Potentially Significant Unless Mitigation Incorporated. Project implementation would remove a total of 163 trees on-site. 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 impacts to nesting migratory birds. The project, with the incorporation of these Standard Permit Conditions, would result in a less than significant impact on nesting/foraging migratory birds.

Impact BIO-1: Construction activities on the project site could impede the movement of nesting raptors or other migratory birds.

Mitigation Measure

MM BIO-1

- **Avoidance:** Prior to the issuance of demolition, grading, tree removal or building permits (whichever occurs first), the project applicant shall schedule demolition and construction activities to avoid the nesting season. The nesting season for most birds, including most raptors

in the San Francisco Bay area, extends from February 1st through August 31st (inclusive), as amended.

- **Nesting Bird Surveys:** If demolition and construction activities cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of breeding season (May 1st through August 31st inclusive). During this survey the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.
- **Buffer Zones**: If an active nest is found within 250 feet of the work areas to be disturbed by construction, the ornithologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The no-disturbance shall remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts to active bird nests that may be present.
- **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. 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 project is located in an urban area and includes 163 existing trees of which 122 are ordinance-size trees throughout the project site. Upon project implementation, all 163 existing trees would be removed. These trees are considered part of the urban forest. See Appendix B for a complete list of trees to be removed by the project.

Based on the 163 existing trees to be removed, the total number of replacement trees required to be replaced or otherwise mitigated would be 568 trees[9] based on the City's Tree Replacement ratio required by the City (see Table 4-11). The project is proposing 94 new shade, accent and street trees, which does not meet the City's Tree Replacement Ratio. In this case, the site does not have sufficient space to plant the required trees given the size of the site. As such, the applicant has the option to either increase the box size of the replacement trees to a 24-inch box and count as two replacements trees or pay off-site

[9] Total Required Replacement Trees = Native Tree Replacement + Non-Native Tree Replacement = [3(5) + 4(3) + 2(1)] + [119(4) + 28(2) + 7(1)] = 26 + 570 = 568 trees

tree replacement fee(s) prior to issuance of grading permit(s) to the City in accordance with the City Council approved Fee Resolution. The City would use the off-site tree replacement fee(s) to plant trees at alternative sites. Implementation of the following Standard Permit Conditions to replant the removed trees, would ensure that the potentially significant impact from the removal of the 163 on-site trees would be less than significant.

Table 4-10: Trees Removed by Project

Tree #	Species	Circumference (inches)	Native
110	*Cinnamomum camphora*	57.8	No
111	*Cinnamomum camphora*	36.4	No
112	*Pinus canariensis*	51.8	No
113	*Pinus canariensis*	36.1	No
114	*Pinus canariensis*	48.7	No
115	*Prunus cerasifera*	45.5	No
116	*Prunus cerasifera*	55.6	No
117	*Washingtonia robusta*	48.7	No
118	*Washingtonia robusta*	45.8	No
119	*Washingtonia robusta*	55.3	No
120	*Washingtonia robusta*	65.6	No
121	*Washingtonia robusta*	47.7	No
122	*Washingtonia robusta*	62.2	No
123	*Washingtonia robusta*	56.2	No
124	*Washingtonia robusta*	64.7	No
125	*Washingtonia robusta*	49.6	No
126	*Washingtonia robusta*	47.1	No
127	*Washingtonia robusta*	84.8	No
128	*Washingtonia robusta*	52.8	No
129	*Washingtonia robusta*	55	No
130	*Washingtonia robusta*	48.7	No
131	*Fraxinus uhdei*	33	No
132	*Washingtonia robusta*	49.6	No
133	*Washingtonia robusta*	51.2	No
134	*Washingtonia robusta*	51.8	No

Tree #	Species	Circumference (inches)	Native
135	*Washingtonia robusta*	61.2	No
136	*Washingtonia robusta*	58.4	No
137	*Washingtonia robusta*	60.9	No
138	*Washingtonia robusta*	64.7	No
139	*Washingtonia robusta*	59	No
140	*Washingtonia robusta*	63.7	No
141	*Washingtonia robusta*	66.6	No
142	*Washingtonia robusta*	64.4	No
143	*Washingtonia robusta*	59.7	No
144	*Washingtonia robusta*	60.3	No
145	*Albizia lophantha*	110.5	No
146	*Washingtonia robusta*	76	No
147	*Ailanthus altissima*	13.5	No
148	*Populus nigra*	92.9	No
149	*Albizia lophantha*	34.5	No
150	*Washingtonia robusta*	58.1	No
151	*Washingtonia robusta*	57.5	No
152	*Quercus wislizeni*	78.8	Yes
153	*Washingtonia robusta*	60.3	No
154	*Quercus wislizeni*	21.7	Yes
155	*Washingtonia robusta*	64.1	No
156	*Ailanthus altissima*	56.8	No
157	*Ailanthus altissima*	24.5	No
158	*Ailanthus altissima*	28.9	No
159	*Olea europaea*	33.9	No
160	*Washingtonia robusta*	135.6	No
161	*Washingtonia robusta*	73.5	No
162	*Quercus wislizeni*	24.2	Yes
163	*Olea europaea*	18.8	No
164	*Dodonaea viscosa*	32	No

Tree #	Species	Circumference (inches)	Native
165	*Quercus wislizeni*	17.6	Yes
166	*Olea europaea*	49.9	No
167	*Quercus wislizeni*	25.4	Yes
168	*Quercus wislizeni*	43	Yes
169	*Quercus wislizeni*	12.2	Yes
170	*Olea europaea*	92.6	No
171	*Olea europaea*	66.6	No
172	*Pistacia chinensis*	50.6	No
173	*Olea europaea*	87.6	No
174	*Olea europaea*	54.9	No
175	*Quercus wislizeni*	56.2	Yes
176	*Myrtus communis*	27	No
177	*Myrtus communis*	44	No
178	*Myrtus communis*	13.5	No
179	*Myrtus communis*	21	No
180	*Myrtus communis*	25.7	No
181	*Myrtus communis*	36.7	No
182	*Olea europaea*	59.3	No
183	*Dodonaea viscosa*	42.4	No
184	*Ailanthus altissima*	27.6	No
185	*Quercus wislizeni*	20.1	Yes
186	*Pyrus calleryana*	28.6	No
187	*Washingtonia robusta*	70	No
188	*Washingtonia robusta*	53.7	No
189	*Washingtonia robusta*	59.3	No
190	*Washingtonia robusta*	119	No
191	*Washingtonia robusta*	69.1	No
192	*Washingtonia robusta*	64.1	No
193	*Washingtonia robusta*	58.7	No
194	*Washingtonia robusta*	113	No

Tree #	Species	Circumference (inches)	Native
195	*Washingtonia robusta*	39.3	No
196	*Washingtonia robusta*	60.6	No
197	*Washingtonia robusta*	63.4	No
198	*Washingtonia robusta*	72.5	No
199	*Washingtonia robusta*	59	No
200	*Washingtonia robusta*	54.3	No
201	*Washingtonia robusta*	53.7	No
202	*Washingtonia robusta*	51.5	No
203	*Washingtonia robusta*	58.1	No
204	*Fraxinus uhdei*	55.3	No
205	*Fraxinus uhdei*	111.8	No
206	*Washingtonia robusta*	45.8	No
207	*Washingtonia robusta*	57.8	No
208	*Washingtonia robusta*	48.7	No
209	*Washingtonia robusta*	56.2	No
210	*Washingtonia robusta*	64.1	No
211	*Washingtonia robusta*	47.1	No
212	*Prunus cerasifera*	55	No
213	*Fraxinus uhdei*	159.8	No
214	*Fraxinus uhdei*	89.8	No
215	*Fraxinus uhdei*	103	No
216	*Olea europaea*	86	No
217	*Washingtonia robusta*	54.3	No
218	*Washingtonia robusta*	58.1	No
219	*Fraxinus angustifolia ' Raywood'*	51.2	No
220	*Olea europaea*	72.5	No
221	*Washingtonia robusta*	52.1	No
222	*Washingtonia robusta*	58.7	No
223	*Fraxinus angustifolia ' Raywood'*	55.6	No
224	*Fraxinus angustifolia ' Raywood'*	39.3	No

Tree #	Species	Circumference (inches)	Native
225	*Fraxinus angustifolia ' Raywood'*	62.8	No
226	*Myrtus communis*	76.3	No
227	*Myrtus communis*	102.4	No
228	*Myrtus communis*	61.9	No
229	*Myrtus communis*	74.4	No
230	*Myrtus communis*	49.6	No
231	*Myrtus communis*	103.9	No
232	*Fraxinus angustifolia ' Raywood'*	66.9	No
233	*Fraxinus angustifolia ' Raywood'*	58.4	No
234	*Fraxinus angustifolia ' Raywood'*	45.5	No
235	*Prunus cerasifera*	44.6	No
236	*Prunus cerasifera*	62.2	No
237	*Prunus cerasifera*	43	No
238	*Prunus cerasifera*	37.4	No
239	*Washingtonia robusta*	49.9	No
240	*Ligustrum lucidum*	62.2	No
241	*Ligustrum lucidum*	56.8	No
242	*Populus nigra*	24.5	No
243	*Olea europaea*	97	No
244	*Morus alba*	26.4	No
245	*Myrtus communis*	20.4	No
246	*Myrtus communis*	14.1	No
247	*Myrtus communis*	27.6	No
248	*Myrtus communis*	23.6	No
249	*Myrtus communis*	13.5	No
250	*Myrtus communis*	32.3	No
251	*Myrtus communis*	37.4	No
252	*Olea europaea*	127.2	No
253	*Olea europaea*	98	No
254	*Olea europaea*	143.5	No

Tree #	Species	Circumference (inches)	Native
255	*Olea europaea*	172.1	No
256	*Washingtonia robusta*	180.6	No
257	*Washingtonia robusta*	49.6	No
258	*Washingtonia robusta*	87.6	No
259	*Washingtonia robusta*	83.5	No
260	*Washingtonia robusta*	108.3	No
261	*Washingtonia robusta*	78.8	No
262	*Washingtonia robusta*	59.3	No
263	*Washingtonia robusta*	29.8	No
264	*Myrtus communis*	27.9	No
265	*Myrtus communis*	24.5	No
266	*Myrtus communis*	17.6	No
267	*Myrtus communis*	19.5	No
268	*Myrtus communis*	36.7	No
269	*Myrtus communis*	41.8	No
270	*Populus nigra*	20.4	No
271	*Populus nigra*	15.1	No
272	*Washingtonia robusta*	51.8	No

Source: WRA, 2020

Standard Permit Conditions

Tree Replacement. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in **Table 4-11** below.

Table 4-11: 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.

- Since all (163) trees onsite would be removed, 3 trees would be replaced at a 5:1 ratio, 119 trees would be replaced at a 4:1 ratio, 4 trees would be replaced at a 3:1 ratio, 28 trees would be replaced at a 2:1 ratio and the remaining 9 trees would be replaced at a 1:1 ratio. As mentioned previously, there are 9 native trees on-site. The total number of replacement trees required to be replaced or otherwise mitigated would be 568 trees. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.
- In the event the proposed project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee, at the development permit stage:
    - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.
    - Pay off-site tree replacement fee(s) to the City, prior to the issuance of grading permit(s), in accordance to the City Council approved Fee Resolution. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

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

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 Santa Clara Valley Habitat Plan (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.

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.

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

4.5 Cultural Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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 State of California Department of Parks and Recreation (DPR) 523 form set (DPR form set) was prepared for the project in June 2021 and is included in Appendix C. Santa Clara County Assessor data indicates that the industrial buildings located on the project site at 650 North King Road were initially constructed in 1966. Because these buildings are over 45 years old, the City requires that the buildings be evaluated under applicable historic significance criteria to determine if the property is considered a historical resource as defined by CEQA prior to the initiation of demolition activities and/or construction activities. The project site was formally documented on the DRP form set and evaluated in consideration of National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and City designation criteria. Complete results are available in Appendix C.

The project site is located in the City of San Jose Alum Rock Planning area which is identified as being archaeologically sensitive, with recorded archaeological sites and historic architectural resources present that may be eligible for the California Register or the National Register. Due to the sensitivity of the area, a records search was conducted through the California Historical Resources Information System (CHRIS) and Northwest Information Center. Review of this information indicates that there have been five cultural resource studies that cover approximately 90% of the 650 North King Road project area, (100% coverage of APN 254-54-023, and approximately 20% coverage of APN 254-55-013). However, the 650 North King Road project area contains no recorded archaeological resources. The State Office of Historic Preservation Built Environment Resources Directory (OHP BERD), which includes listings of the California Register of Historical Resources, California State Historical Landmarks, California State Points of Historical Interest, and the National Register of Historic Places, also lists no recorded buildings or structures within or adjacent to the proposed 650 North King Road project area. In addition to these inventories, the NWIC

base maps show no recorded historic buildings or structures within the proposed 650 North King Road project area.

Architectural resources within the larger Alum Rock Employment lands include a City Landmark (Five Wounds Church) and a City designated Structure of Merit. Other architectural resources that may be eligible for the California Register or the National Register have been noted in the Alum Rock Planning Area. No City or State landmarks or City landmark districts are located on the project site or within the project vicinity (General Plan EIR, Figure 3.11-2). Further, the project site is not within a City of San Jose Landmark District or Conservation area (General Plan EIR, Figure 3.11-3).

Review of the City of San Jose General Plan EIR and other sources revealed no archaeological or cultural resources previously identified on the project site. The project site is identified as an area of "high sensitivity at depth" for paleontological resources (General Plan EIR, Figure 3.11-1).

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 is an existing industrial use site with four office/industrial buildings. The proposed project would demolish the existing structures and construct a new light industrial use building with loading docks, vehicle and truck parking, and ancillary office space.

The NWIC database search (May 2021) revealed aerials from 1961 and 1981 that depicted two buildings or structures and a railroad spur off of the Western Pacific Railroad within the project area. Through the DPR forms, the buildings on site were determined not to be eligible for listing in the NRHP, CRHP, or as a City Landmark due to their lack of historical and architectural significance. The project site was determined to have no important connection to past occupant, Frito Lay, Inc., and no association with events of significance, and thus does not qualify for eligibility under NRHP/CRHR Criterion A/1. The project site was also found to have no significant association with an individual for the work they produced or conducted. As such, the site was determined to have no historical association with people important to the nation's or State's past and the subject property is not eligible under NRHP/CRHR Criterion B/2. Because the subject property was initially developed as a large industrial plant that has undergone multiple large-scale additions to become an expansive building used for light-industry and as an office space, the scale of the original building is no longer discernible. As a result, the subject property has lost most of its integrity in the areas of design, materials, and workmanship. For these reasons, the project site is not eligible under NRHP/CRHR Criterion C/3. Lastly, there is no evidence to suggest the site has the potential to yield information important to the State or local history. The property does not appear eligible under NRHP/CRHR Criterion D/4. For these reasons listed, the site was assigned a California Historical Resource Status Code of 6Z to the property (e.g. 6Z: Found ineligible for NRHP, CRHR, or Local designation through survey evaluation). Thus, the project would have no impact on the significance of a historical resource.

As documented within the CHRIS records search results and DPR forms, there are no significant historic resources located on or immediately adjacent to the project site that would be adversely affected by the project.

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

Less than Significant Impact. As discussed above, there are no known archaeological resources on the project site or in the vicinity of the project area. The NWIC database search documents that based on five prior cultural resource studies conducted in the immediate area, 90 percent of the site has been the subject of these previous studies and investigation. While the site has been disturbed through construction of the existing structures, according to the NWIC the archaeological and ethnographic sensitivity of this portion of north San Jose indicates a "moderately high" potential for presence of unrecorded Native American resources. New construction for the project will require shallow grading and placement of fill. No deep excavation will be required for the project. However, there is a possibility that

previously unknown and unrecorded archaeological resources could potentially be discovered during ground disturbing construction operations for the proposed project.

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 unlikely event that archaeological resources (including human remains) are encountered during excavation and construction, the project would be required to implement the following Standard Permit Conditions:

Standard Permit Conditions

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

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.

In accordance with the General Plan policies and the Standard Permit Conditions, the project would substantially reduce impacts to archaeological resources. Therefore, this impact would be less than significant.

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

Less than Significant Impact. Based on the review of the General Plan EIR, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, there is the remote possibility that previously unknown Native American or other graves could be present and be uncovered during construction activities. California law recognizes 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 City would require the project to comply with all applicable regulatory programs pertaining to subsurface cultural resources including the above-mentioned Standard Permit Conditions for avoiding and reducing impacts if human remains are encountered and impacts would be less than significant.

4.6 Energy

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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	

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 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent.[10]

Applicable Plans, Policies, and Regulations

Renewable Energy Standards

In 2002, California established its Renewable Portfolio Standard program[11] 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

[10] 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 September 23, 2020.

[11] 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.

regulations, which require all of the State's load-serving entities to meet this target. In October 2015, then-Governor Brown signed into legislation Senate Bill 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. Signed 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.

Building Codes

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, residential buildings are expected to be about 7 percent more energy efficient, and when the required rooftop solar is factored in for low-rise residential construction, residential buildings that meet 2019 Title 24 standards would use about 53 percent less energy than those built to meet the 2016 standards. Nonresidential buildings will use about 30 percent less energy than those built to meet the 2016 standards.

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.

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.

2006 Appliance Efficiency Regulations

The California Energy Commission adopted Appliance Efficiency Regulations (Title 20, CCR Sections 1601 through 1608) on October 11, 2006. The regulations were approved by the California Office of Administrative Law on December 14, 2006. The regulations include standards for both Federally regulated appliances and non-Federally regulated appliances. While these regulations are now often viewed as "business-as-usual," they exceed the standards imposed by all other states and they reduce GHG emissions by reducing energy demand.

California Utility Efficiency Programs (Senate Bill 1037 and Assembly Bill 2021)

SB 1037 and AB 2021 require electric utilities to meet their resource needs first with energy efficiency. California Utility Efficiency Programs have also set new targets for statewide annual energy demand reductions.

City of San José Private Sector Green Building Policy

The San José City Council approved Policy 6-32 *Private Sector Green Building Policy* in October 2008 that establishes a baseline green building standard for private sector new construction within the City. 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)[12], GreenPoint[13], 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 4-12** below.

Table 4-12: Green Building Practices

Applicable Project	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

[12] 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.

[13] 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.

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.

Sustainable City Strategy

The Sustainable City Strategy is a statement of the City's commitment to becoming an environmentally and economically sustainable city by ensuring that development is designed and built in a manner consistent with the efficient use of resources and environmental protection. Programs promoted under this strategy include recycling, waste disposal, water conservation, transportation demand management and energy efficiency.

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.
- 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.

Municipal Code

The City's Municipal Code includes regulations associated with energy efficiency and energy use. City regulations include a Green Building Ordinance (Chapter 17.84) to foster practices to minimize the use and waste of energy, water and other resources in the City 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).

In September 2019, San José City Council approved a building reach ordinance (No. 30311) that encourages building electrification and energy efficiency, requires solar-readiness on nonresidential buildings, and required electric vehicle-readiness and EV equipment installation. Additionally, in October 2019 City Council approved an ordinance (No. 30330) prohibiting natural gas infrastructure in new detached accessory dwelling units, single-family, and low-rise multi-family buildings. Cities may adopt amendments to the Green Building Standards which exceed the standards required by the State. These two ordinances apply to new construction as of January 1, 2020.

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-18.5 Reduce citywide per capita water consumption by 25% by 2040 from a baseline established using the 2010 Urban Water Management Plans of water retailers in San José.

Policy MS-18.6 Achieve by 2040, 50 million gallons per day of water conservation savings in San José, by reducing water use and increasing water use efficiency.

Policy MS-18.7 Use the 2008 Water Conservation Plan as the data source to determine San José's baseline water conservation savings level.

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.

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. 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 stem from the use of electrically 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. This analysis relies on the construction equipment list and operational characteristics, as stated in Section 4.3 (Air Quality) and Section 4.8 (Greenhouse Gas Emissions), as well as Appendix D of this Initial Study. **Table 4-13** quantifies the construction energy consumption are provided for the project, followed by an analysis of impacts based on those quantifications.

Table 4-13: 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	41.22	16,664,460,569	0.247%
Diesel Use	**Gallons**		
On-Road Construction Trips [1]	20,680	102,962,956	0.0201%
Off-Road Construction Equipment [2]	42,346	102,962,956	0.0411%
Construction Diesel Total	***63,026***	***102,962,956***	***0.0602%***
Gasoline	**Gallons**		
On-Road Construction Trips [1]	11,032	604,762,380	0.0018%

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 D

In total, construction of the project would consume approximately 63,026 gallons of diesel and 11,032 gallons of gasoline. The project's fuel from the entire construction period would increase fuel use in the County by approximately 0.06 percent for diesel and 0.002 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 EPA and CARB engine emissions standards. These engines use highly efficient combustion engines to minimize unnecessary fuel consumption.

The CEQA Guideline Appendix G and Appendix F criteria requires the project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A 0.06 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. Longer phases would result in lower construction intensity and a lower

annual fuel consumption, resulting in lower annual demand on energy supplies. Additionally, use of construction fuel would cease once the project is fully developed. As such, project construction would have a nominal effect on the local and regional energy supplies. Therefore, it is expected that 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 in this regard.

Operational

The energy consumption associated with the project would include building electricity, water, and natural gas usage, 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 4-14**.

Table 4-14: 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]	1,174	16,664,461	0.0070%
Water[1]	281		0.0017%
Total Electricity	1,455		0.0087%
Natural Gas Use	**Therms/year**		
Area [1]	22,645	459,720,764	0.0049%
Diesel Use	**Gallons/Year**		
Mobile [2]	159,418	103,122,398	0.1546%
Gasoline Use	**Gallons/Year**		
Mobile [2]	85,644	**600,613,962**	0.0143%

Notes:
1. The electricity and natural gas usage are 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 D

Pacific Gas and Electric (PG&E) provides electricity to the project area. Electricity is currently used by the existing buildings 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 site could be sourced from San José Clean Energy (SJCE). The project site would automatically be enrolled in the Green Source program from SJCE with the option to enroll in the TotalGreen program. Total electricity demand in PG&E's service area is forecast to increase by approximately 12,000 GWh—or 12 billion kWh—between 2016 and 2028.[14] The project's anticipated

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

electricity demand (approximately 1,455 MWh) would be nominal compared to overall demand in PG&E's service area.[15] Therefore, the projected electrical demand would not significantly impact PG&E's level of service.

Regarding natural gas, Santa Clara County consumed 459,720,764 therms of natural gas in 2019. Therefore, the project's operational energy consumption for space and water heating would represent 0.005 percent of the natural gas consumption in the County.

In 2018, Californians consumed approximately 15,589,042,965 gallons of gasoline and approximately 3,107,823,655 gallons of diesel fuel. Santa Clara County annual gasoline fuel use in 2023 is estimated to be 610,613,962 gallons and diesel fuel use would be 103,122,398 gallons. Expected project operational use of gasoline and diesel would represent 0.014 percent of current gasoline use and 0.155 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 take effect on January 1, 2020, and/or future 2019 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 version of the 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 and the City's Green Building Measures. Additionally, the project would also be required adhere to the provisions of CALGreen, which establishes 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.

None of the project energy uses exceed one percent of Santa Clara County use. Therefore, 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 in this regard.

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. 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). 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.

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

4.7 Geology and Soils

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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				X

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
where sewers are not available for the disposal of waste water?				
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Existing Setting

A Geotechnical Investigation was prepared for the project by Cornerstone Earth Group in December 2020, and is included as Appendix E. The City Public Works Department will review and approve the Geotechnical Investigation prior to issuance of final grading permits.

Soils and Groundwater

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 the San Francisco Bay to the north. 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, though includes some marine deposits near the coast.

The project site lies at elevations ranging from approximately 84 to 91 feet (Appendix E) and is predominantly flat. Soil conditions at the proposed project site consist of alluvial deposits consisting of interbedded layers of clay, sand and gravel.[16]

Seismicity and Seismic Hazards

The City of San José is within the San Francisco Bay Area which is recognized as 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.

However, the project area is not located within the Alquist-Priolo Earthquake Fault Zone or the Santa Clara County Geologic Hazard Zone and no active faults have been mapped on the project site (Appendix E). The nearest active fault to the project site is the Hayward Fault (Southeast Extension) which is located

[16] California, State of, Department of Conservation. Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed March 17, 2021.

approximately 2.5 miles to the northeast along the foothills of the San José Foothills. The project site is not located within a designated Landslide Zone but is within a designated Liquefaction Zone[17].

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 Code is renewed on a triennial basis every three years; the current version is the 2019 Building Standards Code. Building permits for individual projects within the Plan Area will be reviewed to ensure compliance with the CBC.

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

[17] City of San José. General Plan Environmental Impact Report, Figure 3.6-1. https://www.sanJoséca.gov/home/showdocument?id=22039. Accessed March 21, 2021.

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.

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.

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. According to the California Department of Conservation Alquist-Priolo mapping data, the project site is not located within an Alquist-Priolo Earthquake Fault Zone. There are no known active or potentially active faults trending towards or through the project site. However, the project site lies within the region affected by the active San Andreas Fault system, which influences faults throughout the region, including the Hayward and Calaveras faults. Several smaller faults including the Evergreen, Quimby, Piercy, and Clayton faults, are also found in the project vicinity, primarily along the base of the San José Foothills. Although the project is located within a seismically active region, there is no known fault mapped on or proximate to the project site. Therefore, the possibility of significant fault rupture on the project site would be less than significant.

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 California Building Code, City regulations, and other applicable seismic construction standards. Conformance with these standard engineering practices and design criteria would reduce the effects of seismic ground shaking. Furthermore, the project would be built and maintained in accordance with a

site-specific geotechnical report, as required by the General Plan EIR and outlined in the Standard Permit Condition below. Therefore, impacts would be less than significant.

Standard Permit Conditions

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 California 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. As shown in Figure 3.6-1 in the General Plan EIR, the project site is located in a State seismic hazard zone specific to liquefaction. All structures and foundations requiring building permits would be required to meet California Building Code requirements to withstand ground shaking, minimizing potential impacts resulting from liquefaction. Adherence to the California Building Code would ensure that impacts from seismic-related ground failure, including liquefaction would reduce potential impacts to a less than significant level.

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 as shown in Figure 3.6-1 in the City's General Plan EIR. Therefore, there would be no impact.

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

Less than Significant Impact. Grading during the construction phase of the project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. However, erosion and loss of topsoil can be controlled using standard construction practices. Furthermore, the proposed project would be required implement Standard Permit Conditions described below to further reduce potential erosion impacts during construction. Therefore, impacts would be less than significant.

Standard Permit Conditions

- All excavation and grading work shall be scheduled in dry weather months or construction sites shall be weatherized.
- Stockpiles and excavated soils shall be covered with secured tarps or plastic sheeting.
- Ditches shall be installed to divert runoff around excavations and graded areas if necessary.

- The project shall be constructed in accordance with the standard engineering practices in the California Building Code, as adopted by the City 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.

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. Based on General Plan EIR Exhibit 3.6-1, the project site is not within a designated Landslide Zone but does fall within a designated Liquefaction Zone. However, all structures and foundations requiring building permits would still be required to meet California Building Code requirements to withstand ground shaking, minimizing potential impacts resulting from liquefaction. Adherence to the California Building Code, City regulations, and other applicable standards would ensure that the seismic and liquefaction impacts are 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. The proposed project would be required to be in conformance with the California Building Code, City regulations, and other applicable standards. Refer to response 5.7 (a) for more information. Conformance with standard engineering practices and design criteria 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 the implementation of septic tanks or alternative wastewater disposal systems. 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 has been previously graded and developed and does not support or contain any unique geologic features. Based on the age and type of surface soils, there is low potential to impact undiscovered paleontological resources. While the project site is located within a high sensitivity area (at depth) for paleontological resources as shown in Figure 3.11-1 in the City's General Plan EIR, subsurface testing and excavation in the project area has failed to yield any evidence of paleontological deposits. Implementation of the following Standard Permit Condition would substantially reduce potential impacts to paleontological resources. As such, implementation of the following Standard

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

4.8 Greenhouse Gas Emissions

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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	

Existing Setting

A Greenhouse Gas Assessment (Kimley-Horn 2021) was prepared for the project and is included as Appendix F.

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 toxic air contaminants (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.

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.

Assembly Bill 3018

AB 3018 established the Green Collar Jobs Council (GCJC) under the California Workforce Investment Board (CWIB). The GCJC will develop a comprehensive approach to address California's emerging workforce needs associated with the emerging green economy. This bill will ignite the development of job training programs in the clean and green technology sectors.

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 Bills 1078 and 107

SB 1078 (Chapter 516, Statutes of 2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to provide at least 20 percent of their supply from renewable sources by 2017. SB 107 (Chapter 464, Statutes of 2006) changed the target date to 2010.

Senate Bill 1368

SB 1368 (Chapter 598, Statutes of 2006) is the companion bill of AB 32 and was signed into law in September 2006. SB 1368 required the California Public Utilities Commission (CPUC) to establish a performance standard for baseload generation of GHG emissions by investor-owned utilities by February 1, 2007. SB 1368 also required the CEC to establish a similar standard for local publicly owned utilities by June 30, 2007. These standards could not exceed the GHG emissions rate from a baseload combined-cycle, natural gas fired plant. Furthermore, the legislation states that all electricity provided to California, including imported electricity, must be generated by plants that meet the standards set by CPUC and CEC.

Senate Bill 32

Signed into law in September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

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 CO2eq under a business as usual (BAU) scenario. This is a reduction of 42 million MT CO2eq, 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.

Santa Clara County Climate Action Plan 2009

The Santa Clara County Climate Action Plan (CAP) focuses on County operations, facilities and employee actions that will reduce not only GHG emissions but also energy and water consumption, solid waste and fuel consumption. These are areas of opportunity for the County to make a difference, set a good example, and in many cases, save money. The GHG emission reduction goals require a change from "business as usual" to attain them. The goals were to stop increasing the amount of emissions by 2010, decrease emissions by 10 percent every 5 years from 2010 – 2050, and reach an 80 percent reduction by 2050. The CAP is being issued in the context of legislative and regulatory action at the federal and state level. California's climate change goals are set forth in AB 32, the Global Warming Solutions Act of 2006. This legislation requires a reduction of California GHG emissions to 1990 levels by 2020. In December 2008, CARB approved the Climate Change Scoping Plan Document required by AB 32. The Scoping Plan Document, which provides a roadmap for California to reduce its GHG emissions, recognizes the importance of development and implementation of Climate Action Plans by California cities and counties. Executive Order S-03-05 goes even further by requiring statewide reductions in GHG emissions to 80 percent below 1990 by the year 2050.

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 15.10)
- Transportation Demand Programs for employers with more than 100 employees (Chapter 11.105)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

BAAQMD CEQA Guidelines and 2017 Bay Area Clean Air Plan

BAAQMD recently adopted new CEQA Guidelines (June 2010, Updated May 2017). The new guidelines supersede the previously adopted 2010 CEQA Guidelines and include new and updated thresholds for analyzing air quality impacts, including a threshold for GHG emissions. Under these thresholds, if a project would result in an operational-related GHG emission of 1,100 metric tons (MT) (or 4.6 MT per service population[18]) of carbon dioxide equivalents (CO2e) per year or more, it would make a cumulatively

[18] Service Population (SP) is an efficiency-based measure used by BAAQMD to estimate the development potential of a general or area plan. Service Population is determined by adding the number of residents to the number of jobs estimated for a given point in time

considerable contribution to GHG emissions and result in a cumulatively significant impact to global climate change. The BAAQMD CEQA Guidelines also outline a methodology for estimating GHGs.[19]

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 updated its Greenhouse Gas Reduction Strategy, to the 2030 Greenhouse Gas Reduction Strategy (GHGRS), in August 2020, in alignment 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 emissio0ns of at least 40% 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 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.

Reach Building Code

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

[19] Bay Area Air Quality Management District, *CEQA Guidelines*, May 2011

electrification ready. In addition, the Reach Code requires EV charging infrastructure for all building types (above current CALGreen requirements), and solar readiness for non-residential buildings.

Discussion

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

Less than Significant.

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 travelling 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 BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The CalEEMod outputs prepared for the proposed project (refer to Appendix A) calculated emissions with project construction to be 424 $MTCO_2e$ for the total construction period (twelve months). Because project construction will be a temporary condition (a total of twelve months) 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 demolition of the existing buildings and construction of one industrial building, totaling 225,280 sf. 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, on-site combustion of natural gas, and operation of any landscaping equipment. 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 refrigerants from air conditioning or refrigerators. It should be noted that the project would comply with the 2019 Title 24 Part 6 Building Energy Efficiency Standards. 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 project emissions would 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 GHG Reduction Strategy. The proposed project, therefore, would be consistent with the City's GHG Reduction and General Plan 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.

City of San José Greenhouse Gas Reduction Strategy Compliance Checklist

The City of San José 2030 Greenhouse Gas Reduction Strategy 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 Greenhouse Gas Reduction Strategy Compliance Checklist.

Prior to project approval, the applicant is required to complete the Greenhouse Gas Reduction Strategy Compliance Checklist to demonstrate the project's compliance with the City of San José 2030 Greenhouse Gas Reduction Strategy, refer to Appendix F. Compliance with the checklist is demonstrated by completing Section A (General Plan Policy Conformance) and Section B (Greenhouse Gas Reduction Strategies). Projects that propose alternative GHG mitigation measures must also complete Section C (Alternative Project Measures and Additional GHG Reductions). As discussed above, 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. The project would include a ride sharing travel demand measure (TDM). This TDM Program would help reduce vehicle miles traveled (VMT) and mobile greenhouse gas emissions. 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 Greenhouse Gas Reduction Strategy.

As shown **Table 4-15** and **Table 4-16**, the project would comply with the 2030 GHG Reduction Strategy.

Table 4-15: 2030 GHGRS Table A - Project Compliance with General Plan Polices

General Plan Measures	General Plan Policies	Project Compliance
1) Consistency with the Land Use/Transportation Diagram (Land Use and Density)	*Is the proposed Project consistent with the Land Use/Transportation Diagram?*	**Consistent**. The proposed project is consistent with the Land Use/Transportation Diagram.
2) Implementation of Green Building Measures	*MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.*	**Consistent**. The project would be solar-ready by including building roof space and conduit infrastructure for a "Future PV Array" per California Code. The project would also enroll in San José Clean Energy (SJCE) GreenSource program which includes 55 percent renewable energy.
	MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.	**Consistent**. The project would comply with the latest energy efficiency standards. The State goal is to increase the use of green building practices. The project would implement required green building strategies through existing regulation that requires the project to comply with various CalGreen requirements. Additionally, the project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 55 percent renewable energy.
	MS-2.7: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.	**Consistent**. This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. The project would be solar-ready by including building roof space and conduit infrastructure for a "Future PV Array" per California Code. Future tenants within the project would be able to take advantage of incentives that are in place at the time of construction.
	MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy	**Consistent**. The State goal is to increase the use of green building practices. The project would implement required green building strategies through

General Plan Measures	General Plan Policies	Project Compliance
	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).	existing regulation that requires the project to comply with various CalGreen requirements to reduce energy use. Per Energy analysis prepared for the project, the project would use approximately 1,455 MWh per year which is approximately 0.01 percent of Santa Clara County's total electricity use. The project anticipated natural gas usage would be approximately 22,645 therms of natural gas per year or 0.005 percent of the County's natural gas demand. Therefore, the project would have a nominal electricity demand compared to the County.
	MS-16.2: Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.	**Consistent**. The project would be solar-ready by ensuring roof space and conduit infrastructure for "Future PV Array" per California Code. Additionally, the project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 55 percent renewable energy.
	CD-2.1: Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan.	**Not Applicable**. The proposed project is in a heavy industrial area. There are existing Class II bike lanes on both sides of N. King Road that will remain. The project would not alter existing street, pedestrian walkways or bike lanes. However, the proposed project would include 12 bicycle racks as well as bicycle and pedestrian access on the driveways. Additionally, the project would include TDM measures discussed below.
3) Pedestrian, Bicycle & Transit Site Design Measures	*CD-2.5: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.*	**Consistent**. The proposed project would include landscaping and shading of the parking areas and walkways. Additionally, 9.83 percent of the site would be pervious. The project would comply with all applicable stormwater regulations.
	CD-2.11: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram	**Not Applicable**. The proposed project is not located within the Downtown or Urban Village Overlay areas.

General Plan Measures	General Plan Policies	Project Compliance
	designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.	
	CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.	**Consistent**. The proposed project would include 12 bicycle parking spaces as well as bicycle and pedestrian access on the driveways.
	CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.	**Consistent.** As discussed above, the proposed project would include bicycle parking spaces as well as access for bicyclists and pedestrian to access the site. The project would include day use lockers. This would promote safety and encourage employees to use alternative sources of transportation.
	LU-3.5: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.	**Not Applicable**. The project is not located in the Downtown area.
	TR-2.8: Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.	**Consistent**. The project includes connections to existing bicycle lane facilities and bicycle parking.
	TR-7.1: Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.	**Consistent**. The project would include pedestrian and transit improvements to the existing facilities along the project frontages on North King Road and Las Plumas Avenue. These improvements would include installing pedestrian pathway between the VTA transit stop

General Plan Measures	General Plan Policies	Project Compliance
		and project parking lot, as well as replacing the existing transit stop bench
	TR-8.5: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.	**Consistent**. The project would be located near existing transit and bicycle facilities which would encourage alternative transportation. Additionally, the project includes bike parking spaces.
	MS-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial and developer-installed residential development unless for recreation needs or other area functions.	**Consistent**. The proposed project would comply 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). Project landscaping would include all water efficient landscaping.
4) Water Conservation and Urban Forestry Measures	*MS-3.2: Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.*	**Consistent**. The project includes low-flow fixtures and appliances. These measures are required by City Code. The project would comply with measures to increase water efficiency and green building techniques per building codes.
	MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.	**Not Applicable**. The City does not provide recycled water in the vicinity of the project site. The project would utilize recycled water for the outdoor landscaping based on availability.
	MS-21.3: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.	**Consistent**. The project would comply with City landscaping requirements through plan check and design review processes. This would include water-efficient landscaping, pest resistance, and diversity requirements.
	MS-26.1: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.	**Consistent**. The project would comply with City landscaping requirements and criteria to incorporate existing trees with new landscaping.
	ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage	**Consistent**. The Municipal Regional Permit (MRP) allows development projects to use infiltration, evapotranspiration, harvesting and use,

General Plan Measures	General Plan Policies	Project Compliance
	and reuse facilities.	or biotreatment to treat full water quality design flow or volume of stormwater runoff, as specified in MRP Provision C.3.d. Project applicants are no longer required to evaluate the feasibility of infiltration of rainwater harvesting and use before proceeding to biotreatment. If a project applicant desires to use rainwater harvesting systems to meet LID treatment requirements, there must be sufficient demand on the project site to use the water quality design volume, i.e., 80% of the average annual rainfall runoff, from the collection area. Appendix I from SCVURPPP provides guidance on how to estimate the required landscaping or toilet flushing demand to meet C.3.d requirements. If the project appears to have sufficient demand for captured rainwater, Appendix I provides guidance on sizing the cistern (or other storage facility) to achieve the appropriate combination of drawdown time and cistern volume.

Table 4-16: 2030 GHGRS Table B GHGRS Compliance

GHGRS Strategy and Consistency Options	Project Consistency
Renewable Energy Development 1. *Install solar panels, solar hot water, or other clean energy power generation sources on development sites,* *or* *2. Participate in community solar programs to support development of renewable energy in the community,* *or* *3. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project.* Supports Strategies: GHGRS #1, GHGRS #3	**Alternative Measure Proposed**. The project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 55 percent renewable energy.
Building Retrofits – Natural Gas[20] This strategy only applies to projects that include a retrofit of an existing building. If the proposed project does not include a retrofit, select "Not Applicable" in the Project Conformance column. *1. Replace an existing natural gas appliance with an electric alternative (e.g., space heater, water heater, clothes dryer),* *or* *2. Replace an existing natural gas appliance with a high-efficiency model* Supports Strategies: GHGRS #4	**Not applicable**. The project does not include a retrofit. Therefore, this strategy is not applicable to the project.
Zero Waste Goal 1. *Provide space for organic waste (e.g., food scraps, yard waste) collection containers,* *and/or* *2. Exceed the City's construction & demolition waste diversion requirement.* Supports Strategies: GHGRS #5	**Consistent**. The proposed development includes an exterior trash enclosure with space for recycling and organic waste collection. Additionally, construction and demolition waste would be diverted to meet City requirements.
Caltrain Modernization *1. For projects located within ½ mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes* *or* *2. Develop a program that provides project tenants*	**Not Applicable**. The proposed project is not located within ½ mile of a Caltrain station. Therefore, this strategy is not applicable to the project.

[20] GHGRS Strategy #4 applies to existing building retrofits and not to new construction; Strategy #2 applies to new construction to reduce natural gas related GHG emissions.

and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project related VMT. Supports Strategies: GHGRS #6	
Water Conservation 1. *Install high-efficiency appliances/fixtures to reduce water use, and/or include water-sensitive landscape design, and/or* *2. Provide access to reclaimed water for outdoor water use on the project site.* Supports Strategies: GHGRS #7	**Proposed**. The proposed project would comply with water conservation per the California Green Building Standards Code, which requires a 20 percent reduction in indoor water use. The project would include low flow appliances and fixtures. The project would also comply with the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code).

As demonstrated in **Table 4-15** and **Table 4-16**, the project would not conflict with the 2030 GHG Reduction Strategy. GHG emissions caused by long-term operation of the proposed would be less than significant.

CARB Scoping Plan

The California State Legislature adopted AB 32 in 2006. AB 32 focuses on reducing GHGs (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) to 1990 levels by the year 2020. Pursuant to the requirements in AB 32, CARB adopted the Climate Change Scoping Plan (Scoping Plan) in 2008, which outlines actions recommended to obtain that goal. The Scoping Plan provides a range of GHG reduction actions that include direct regulations, alternative compliance mechanisms, monetary and non-monetary incentives, voluntary actions, market- based mechanisms such as the cap-and-trade program, and an AB 32 implementation fee to fund the program.

The latest CARB Climate Change Scoping Plan (2017) outlines the state's strategy to reduce state's GHG emissions to return to 40 percent below 1990 levels by 2030 pursuant to SB 32. The CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

The 2017 Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the First Update to the Climate Change Scoping Plan (2013). Although a number of these measures are currently established as policies and measures, some measures have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions would be adopted as required to achieve statewide GHG emissions targets. As shown in **Table 4-17** the project is consistent with most of the strategies, while others are not applicable to the project.

Table 4-17: Project Consistency with Applicable CARB Scoping Plan Measures

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Transportation	California Cap-and-Trade Program Linked to Western Climate Initiative	Regulation for the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanism October 20, 2015 (CCR 95800)	**Consistent.** The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. However, the regulation indirectly affects people who use the products and services produced by these industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period.
	California Light-Duty Vehicle Greenhouse Gas Standards	Pavley I 2005 Regulations to Control GHG Emissions from Motor Vehicles	**Consistent**. This measure applies to all new vehicles starting with model year 2012. The project would not conflict with its implementation as it would apply to all new passenger vehicles purchased in California. Passenger vehicles, model year 2012 and later, associated with construction and operation of the project would be required to comply with the Pavley emissions standards.
		2012 LEV III Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards	**Consistent.** The LEV III amendments provide reductions from new vehicles sold in California between 2017 and 2025. Passenger vehicles associated with the site would comply with LEV III standards.

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
	Low Carbon Fuel Standard	2009 readopted in 2015. Regulations to Achieve Greenhouse Gas Emission Reductions Subarticle 7. Low Carbon Fuel Standard CCR 95480	**Consistent.** This measure applies to transportation fuels utilized by vehicles in California. The project would not conflict with implementation of this measure. Motor vehicles associated with construction and operation of the project would utilize low carbon transportation fuels as required under this measure.
	Regional Transportation-Related Greenhouse Gas Targets	SB 375. Cal. Public Resources Code §§ 21155, 21155.1, 21155.2, 21159.28	**Consistent**. The project would provide development in the region that is consistent with the growth projections in the Regional Transportation Plan/Sustainable Communities Strategy (SCS) (Plan Bay Area 2040).
	Goods Movement	Goods Movement Action Plan January 2007	**Not applicable**. The project does not propose any changes to maritime, rail, or intermodal facilities or forms of transportation.
	Medium/Heavy-Duty Vehicle	2010 Amendments to the Truck and Bus Regulation, the Drayage Truck Regulation and the Tractor-Trailer Greenhouse Gas Regulation	**Consistent**. This measure applies to medium and heavy-duty vehicles that operate in the state. The project would not conflict with implementation of this measure. Medium and heavy-duty vehicles associated with construction and operation of the project would be required to comply with the requirements of this regulation.
	High Speed Rail	Funded under SB 862	**Not applicable**. This is a statewide measure that cannot be implemented by a project Applicant or Lead Agency.
Electricity and Natural Gas	Energy Efficiency	Title 20 Appliance Efficiency Regulation	**Consistent.** The project would not conflict with implementation of this measure. The project would comply with the latest energy efficiency standards.
		Title 24 Part 6 Energy Efficiency Standards for Residential and Non-Residential Building	
		Title 24 Part 11 California Green	

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
		Building Code Standards	
	Renewable Portfolio Standard/Renewable Electricity Standard.	2010 Regulation to Implement the Renewable Electricity Standard (33% 2020)	**Consistent**. The project would obtain electricity from the electric utility company, PG&E through SJCE. PG&E obtained 39 percent of its power supply from renewable sources in 2018. However, the project would obtain electricity through SJCE GreenSource program. Therefore, the utility would provide power when needed on site that is composed of a greater percentage of renewable sources.
		SB 350 Clean Energy and Pollution Reduction Act of 2015 (50% 2030)	
	Million Solar Roofs Program	Tax incentive program	**Consistent.** This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. Future tenants within the project would be able to take advantage of incentives that are in place at the time of construction.
Water	Water	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The project would comply with the California Green Building Standards Code, which requires a 20 percent reduction in indoor water use. The project would also comply with the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code).
		SBX 7-7—The Water Conservation Act of 2009	
		Model Water Efficient Landscape Ordinance	
Green Buildings	Green Building Strategy	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The State goal is to increase the use of green building practices. The project would implement required green building strategies through existing regulation that requires the project to comply with various CalGreen requirements.
Industry	Industrial Emissions	2010 CARB Mandatory Reporting Regulation	**Consistent.** The project includes light industrial uses such as a warehouse. However, the project would comply with CARB Mandatory Reporting Regulation.

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Recycling and Waste Management	Recycling and Waste	Title 24 Part 11 California Green Building Code Standards AB 341 Statewide 75 Percent Diversion Goal	**Consistent.** The project would not conflict with implementation of these measures. The project is required to achieve the recycling mandates via compliance with the CALGreen code. The City has consistently achieved its state recycling mandates.
Forests	Sustainable Forests	Cap and Trade Offset Projects	**Not applicable.** The project site is an existing disturbed site located in an urban area. No forested lands exist on-site.
High Global Warming Potential	High Global Warming Potential Gases	CARB Refrigerant Management Program CCR 95380	**Not applicable**. The regulations are applicable to refrigerants used by large air conditioning systems and large commercial and industrial refrigerators and cold storage system. The project is not expected to use large systems subject to the refrigerant management regulations adopted by CARB.
Agriculture	Agriculture	Cap and Trade Offset Projects for Livestock and Rice Cultivation	**Not applicable**. The project site is an infill site. No grazing, feedlot or other agricultural activities that generate manure currently exist on-site or are proposed to be implemented by the project.

Source: California Air Resources Board (CARB), *California's 2017 Climate Change Scoping Plan*, 2017b and CARB, *Climate Change Scoping Plan*, December 2008.

As demonstrated in **Table 4-17**, the project would not conflict with the CARB Scoping Plan. As discussed above, the Scoping Plan reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. GHG emissions caused by long-term operation of the proposed would be less than significant.

Appendix B, Local Action, of the 2017 CARB Scoping Plan lists potential actions that support the State's climate goals. However, the Scoping Plan notes that the applicability and performance of the actions may vary across the regions. The document is organized into two categories (A) examples of plan-level GHG reduction actions that could be implemented by local governments and (B) examples of on-site project design features, mitigation measures, that could be required of individual projects under CEQA, if feasible, when the local jurisdiction is the lead agency.

The project would implement a number of the Standard Permit Conditions during construction. For example, a few of the construction measures include enforcing idling time restrictions on construction vehicles, use of added exhaust muffling and filtering devices, replant vegetation in disturbed areas as quickly as possible, and posting a publicly visible sign with the telephone number and person at the lead

agency to contact regarding dust complaints. As indicated above, GHG reductions are also achieved as a result of State of California energy and water efficiency requirements for new non-residential developments. These efficiency improvements correspond to reductions in secondary GHG emissions. For example, in California, most of the electricity that powers homes is derived from natural gas combustion. Therefore, energy saving measures, such as Title 24, reduces GHG emissions from the power generation facilities by reducing load demand.

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). As such, the project would not conflict with any other state-level regulations pertaining to GHGs.

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the project would benefit from implementation of current and potential future regulations (e.g., improvements in vehicle emissions, SB 100/renewable electricity portfolio improvements, etc.) enacted to meet an 80 percent reduction below 1990 levels by 2050.

Plan Bay Area

The project would be consistent with the overall goals of Plan Bay Area 2040 to provide housing, healthy and safe communities, and climate protection with an overall goal to reduce VMT. As noted above, the project would develop the project site with light industrial uses consistent with the General Plan. The project would add some additional employment, trips related to employees that work directly at the project site. Thus, implementation of the project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, and this impact would be less than significant.

4.9 Hazards and Hazardous Materials

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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	

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

Existing Setting

A Phase I Environmental Site Assessment (ESA) was prepared for the project by Path Forward Partners, Inc. (Path Forward) in December 2020 and is included in Appendix G. The Phase I was conducted to identify recognized environmental conditions (RECs), historical recognized environmental conditions (HRECs), and controlled recognized environmental conditions (CRECs) in connection with the project site based on a review of the site's property ownership as well uses of adjoining properties and surrounding areas within approximate minimum search distances from the project site. This report also assessed the likelihood of the presence of hazardous substances or petroleum products on the site under conditions indicative of an existing release, past release, or a material threat of a release that could affect the site based on a review of regulatory agency databases (e.g. Department of Toxic Substances Control's Envirostor database and State Water Resources Control Board's Geotracker database).

The 10.71-acre project site is located within an urban area and is predominantly surrounded by industrial and commercial uses. Based on review of historic aerial imagery, the project site and surrounding area were primarily occupied by agricultural fields and roads between 1939 and 1982. By 1965, the project site and surrounding vicinity were developed, and 1982 existing buildings are observed. By 2009, the project site and surrounding vicinity are observed in their current layout.

Onsite Sources of Contamination

Underground Storage Tanks

A records search of the Santa Clara County Department of Environmental Health, Regional Water Quality Control Board's Geotracker database, and Department of Toxic Substances Control's Envirostor database found one record of the project site pertaining to open cases of a leaking underground storage tanks (LUSTs), toxic releases, or site cleanup requirements (Frito Lay Inc., RWQCB Case #06S1E33K01f). Historic uses onsite include a warehouse and distribution facility that included six USTs that have been removed.

Soil samples were also collected as part of a soil gas survey in August 1990 to identify any potential concentration of gas occurrences from these USTs. The soil gas survey results revealed minimal levels of petroleum hydrocarbons in the subsurface of the tank areas (see Appendix G for detailed results). On March 28, 1995, an UST Case Closure letter was issued by the RWQCB after their review of the UST removal investigation reports. The Case Closure letter indicated that, "the conclusion of the survey was that the tank area contained minimal levels of petroleum hydrocarbons in the subsurface." The letter confirms the completion of site investigation and remedial action for the USTs formerly located at the

subject property and adjoining 3.25-acre property. The letter states that no further action related to the UST release is required. See Appendix G for more details on case closures for each UST.

It is important to note that while the site historically obtained a UST Case Closure, the concentrations observed during the historical soil gas investigation are at levels in excess of current health risk based cleanup levels. The previously documented contamination associated with the historical USTs is considered a Recognized Environmental Concern (REC).

Soil Vapors

Based on recommendations from Path Forward's soil gas investigation, a Site Investigation from Apex Companies (Apex) was conducted on behalf of the applicant to evaluate the extent of soil and groundwater impacts in October 2020. See Appendix H for results from the Preliminary Environmental Assessment Equivalent Report (PEA-E) prepared for BTC III by Roux Associates, Inc. (Roux). The groundwater sample results for naphthalene and vinyl chloride exceeded the SF-RWQCB vapor intrusion human health risk environmental screening levels (ESLs) in two of eight samples collected, but were below the California Maximum Contaminant Levels (MCLs). It was concluded that elevated concentrations of metals in soil were associated with the former railroad right of way (RR ROW), which is bounded by King Road to the west.

To further evaluate subsurface soil vapor and indoor air conditions, Roux conducted a vapor intrusion investigation in February 2021 (see Appendix H). Eight indoor air samples and three outdoor air samples were collected concurrently. Samples of benzene and methylene chloride were the only VOCs detected at concentrations exceeding regulatory screening levels in indoor air. However, it was determined these concentrations were attributable to indoor and outdoor air sources, not vapor intrusion.

A Supplemental Site Investigation (SSI) was conducted concurrently in February 2021 by Roux to define the nature and extent of environmental impacts to shallow soils along the former RR ROW and a former on-site rail spur to the immediate north of main building (Building 2). Results of the SSI revealed concentrations of arsenic, lead, and diesel range organics exceeded the conservative screening thresholds. See Appendix H for additional details on SSI results.

To further evaluate potential risk from exposure of site chemicals of potential concern to future construction workers and/or indoor and outdoor commercial or industrial workers of the site, a Human Health Screening Evaluation (HHSE) was performed. Results of the HHSE for cumulative risk from soil and soil vapor exposures revealed cancer risks for future construction workers exposed to soils from former RR ROW and the project site to be below regulatory risk ranges.

Past Agricultural Uses

According to the Phase I ESA, the project site was previously used for agricultural purposes, including orchard use prior to 1939 until the 1960s. Activities commonly associated with agricultural uses may include the use and storage of hazardous materials and petroleum products (e.g., agricultural chemicals). This 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. There is potential that the near surface soils may contain residual agricultural chemicals that may affect disposal costs in the event redevelopment is planned and such soils are removed from the property.

Past Oil Leaks

Regulatory records indicated a release of 97 gallons of polychlorinated biphenyl (PCB)-containing cooling oil from a faulty transformer that occurred on February 12, 1997. Records indicate the oil leak through brushing and that the leak was contained and has been cleaned up. The Phase I ESA identified no records of cleanup activities or confirmation of sampling were found.

Off-Site Sources of Contamination

The UST Case Closure letter issued by RWQCB on March 28, 1995 note that there are three additional former USTs used by Frito-Lay. These additional USTs have been removed and were previously located off-site on the adjoining 3.25-acre parcel to the north of the project site.

Airports

The Norman Y. Mineta San José International Airport is located approximately 2.9 miles west 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.[21]

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.

Government Code Section 65962.5 (Cortese List)

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, 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).

California Department of Forestry and Fire Protection (CAL FIRE)

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California. CAL FIRE ranks fire threats based on the availability of fuel and the likelihood of an

[21] California Department of Forestry and Fire Protection. FHSZ Viewer. Available at https://egis.fire.ca.gov/FHSZ/. Accessed September 1, 2020.

area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threats.

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.

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

Discussion

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

Less than Significant Impact. The project site is currently occupied with existing industrial buildings that are still in partial operation. The proposed project would introduce office and warehouse uses that would include limited hazardous materials and substances such as cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. Operation of the Project would 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. All materials and substances would be subject to applicable health and safety requirements. Implementation of the following Standard Permit Conditions during demolition and removal of building materials would ensure that the potentially significant impact from removal of materials containing asbestos-containing materials (ACMs) and/or lead-based paint (LBP) 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. Thus, impacts would be less than significant.

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.
v. 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.
vi. Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers:
    1) Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.
    2) During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
    3) Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

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?

Potentially Significant Unless 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/warehouse uses. All materials and substances would be subject to applicable health and safety requirements. While the project site has known historical releases of hazardous materials (e.g. diesel), it is understood that the remediation is complete and RWQCB has stated no further action related to UST release is required. Further, multiple site investigations have been conducted to analyze the potential cancer risks from soil vapors to future indoor and outdoor construction workers. Based on the PEA-E and HHSE, cumulative risk from soil and soil vapor exposures revealed excess cancer or non-cancer risks to future construction workers and receptors potentially exposed to arsenic

and lead in soils from former railroad ROW and the project site to be below regulatory risk ranges and to be unlikely.

Implementation of Mitigation Measure HAZ-1 would reduce impacts related to hazards and hazardous materials sites to a less than significant level by requiring a Removal Action Workplan to outline a course of action to ensure the project is safe for the public, construction workers, and the environment during on-site soil removal. Thus, impacts would be less than significant.

Impact HAZ-1: The project site is on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and has a history of leaking underground storage tanks (LUSTs), associated soil vapor where minimal levels of petroleum hydrocarbons have been identified in subsurface soils. Elevated concentrations of arsenic and lead were also identified in the area of the former railroad spur and railroad right of way. While these LUSTs have since been remediated and closed, project implementation may encounter residual concentrations of contaminants in soil and groundwater due to the site's past uses that exceed environmental screening levels and could expose construction workers, employees, neighboring uses, and the environment to hazardous materials.

Mitigation Measure

MM HAZ-1: Prior to issuance of any grading permits, the project applicant shall obtain regulatory oversight from the Santa Clara County Department of Environmental Health (SCCDEH) under their Site Cleanup Program, or the Department of Toxic Substances Control (DTSC) to mitigate the contaminants found during the environmental investigations. A Site Management Plan (SMP), Removal Action Workplan (RAW), or equivalent document must be prepared by a qualified hazardous materials consultant under oversight and approval with the SCCDEH or DTSC. The plan must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The Plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

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

No Impact. The closest school, Independence High School, is located at 617 North Jackson, approximately 0.35 miles east 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 nearby schools. 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?

Potentially Significant Unless Mitigation Incorporated. Please see detailed discussion under standard b) above.

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 2.9 miles west of the project site. The closest minor airport is Reid Hillview Airport, located approximately 3 miles northwest of the project site. The project site is not located within the "Airport Influence Area" defined by the Santa Clara County Airport Land Use Commission's Comprehensive Land Use Plan (CLUP). According to Figures 3.8-1 and 3.8-2 in the General Plan EIR, the proposed project 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 proposed structure's maximum height is below the FAR Part 77 notification surface elevation over the site. The project site would be within the maximum allowable height of 50 feet in height above ground per the City of San José Municipal Code. 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 in this regard 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 describing the City's 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.

Primary access to all major roads would be maintained during construction of the proposed project and 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.

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. As discussed above, the project is zoned as a "Non-Very High Fire Hazard Safety Zone" on the Very High Hazard Severity Zones on CAL FIRE's FHSZ Viewer.

The City's General Plan EIR contains development Wildland and Urban Fire policies specific to development within "Very High" hazard zones or near urban/wildlife interfaces. The proposed project is not located in a "Very High" zone and would not conflict with the wildland fire hazard policies identified

in the General Plan EIR. In addition, the project site is in a developed urban area and is not within a wildland interface area or directly adjacent to a wildland interface area. For these reasons, there are no impacts in this regard.

4.10 Hydrology and Water Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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 located in an urban area with connections to the City's water and sewer infrastructure. The closest waterway to the project site is Silver Creek, which is located approximately 0.18-mile southwest of the project site, and ultimately flows into the San Francisco Bay.

The Flood Insurance Rate Map (FIRM) classifies portions of the project site as being Zone AH and the other portions as being Zone X. Zone AH is considered a "Special Flood Hazard Area (SFHA) – Regulatory Floodway."[22] Zone AH areas are subject to inundation by the 1-percent-annual-chance flood event (i.e. within a 100-year floodplain). Flood depths of up to 39 feet are shown on the FIRM for the project site. Zone X is defined as being outside a 100-year floodplain.

The project site is currently approximately 83 percent impervious (342,097 square feet).

Applicable Plans, Policies, and Regulations

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. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. 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. The project disturbs less than one acre of soil and, therefore, would not require permit coverage under the CGP.

City of San José Grading Ordinance

All development projects, whether subject to the CGP or not, shall comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls to protect water quality while the site is under construction. Prior to issuance of a permit for grading activity occurring during the rainy season (October 1 to April 30), the project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

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

The San Francisco Bay RWQCB also has issued a Municipal Regional Stormwater NPDES Permit (MRP) [Permit Number 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

[22] Federal Emergency Management Agency. FEMA Flood Map Service Center: Search by Address. Accessed at https://msc.fema.gov/portal/search#searchresultsanchor. Accessed on June 7, 2021.

MRP, redevelopment projects that create or replace 10,000 square 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 the 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 of San José'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 (BMP) and Treatment Control Measures (TCM) to the maximum extent practicable. This policy also established specific design standards for post-construction TCM for projects that create, add, or replace 10,000 square 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 10.7 acres in size and located in a sub watershed or catchment area that is greater than 65 percent impervious. Thus, the project would not be subject to 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-5.16: 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.

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 must 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. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

Construction Impacts

Construction of the proposed project would require compliance with the City's standard permit conditions to prevent stormwater pollution and minimize potential sedimentation during construction. Measures include, but are not limited to the following:

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, impacts would be less than significant.

Post Construction Impacts

Stormwater runoff would drain into the treatment areas prior to entering the storm drainage system. The on-site treatment facilities include flow through planters and would be numerically sized and required, as a condition of project approval, to have sufficient capacity to treat the roof and parking lot runoff entering the storm drainage system, consistent with the NPDES requirements.

The General Plan EIR as supplemented, concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB 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. The project site is currently supplied water by the San José Water Company. The proposed project would continue to be served by the San José Water Company, which utilizes groundwater as one of their water supply sources. As discussed further in Section 4.19, Utilities and Service Systems, the project would not decrease groundwater supplies in a manner that impedes with the sustainable groundwater management.

Further, the project site is not located within a natural or facility groundwater recharge area. Therefore, there would be no impact.

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 Silver Creek, located approximately 0.18-mile southwest of the project site. In addition, the proposed on-site flow through planters/bio-retention areas 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-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 4-18**, the project site currently has approximately 342,097 square feet of impervious surface area. Development of the proposed project would result in approximately 372,558 square feet of impervious surface area, for a net addition of approximately 30,461 square feet of impervious surface area. This would result in approximately 90 percent impervious coverage on site.

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.

Table 4-18: Impervious and Pervious On-Site Surface Area

Site Surface	Existing Surface Area SF	Proposed Surface Area SF
Impervious Surfaces Total	342,0974	372,558
Pervious Surfaces Total	71,066	40,605
Note: Impervious Surface Area represents site specific conditions and excludes public streets Source: Black Creek Group, 2021		

In accordance with Provision C.3, the proposed project would be required to obtain a State Construction General Permit and incorporate site design, source control, and treatment system requirements across the site. 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. 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 offsite, and 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, 83

percent of the project site is currently impervious. The proposed project would increase this to 90 percent, with an increase of 30,461 square feet of impervious surface area.

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. As required by the C.3 Provision of the MRP, a Storm Water Management Plan (SWMP) would be reviewed and approved by the City of San José Public Works Department, Environmental Programs Division.

The project includes site design measures such as directing runoff from roofs and sidewalks to landscaped areas 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.

Compliance with the C.3 Provision of the MRP would ensure that 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, and therefore there would be no impacts. The project will import approximately 10,000 cubic yards of fill material to the site, but this material will be distributed throughout the 10+ acre and will not substantially affect local surface flows.

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

Less than Significant Impact. The project is located outside of the tsunami inundation area mapped by the Association of Bay Area Governments.[23] Furthermore, the General Plan EIR concludes that the City of San José would avoid substantial effects from a possible seiche due to the location of salt restoration areas proximate to the San Francisco Bay. These salt ponds would minimize the effects of a potential seiche, limiting the impacts from a seiche within areas proposed for development within the General Plan, including the project site.

Portions of the project site are classified as being within a 100-year flood zone. The project includes warehouse uses that would include limited hazardous materials and substances such as cleaners, paints, solvents; and fertilizers and pesticides for site landscaping. Operation of the Project 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 flood hazard, tsunami, or seiche zones. Thus, a less than significant impact would occur.

[23] Association of Bay Area Governments, Resilience Program data. Available at https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8. Accessed June 10, 2021.

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

Less than Significant Impact. Water quality impacts other than those described in response 4.10(a) above are not anticipated with implementation of the proposed project. 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 Issues	Potentially Significant Unless 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 10.71-acre project site is currently developed with four office/warehouse buildings. The project site is bordered by surrounded by Las Plumas Avenue to the southeast, North King Road to the southwest, and industrial use buildings to the north. There is existing landscaping and trees along the North King Road and Las Plumas Avenue frontages and additional landscaping within the site. Surface parking stalls is available throughout the site. Surrounding uses are primarily a mix of industrial and residential uses. The nearest residential uses are located approximately 75 feet to the immediate southeast of Las Plumas Avenue.

Existing Land Use Designation and Zoning

The project site is designated as Light Industrial (LI) by the General Plan and is located within the City of San José Alum Rock Planning Area. The Alum Rock Planning Area is comprised predominately of residential and industrial land uses.

The project site is zoned as Light Industrial (LI). The LI Zoning District allows for warehouse, light to medium manufacturing, and wholesale establishments.

Applicable Plans, Policies, and Regulations

Santa Clara Valley Habitat Plan

The City is under the jurisdiction of the Santa Clara Valley Habitat Plan (Habitat Plan), a collaborative effort intended to protect and enhance ecological diversity and function within a large section of Santa Clara County, while allowing for currently planned development and growth. The Habitat Plan provides a framework for the protection of natural resources while streamlining and improving the environmental permitting process for both private and public development, including activities such as road, water, and other infrastructure construction and maintenance work. The Habitat Plan is intended to provide environmental benefit by resulting in the creation of a number of new habitat reserves larger in scale and

more ecologically valuable than the fragmented, piecemeal habitats yielded by mitigating projects on an individual basis.

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-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-1.18: Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent, and to the extent feasible, avoid impacts of headlights on adjacent land uses.

Policy CD-1.24: 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-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.

a. Include attractive and interesting pedestrian-oriented streetscape features such as street furniture, pedestrian scale lighting, pedestrian oriented way-finding signage, clocks, fountains, landscaping, and street trees that provide shade, with improvements to sidewalks and other pedestrian ways.

b. Strongly discourage drive-up services and other commercial uses oriented to occupants of vehicles in pedestrian-oriented areas. Uses that serve the vehicle, such as car washes and service stations, may be considered appropriate in these areas when they do not disrupt pedestrian flow, are not concentrated in one area, do not break up the building mas of the streetscape, are consistent with other policies in this Plan, and are compatible with the planned uses of the area.

c. Provide pedestrian connections as outlined in the Community Design Connections Goal and Policies.

d. Locate retail and other active uses at the street level.

e. Create easily identifiable and accessible building entrances located on street frontages or paseos.

f. Accommodate the physical needs of elderly populations and persons with disabilities.

g. Integrate existing or proposed transit stops in project designs.

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) Physically divide an established community?

Less than Significant Impact. The project site is located in an urban area with similar surrounding land uses including industrial and residential uses. The site is surrounded by similar industrial uses to the immediate north and residential uses south of Las Plumas Avenue. The nearest residences are located approximately 75 feet southeast of the project site. Since the project would be surrounded by similar land uses, the project would not physically divide an established community or neighborhood and impacts would be less than significant.

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 Light Industrial (LI). The LI land use designation allows for a FAR range of up to 1.5 an allowed height of 50 feet, and up to three stories. Consistent with the LI designation, the project has an FAR of 0.48 and be two stories (maximum height of 45 feet and 6 inches).

The City's Development standards for the LI zoning designation apply to the proposed project site and requires a minimum lot area of 10,000 SF, a minimum street frontage of 60 feet, and a maximum building height of 50 feet. Consistent with the LI development regulations, the project is located on a 10.71-acre lot with an appropriate street frontage and maximum building height of 45 feet and 6 inches. Further, the proposed project would meet setback requirements for the LI zone that require a front building setback of 15 feet from the building; side setback of 20 feet from automobile parking and driveways, 30 feet from truck parking, and zero feet from buildings; and a rear setback of zero feet. Parking standards per the City's Zoning Ordinance are summarized in Table 4-19.

Table 4-19: Parking Requirements

Use	Parking Ratio	Building Area	Parking Spaces Required
Warehouse[1]	1/5,000 SF	198,280 SF	40 stalls
Manufacturing	1/350 SF plus 1 per company vehicle	27,000	79 stalls
Total		225,280 SF	119 stalls

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

The proposed project would meet parking requirements for the Light Industrial zone and provide a total of 119 automobile spaces, including three accessible auto, two accessible van, additional electric vehicle charging stalls, and 12 bike parking stalls. Further, the project would include 48 trailer parking stalls to support warehouse operations.

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 Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				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, bounded generally by the Union Pacific Railroad, Curtner Avenue, State Route 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.

Pursuant to the mandate of the SMARA, the State Mining and Geology Board (SMGB) has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner Avenue, SR 87, and Hillsdale Avenue 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 5 miles north 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 Issues	Potentially Significant Unless 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	

Existing Setting

An Acoustical Assessment was prepared for the project and is included as Appendix I.

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.

Noise Measurements

To determine ambient noise levels in the project area, four short-term (10-minute) noise measurements and one long-term (24-hour) noise measurements were taken using a Larson Davis SoundExpert LxT Type I integrating sound level meter on June 24 and June 25, 2021; refer to Appendix I for existing noise measurement data and **Figure 4-1** for noise measurement locations.

Short-term measurement 1 (ST-1) was taken to represent the ambient noise level at the industrial uses west of the project site on Dobbin Drive, ST-2 and ST-4 were taken to represent existing noise levels at the residential uses to the east of the project site, and ST-3 was taken to represent the existing noise level at the proposed driveway on North King Road. Long-term measurement 1 (LT-1) was taken to represent existing ambient noise levels along Las Plumas Avenue. The primary noise sources during the noise

measurements were traffic along North King Road, Land Plumas Avenue, and stationary noise at commercial and industrial operations nearby. **Table 4-20** provides the ambient noise levels measured at these locations.

Table 4-20: Noise Measurements

Site No.	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	L_{peak} (dBA)	Time	Date
ST-1	1731 Dobbin Drive	57.7	1.5	71.5	85.6	3:10 p.m. to 3:20 p.m.	6/24/2021
ST-2	585 Ripley Drive	60.5	48.9	72.0	92.7	2:30 p.m. to 2:40 p.m.	6/24/2021
ST-3	658 North King Road	70.8	51.0	86.9	102.2	2:50 p.m. to 3:00 p.m.	6/24/2021
ST-4	521 Lochridge Drive	58.0	52.9	69.4	88.2	3:30 p.m. to 3:40 p.m.	6/24/2021
LT-1	646 North King Road	61.8	36.7	91.8	117.5	3:50 p.m. to 4:00 p.m.	6/24/2021 – 6/25/2021
Source: Noise Measurements taken by Kimley-Horn on June 24th and 25th in 2021.							

Existing Mobile Noise

Existing roadway noise levels were calculated for the roadway segments in the project vicinity. This task was accomplished 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 2020). 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 4-21**.

Table 4-21: Existing Traffic Noise

Roadway Segment	ADT	dBA DNL[1]
North King Road		
Mabury Road to Las Plumas Avenue	14,500	63.1
Las Plumas Avenue to McKee Road	17,450	63.9
Las Plumas Avenue		
East of North King Road	2,450	53.3
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, 2021). Refer to Appendix I for traffic noise modeling assumptions and results.		

The project site is primarily surrounded by industrial and commercial uses. Residential uses are located to the south and east. Existing mobile noise sources in the project area are generated primarily along North King Road and Las Plumas Avenue.

Existing Stationary Noise

The primary sources of stationary noise in the project vicinity are those associated with the operations of nearby residential uses to the east of the site and existing mixed-used 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 4-1**: Nearest Sensitive Receptors to Project Site, sensitive receptors near the project site include religious uses, educational facilities, and single-family residences. Surrounding the project site to the north, east, and west are large commercial and industrial areas. 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 4-22** highlights five land-use categories and the outdoor noise compatibility guidelines.

Table 4-22: 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 – 1.13: Update noise limits and acoustical descriptors in the Zoning Code to clarify noise standards that apply to land uses throughout the City.

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 4-23** shows the San José standards for maximum noise level at the property line.

Table 4-23: 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.

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 60 feet from the nearest sensitive receptor to the east. 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. During construction, exterior noise levels could affect the residential neighborhoods near the construction site.

Construction activities associated with development of the project would include some demolition, site preparation, grading, paving, building construction, and architectural coating. Such activities would

require graders, scrapers, and tractors during demolition and 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. It should be noted that only a limited amount of equipment can operate near a given location at a particular time. Equipment typically used during this 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 primary sources of noise would be shorter-duration incidents, such as dropping 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 4-24**.

Table 4-24: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA)from Source[1]	
	50 feet (reference level)	60 feet
Air Compressor	80	78
Backhoe	80	78
Compactor	82	80
Concrete Mixer	85	83
Concrete Pump	82	80
Concrete Vibrator	76	74
Crane, Derrick	88	86
Crane, Mobile	83	81
Dozer	85	83
Generator	82	80
Grader	85	83
Impact Wrench	85	83
Jack Hammer	88	86
Loader	80	78
Paver	85	83
Pump	77	75
Roller	85	83
Saw	76	74
Scraper	85	83
Shovel	82	80
Truck	84	82

1. Calculated using the inverse square law formula for sound attenuation: $dBA_2 = dBA_1+20Log(d_1/d_2)$
Where: $QWdBA_2$ = estimated noise level at receptor; dBA_1 = reference noise level; d_1 = reference distance; d_2 = receptor location distance.

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 4-24** noise levels are below 92 dBA at 60 feet, the distance to the nearest sensitive receptor east of the site. The highest anticipated construction noise level of 86 dBA at 60 feet is expected to occur during the demolition phase (jack hammer) and building construction phase (derrick crane). These sensitive uses may be exposed to elevated noise levels during project construction. **Table 4-24** shows that the two loudest pieces of equipment would both be 86 dBA. The combined noise level of the two loudest pieces of equipment (86 dBA and 86 dBA) would be 89 dBA at 60 feet. Therefore, construction noise would not exceed the FTA's standards of 90 dBA L_{eq} at residential uses. Additionally, the majority of construction would occur throughout the project site and would not be concentrated at a single point near sensitive receptors. The 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 to the east and it is located 200 feet from industrial uses north, south, and west of the site. However, the proposed project would not result in more than 12 months of substantial noise generating activities. The proposed project construction would result in approximately five months of construction including substantial noise generating phases such as demolition, grading, and building framing as well as the less noise intensive construction phases such as site preparation, building construction, paving, and architectural coating. Additionally, the project would not include pile-driving.

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. 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 12 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. Excavation, cut, and fill would be required. Soil hauling would be required as approximately 10,000 cubic yards (cy) of soil would be imported, including 1,500 cy of off haul and backfill of contaminated soil. Based on the California Emissions Estimator Model (CalEEMod) default assumptions for this project, as analyzed in 650 North King Road Air Quality Assessment (Kimley-Horn 2021), the project would generate the highest number of daily trips during the demolition and site preparation phases. The model estimates that the project would generate up to 15 worker trips and 65

daily hauling trips (1,430 hauling trips over 22 days) for demolition phase for a total of approximately 80 daily vehicle trips during demolition. During the site preparation phase (which includes remediation) there would be approximately 18 daily worker trips and 375 hauling trips over 14 days for the remediation trucks. Grading would have approximately 1,250 hauling truck trips. Building construction would have 196 worker trips and 76 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. North King Road between Mabury Road to Las Plumas has an average daily trip volume of 14,500 vehicles (**Table 4-21**). Therefore, a maximum of 272 daily project construction 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.

California establishes noise limits for vehicles licensed to operate on public roads using a pass-by test procedure. Pass-by noise refers to the noise level produced by an individual vehicle as it travels past a fixed location. The pass-by procedure measures the total noise emissions of a moving vehicle with a microphone. When the vehicle reaches the microphone, the vehicle is at full throttle acceleration at an engine speed calculated for its displacement.

For heavy trucks, the State pass-by standard is consistent with the federal limit of 80 dB. The State pass-by standard for light trucks and passenger cars (less than 4.5 tons gross vehicle rating) is also 80 dB at 15 meters from the centerline. According to the FHWA, dump trucks typically generate noise levels of 77 dBA and flatbed trucks typically generate noise levels of 74 dBA, at a distance of 50 feet from the truck (FHWA, Roadway Construction Noise Model, 2006). Furthermore, while construction is less than 12 months and is would be temporary, the project is 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:

- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.

- Notify all adjacent business, residences, and other noise-sensitive land uses of the construction schedule, in writing, and provide a written schedule of "noisy" construction activities to the adjacent land uses and nearby residences.
- If complaints are received or excessive noise levels cannot be reduced using the measures above, erect a temporary noise control blanket barrier along surrounding building facades that face the construction sites.
- Designate a "disturbance coordinator" who shall be responsible for responding to any complaints about construction noise. The disturbance coordinator shall determine the cause of the noise complaint (e.g., bad muffler, etc.) and shall require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.
- Limit construction to the hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any on-site or off-site work within 500 feet of any residential unit. Construction outside of these hours may be approved through a development permit based on a site-specific "construction noise mitigation plan" and a finding by the Director of Planning, Building and Code Enforcement that the construction noise mitigation plan is adequate to prevent noise disturbance of affected residential uses.

Operations

Implementation of the project would create 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 60 feet to the east. The City of San José stationary source exterior Zoning Ordinance Noise Standards for industrial areas adjacent to residential uses is 55 dBA L_{eq}. Per General Plan Policy EC-1.1, land use compatibility standard for business commercial 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 492 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 4-25**, the existing traffic-generated noise level on project area roadways is between 53.5 dBA L_{dn} and 63.9 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 (Kimley-Horn, 2021). As noted in **Table 4-25**, project noise levels 100 feet from the centerline would range from 53.5 dBA to 64.0 dBA. The project would have the highest increase of 0.2 dBA on Las Plumas Avenue east of North King Road. However, the 0.2 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 4-25: 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]		
North King Road						
Mabury Road to Las Plumas Avenue	14,500	63.1	14,500	63.1	0.0	No
Las Plumas Avenue to McKee Road	17,450	63.9	17,780	64.0	0.1	No
Las Plumas Avenue						
East of North King Road	2,450	53.3	2,620	53.5	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, 2021). Refer to Appendix I for traffic noise modeling assumptions and results.						

Table 4-26*,* shows the background conditions or Opening Year traffic. Per the Transportation Analysis, Opening Year conditions include five approved projects that were added to the existing 2021 volumes. As shown in **Table 4-26**, Opening Year roadway noise levels with the project would range from 53.8 dBA to 64.2 dBA. 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. The project would not result in noise level increases above 3.0 dBA. Therefore, impacts are less than significant.

Table 4-26: Opening Year and Opening 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]		
North King Road						
Mabury Road to Las Plumas Avenue	15,170	63.3	15,170	63.3	0.0	No

Roadway Segment	Opening Year		With Project		Change from No Project Conditions	Significant Impact?
	ADT	dBA DNL[1]	ADT	dBA DNL[1]		
Las Plumas Avenue to McKee Road	18,340	64.1	18,670	64.2	0.1	No
Las Plumas Avenue						
East of North King Road	2,620	53.5	2,790	53.8	0.3	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, 2021). 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 4-27** shows the noise levels generated by various stationary noise sources and the resulting noise level at the nearest receiver. **Table 4-27** 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.[24] **Table 4-27** shows that mechanical equipment would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2.

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. The closest that the proposed loading area could be located to sensitive receptors would be approximately 650 feet away. While there would be temporary noise increases during truck maneuvering and engine idling, these impacts would be of short duration and infrequent. Typically, heavy truck operations generate a noise level of 64 dBA at a distance of 50 feet. **Table 4-27** 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.

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

[24] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.

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. **Table 4-27** shows that parking area noise 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 4-27** 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 4-27: 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)[8]	Exceed Threshold
Mechanical Equipment									
Industrial	75	52 dBA[2]	49 dBA	70 dBA[5]	No	70.8 dBA[7]	70.8 dBA	0.0	N/A
Residences	150		43 dBA	60 dBA[6]	No	60.5 dBA[8]	60.6 dBA	0.1	No
Loading Area									
Industrial	90	64 dBA[2]	59 dBA	70 dBA[5]	No	70.8 dBA[7]	71.1 dBA	0.3	N/A
Residences	650		42 dBA	60 dBA[6]	No	60.5 dBA[8]	60.6 dBA	0.1	No
Parking Area									
Industrial	25	61 dBA[3]	67 dBA	70 dBA[5]	No	70.8 dBA[7]	72.3 dBA	1.5	N/A
Residences	60		59 dBA	60 dBA[6]	No	60.5 dBA[8]	63.0 dBA	2.5	No
Landscape Maintenance									
Industrial	25	61 dBA[4]	56 dBA	70 dBA[5]	No	70.8 dBA[7]	70.9 dBA	0.1	N/A
Residences	60		48 dBA	60 dBA[6]	No	60.5 dBA[8]	60.8 dBA	0.3	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.
6. City of San José General Plan Policy EC-1.1 establishes Normally acceptable noise standards of 60 dBA for residential and institutional uses and 70 dBA for commercial office uses.
7. Noise Measurement ST-3, which is representative of ambient noise levels along North King Road.
8. Noise Measurement ST-2, which is representative of ambient noise levels at the residential land uses east of the project site.
9. 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 60 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 4-27**, 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 and nearest residential property. The project would not place mechanical equipment near residential uses, and noise from this equipment would not be perceptible at the closest sensitive receptor. As noise levels associated with trucks would not exceed the City's 70 dBA and 60 dBA, for industrial, commercial or non-residential, and residential uses, respectively per GP Policy EC-1.1. Loading area noise would not result in increased noise levels exceeding 3 dBA per GP Policy EC-1.2. Noise associated with parking lot activities is not anticipated to exceed the 60 or 70 dBA threshold per GP Policy EC-1.1. Therefore, noise impacts from parking lots would be less than significant. With adherence to the City's Municipal Code, impacts associated with landscape maintenance would be less than significant.

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.

Standard Permit Conditions

Mechanical Equipment. Mechanical equipment shall be selected and designed by the project applicant to reduce impacts on surrounding uses to meet the City's 55 dB(A) noise level requirement at the property line of nearby noise-sensitive land uses. A qualified acoustical consultant shall be retained to review mechanical noise as these systems are selected to determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Other alternate measures may be optimal, such as locating equipment in less noise-sensitive areas, such as the rooftop away from the edges, where feasible.

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 Opening Year 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 ("Opening Year 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 "Opening Year 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 4-29** identifies the traffic noise effects along roadway segments in the

vicinity of the project site for "Existing," "Opening Year Without Project," and "Opening Year With Project," conditions, including incremental and net cumulative impacts.

First, it must be determined whether the "Opening Year With Project" increase above existing conditions (Combined Effects) is exceeded. As indicated in the table, the project has no street segments that exceed the combined effects criterion. As shown in **Table 4-29** below, under the combined effects criteria, the existing conditions would have a greater dBA as compared to Opening Year conditions, and therefore would result in an overall decrease in noise levels for all roadway segments. Under the Incremental Effects criteria, cumulative noise impacts are defined by determining if the forecast ambient ("Opening Year Without Project") noise level is increased by 1 dB or more. As indicated below, the project does not exceed the Incremental Effects criteria for any roadway segment analyzed.

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.

Table 4-28: Cumulative Plus Project Conditions Predicted Traffic Noise Levels

Roadway Segment	Existing[1]	Opening Year Without Project[1]	Opening Year With Project[1]	Combined Effects	Incremental Effects	Cumulatively Significant Impact?
				dBA Difference: Existing and Opening Year With Project	dBA Difference: Opening Year Without and With Project	
North King Road						
Mabury Road to Las Plumas Avenue	63.1	63.3	63.3	0.2	0.0	No
Las Plumas Avenue to McKee Road	63.9	64.1	64.2	0.3	0.1	No
Las Plumas Avenue						
East of North King Road	53.3	53.5	53.8	0.5	0.3	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, 2021). Refer to Appendix I for traffic noise modeling assumptions and results.

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

Less than Significant.

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. In general, the FTA architectural damage criterion for continuous vibrations (i.e. 0.2 in/sec) appears to be conservative. The types of construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience cosmetic damage (e.g. plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on soil composition and underground geological layer between vibration source and receiver.

Table 4-28*,* lists vibration levels at 25 feet and 50 feet for typical construction equipment. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. As indicated in **Table 4-28**, 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. The nearest structure is approximately 25 feet from the active construction zone. The nearest sensitive receptor is approximately 60 feet from the active construction zone and would not experience perceptible vibration levels.

Table 4-29: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity At 25 feet (in/sec)	Peak Particle Velocity At 60 feet (in/sec)
Large Bulldozer	0.089	0.0239
Loaded Trucks	0.076	0.0204
Rock Breaker	0.059	0.0159
Jackhammer	0.035	0.0094
Small Bulldozer/Tractors	0.003	0.0008
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.		

As shown in **Table 4-28**, the highest vibration levels are achieved with the large bulldozer operations. This construction activity is expected to take place during grading. Project construction would not be more than 25 feet from the closest structure. Therefore, construction equipment vibration velocities would not exceed the FTA'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. The nearest airport to the project site is the Norman Y. Mineta San José International Airport located approximately 2.7 miles southwest of the project site. The project site lies outside of the 65 dBA CNEL noise contours shown in the Norman Y. Mineta San José International Airport Master Plan Update Project report published in October 2019.[25] Although aircraft-related noise would occasionally be audible at the project site, noise from aircraft would not substantially increase ambient noise levels. Exterior noise levels resulting from aircraft would be compatible with the proposed project. By ensuring compliance with the City's normally acceptable noise level standards, interior noise levels would also be considered acceptable with aircraft noise. Therefore, the project would not expose people residing or working in the project area to excessive airport- or airstrip-related noise levels and no mitigation is required.

[25] City of San José Norman Y. Mineta San Jose International Airport Master Plan Update, *Noise Assessment for the Master Plan Environmental Impact Report,* October 2019.

Source: Google Earth, 2021

Figure 4-1: Noise Measurement Locations

650 North King Road Industrial Project
ISMND

Not to scale

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4.14 Population and Housing

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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

The population of the City of San José is approximately 1,029,782 persons as of January 1, 2021.[26] The California Department of Finance estimates 3.14 residents per household in San José. According to the General Plan EIR, the City estimates approximately 138,442 additional households to be added in San José by 2035 for a total of 429,350 households in San José in 2035. The unemployment rate for the City as of May 2021 was 5.0 percent, which was higher than historical averages due to the COVID-19 economic effects.[27] The 2019 annual average unemployment rate in the City was 2.6 percent.

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.

[26] California Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2020. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/. Accessed June 10, 2021.
[27] State of California Employment Development Department. Available at: http://www.labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html, accessed June 10, 2021.

Regional Transportation Plan/ Sustainable Community Strategy

The Regional Transportation Plan (RTP)/ Sustainable Community Strategy (SCS) for the Bay Area region was adopted on July 18, 2013. This regional plan sets integrated development, housing and transportation goals with the aim of reducing greenhouse gas (GHG) emissions.

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 warehouse building with approximately 225,280 square feet of warehouse and manufacturing space. No residential uses are proposed, which would result in no direct population growth. The proposed project would generate an estimated 121 employees on site.[28] When compared to the estimated 128 jobs provided at the site from its existing uses, the project would result in an estimated net decrease of 7 jobs[29]. No indirect population growth is anticipated as a result of the proposed Project.

The proposed project is not of the scope or scale to induce 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?

No Impact. The 10.71-acre project site is developed with existing industrial use buildings. Implementation of the project would not result in the removal of any residential units or displacement of people such that construction of replacement housing would be required. Thus, no impacts would occur.

[28] 27,000 sf of manufacturing space x 3 employees/1,000 sf of manufacturing space = 81 employees; 198,280 sf of warehousing space x 1 employee/1,000 sf of warehouse space = 40 employees

[29] The City calculates one job per 1000 SF of industrial space. (City of San José Envision 2040, 2011) ((128,458 SF industrial) / 1,000 SF = 128 jobs))

4.15 Public Services

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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 in the City are provided by the San José Fire Department (SJFD). The City has 33 fire stations.[30] The nearest fire station to the project site is Station 34 located at 1634 Las Plumas Avenue, approximately 0.2-mile east of the project site. The next closest fire station to the project site is Station 2, located at 2949 Alum Rock Avenue, approximately 1.7 miles southeast of the project site.

SJFD had 17,343 fire and other incidents in the City in 2018. The average travel time in 2018 was 14 minutes and 39 seconds for fire and other incidences and just over nine minutes for medical incident.[31]

[30] City of San José. About SJFD. Available at: https://www.sanJoséca.gov/your-government/departments/fire-department. Accessed on August June 11, 2021.
[31] City of San José San José Fire Department. City-Wide Response Metrics. Available at: https://www.sanjoseca.gov/home/showdocument?id=9053. Accessed on June 11,2021.

Police Protection

Police protection services are provided to the project site by the San José Police Department (SJPD). Headquarters are located at 201 West Mission Street, approximately 2.4 miles east of the project site.

Schools

The project is located within the Alum Rock Union Elementary School District and East Side Union High School District (ESUHSD) boundaries. Students in the project area attend Anne Darling Elementary School (grades K-5), Muwekma Ohlone Middle School (grades 6 to 8) and Independence High School (grades 9-12).[32] [33]

Other Public Facilities, Libraries

The San José Public Library System consists of one main library and 23 branch libraries. The main library, Dr. Martin Luther King, Jr. Library, is located at 150 East San Fernando Street, approximately 2.2 miles southwest of the project site. The nearest library branches to the project site are listed below.[34]

- Educational Park Branch Library located at 1772 Educational Park Drive, approximately 0.3 miles east of the project site.
- Joyce Ellington Branch Library located at 491 East Empire Street, approximately 1.5 west of the project site.

Applicable Plans, Policies, and Regulations

Police Services

All law enforcement agencies within California are organized and operate in accordance with the applicable provisions of the California Penal Code. This code sets forth the authority, rules of conduct, and training for police officers.

Fire Protection

The California Fire Code contains regulations relating to construction and maintenance of buildings and the use of premises. Fire hazards are addressed mainly through the application of the State Fire Code that addresses access, including roads, and vegetation removal in high fire hazard areas, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, and many other general and specialized fire safety requirements for new and existing buildings and premises.

California Occupational Safety and Health Administration

In accordance with California Code of Regulations Title 8 Sections 1270 "Fire Prevention" and 6773 "Fire Protection and Fire Equipment" the California Occupational Safety and Health Administration (Cal/OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hose sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance, and use of all fire-fighting and emergency medical equipment.

[32] San Jose Unified School District. School Site Locator. Available at: http://apps.schoolsitelocator.com/?districtcode=25499#. Accessed on June 11, 2021.
[33] East Side Union High School District. District Boundary Map. Available at: http://www.esuhsd.org/Community/Boundaries/index.html. Accessed on June 11, 2021.
[34] City of San José Public Library. Locations and Hours. Available at: https://www.sjpl.org/locations. Accessed on June 11, 2021.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code. This includes regulations for building standards (as also set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training.

Schools

Senate Bill 50

SB 50 (1998), which is funded by Proposition 1A, limits the power of cities and counties to require mitigation of developers as a condition of approving new development and provides instead for a standardized fee. SB 50 generally provides for a 50/50 state and local school facilities match. SB 50 also provides for three levels of statutory impact fees. The application level depends on whether state funding is available; whether the school district is eligible for state funding; and whether the school district meets certain additional criteria involving bonding capacity, year-round schools, and the percentage of moveable classrooms in use.

California Government Code sections 65995-65998 sets forth provisions to implement SB 50. Specifically, in accordance with Section 65995(h), the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization…on the provision of adequate school facilities." The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Pursuant to Government Code section 65995(i), "A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section 65995.5 or 65995.7, as applicable."

California Education Code Section 17620(a)(1) states that the governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities.

California Government Code, Section 65995(b), and Education Code Section 17620

SB 50 amended California Government Code Section 65995, which contains limitations on Education Code Section 17620, the statute that authorizes school districts to assess development fees within school district boundaries. Government Code Section 65995(b)(3) requires the maximum square footage assessment for development to be increased every two years, according to inflation adjustments. On January 27, 2016, the State Allocation Board (SAB) approved increasing the allowable amount of statutory school facilities fees (Level I School Fees) from $3.36 to $3.39 per square foot of assessable space for residential development of 500 square feet or more, and from $0.54 to $0.55 per square foot of chargeable covered and enclosed space for commercial/industrial development (State Allocation Board, 2016). School districts may levy high fees if they apply to the SAB and meet certain conditions.

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-2.2: Construct and maintain architecturally attractive, durable, resource-efficient, and environmentally healthful library facilities to minimize operating costs, foster learning, and express in built form the significant civic functions and spaces that libraries provide for the San José community. Library design should anticipate and build in flexibility to accommodate evolving community needs and evolving methods for providing the community with access to information sources. Provide at least 0.59 square feet of space per capita in library facilities.

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.

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.

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?

Less than Significant Impact. The proposed project would demolish the existing four office/warehouse buildings consisting of a total of 221,816 square feet and construct a new 225,280-square foot warehouse. While this is a slight increase in building area on the project site, the proposed use is similar to existing and surrounding uses on site, on a previously developed site, and thus, would not significantly change the demand for fire services for the project site. According to the General Pan EIR the SJFD is not currently meeting response time objectives, but it is anticipated that the planned construction and/or relocation of stations as described in the General Plan EIR will improve response times. No change to or the incremental demand for fire services for the project site would support the effort of the SJFD to meet their response time objectives.

The General Plan found with implementation of Policy ES-3.1 through ES 3.26, there would be a less than significant impact to police and fire services as a result of the build out of the General Plan Furthermore, The proposed project would meet the requirements of the General Plan designation for the project site and 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 protection facilities and impacts would be less than significant

ii. Police protection?

Less than Significant Impact. Police protection services would be provided by the SJPD. The proposed project would demolish the existing four office/warehouse buildings consisting of a total of 221,816 square feet and construct a new 225,280-square foot warehouse. While this is a slight increase in building area on the project site, the proposed use is similar to existing and surrounding uses on site, on a previously developed site, and thus, would not result in a demand for police services beyond the area that the SJPD currently serves. Further, the project is not anticipated to induce population growth within the City that would impact service ratios since project employees would likely come from surrounding areas. Therefore, the project would not increase police response times to the project site or other areas served by the SJPD or result in the construction of new police facilities. Thus, impacts would be less than significant.

iii. Schools?

Less than Significant Impact. The project site is located within the Alum Rock Union Elementary School District and ESUHSD boundaries. As discussed in Section 4.14, Population and Housing, the proposed project would not generate substantial population growth within the City. Thus, no population growth that would substantially increase the demand for schools within the school district boundaries would occur as a result of the project. Further, the project would be consistent with the development anticipated by the build out 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 build out of the General Plan, including the proposed project. Thus, there would be a less than significant impact as a result of the project.

State Law (Government Code Section 65996) specifies an acceptable method of offsetting a project's effect under CEQA on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. San José school districts collect impact fees from new developments under the provisions of SB 50. Payment of the applicable impact fees by the project Applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would fund improvements associated with school services. Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995. As a result, the project would mitigate its indirect impact to schools through compliance with State law requiring new developments to pay a school fee. Thus, impacts would be less than significant.

iv. Parks?

No Impact. The closest City-managed park is Overfelt Gardens Park located at 2145 McKee Road, approximately 0.65-mile east of the project site. The nearest regional park is the Alum Rock Park located approximately 6 miles east of the project site. 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 Issues	Potentially Significant Unless 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 a total of 3,435 acres of regional and neighborhood/community serving parkland. The City owns 197 neighborhood-serving parks and nine regional parks.[35] The closest City managed or owned park to the project site is Overfelt Gardens Park located at 2145 McKee Road, approximately 0.65-mile east of the project site. The closest regional park is Alum Rock Park located 6 miles east of the project site.

Applicable Plans, Policies, and Regulations

The Quimby Act

The Quimby Act (California Government Code §66477) authorizes cities and counties to adopt ordinances requiring new development to dedicate land or pay fees or provide a combination of both for park improvements.

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José enacted the Parkland Dedication Ordinance (PDO)[36] (Municipal Code Chapter 19.38) in 1988 to help meet the demand for new neighborhood and community parkland generated by the development of new residential subdivisions. In 1992, the City Council adopted the Park Impact Ordinance (PIO)[37], which is similar to the PDO, but applies to new non-subdivided residential projects such as apartment buildings. These ordinances are consistent with provisions of the California Quimby Act (GC §

[35]San Jose, City of, Parks & Trails, Available at https://www.sanjoseca.gov/your-government/departments/parks-recreation-neighborhood-services/outdoor-activities/-selcat-102. Accessed June 11, 2021.
[36] City of San José Municipal Code Title 19.38
[37] City of San José Municipal Code Title 14.25

66477), Mitigation Fee Act (GC § 66000), Subdivision Map Act (GC § 66410), and associated federal statutes.

Consistent with these ordinances, housing developers are required to dedicate land, improve parkland, and/or pay a parkland fee in lieu of land dedication for neighborhood and community parks under the PDO and PIO. Pursuant to these ordinances a residential project's parkland obligation under the PDO and PIO is equivalent in value or property to three acres for every 1,000 new residents added by the housing development, pay an in-lieu fee, construct new park facilities, or a provide combination of these.

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 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, combined with the City's on-going park operation and maintenance plans (for which this proposed project would contribute to by way of property taxes), would not result in a substantial physical deterioration of parks or other recreation facilities. Therefore, there would be no impact.

b) Refer to Section 4.16 Public Services, Discussion Impact A(iii). 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 office/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 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 Issues	Potentially Significant Unless 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

Existing Setting

The project site is currently developed four office/warehouse buildings that are partially occupied and still in operation. Access to the site is provided via one driveway along North King Road and two driveways along Las Plumas Avenue. Due to the COVID-19 pandemic, traffic counts for Year 2021 were determined from historic count data. Weekday AM and PM peak hour intersection turning movement volumes for the existing study intersections were obtained from City of San Jose traffic data and applying a 1 percent compound growth rate. Traffic conditions for each study intersection were analyzed during the AM (7:00 – 9:00) and PM (4:00 – 6:00) peak hours of traffic which represent the most heavily congested traffic on a typical weekday. See Appendix J for the Transportation Analysis.

Regional and Local Access

The following local and regional roadways provide access to the project site:

North King Road is a City Connector Street in the north-south direction, extending from Capitol Expressway to Mabury Road in San Jose. Near the project site, North King Road is a four-lane road with Class II bike lanes and a center turn lane that provides direct access to residential, commercial, and industrial businesses. On-street parking is restricted along North King Road and sidewalk facilities are provided for pedestrians on both sides of the street. The proposed project is located in the northeast corner of the North King Road / Las Plumas Avenue signalized intersection and proposes one driveway access point along North King Road.

Las Plumas Avenue is a Local Connector Street in the east-west direction, extending from Highway 101 to Educational Park Drive in San Jose. The facility provides direct access to residential neighborhoods, commercial, and industrial businesses. Along the project frontage, Las Plumas Avenue is a two-lane road with permitted on-street parking and a continuous sidewalk facility on both sides of the street. The proposed project is located in the northeast corner of the North King Road / Las Plumas Avenue signalized intersection and proposes two driveway access points along Las Plumas Avenue.

McKee Road is a City Connector Street in the east-west direction, extending from Highway 101 to Alum Rock Avenue in San Jose. The facility provides direct access to residential neighborhoods, commercial, and industrial businesses. Within the project study area, McKee Road is a four to six-lane road with continuous sidewalk and Class II bike facilities on both sides of the street.

Mabury Road is a City Connector Street in the east-west direction, extending from Highway 101 to White Road in San Jose. The facility provides direct access to residential neighborhoods, commercial, and industrial businesses including access to the Berryessa transit center. Within the project study area, Mabury Road is a four-lane road with continuous sidewalks and Class II bike lanes facility on both sides of the street.

Interstate 680 (I-680) is primarily an eight-lane freeway that is aligned in a north-south orientation between Fairfield and Highway 101 in San Jose at which it transitions into Interstate-280 to San Francisco. Access to the project site to and from I-680 is provided by nearby ramps at McKee Road and Berryessa Road.

Highway 101 is an 8-lane freeway that connects with I-680 and travels in an east-west direction in the City of San José, even though the freeway is labeled as northbound and southbound. Access to and from the project site is provided by ramp terminals at McKee Road and Alum Rock Avenue.

Pedestrian and Bicycle Facilities

There is an active pedestrian presence within the project study are due to an established pedestrian network and nearby residential neighborhoods. Connected sidewalks at least four feet wide are available along all major roadways in the study area with adequate lighting and signing. 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 existing project frontage along North King Road and Las Plumas Avenue provides a continuous sidewalk.

Bicycle facilities in the area include North King Road, Mabury Road, and McKee Road which provide 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 and at signalized intersections. Bicycle parking in the surrounding area is limited to private commercial and industrial lots.

Las Plumas Avenue currently does not provide bicycle facilities. Bicyclists on Las Plumas either share the lane with traffic or ride on the sidewalk; however, near the project site, the existing bicycle facilities have good connectivity and provide bicyclists with routes to the surrounding land uses.

The San Jose Better Bike Plan 2025 indicates that a variety of bicycle facilities are planned in the project study area and the following facility improvements would benefit the project.

- Las Plumas Avenue from Lenfest Road to Educational Park Drive (Class II bike lanes)
- Educational Park Drive from Mabury Road to McKee Road (Class II bike lanes)
- King Road from Berryessa Road to Capitol Expressway (Class IV protected bike lanes)
- Mabury Road from US 101 to White Road (Class IV protected bike lanes)
- McKee Road from US 101 to Toyon 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). Per the updated February 8, 2021 service schedule, the project study area is served by the following major transit routes.

- Frequent Bus Route 61
  - Sierra Road and Piedmont Road to Good Samaritan Hospital
  - Local service every 12-15 minutes on weekdays and every 15-30 minutes on weekends
  - Nearest transit stop to project – Berryessa Transit Station
- Frequent Bus Route 64A
  - McKee Road and White Road to Ohlone-Chynoweth Station
  - Local service every 12-15 minutes on weekdays and every 15-30 minutes on weekends
  - Nearest transit stop to project – King Road / McKee Road intersection
- Frequent Bus Route 64B
  - McKee Road and White Road to Almaden Expressway and Camden Avenue
  - Local service every 12-15 minutes on weekdays and every 15-30 minutes on weekends
  - Nearest transit stop to project – King Road / McKee Road intersection
- Frequent Bus Route 70
  - Milpitas BART to Eastridge Mall via Jackson Street
  - Local service every 12-15 minutes on weekdays and every 15-30 minutes on weekends
  - Nearest transit stop to project – Berryessa Transit Center
- Frequent Bus Route 77
  - Milpitas BART to Eastridge Mall via King Road
  - Local service every 12-15 minutes on weekdays and every 15-30 minutes on weekends
  - Nearest transit stop to project – King Road / Las Plumas Avenue intersection

Note that the routes and service schedules described above are based on February 8, 2021 schedules and are subject to change due to current COVID 19 situation. The affected routes and service schedules is not reflective of typical operations.

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). Bus headways during peak commute periods vary between 12 to 30 minutes. The study area is served by bus routes 61, 64A, 64B, 70, and 77 in the VTA system which provide local and regional bus service for commuters between San José downtown and major transit destinations in Santa Clara County. These bus routes also provide transit connections to the Valley Fair Transit Center, San Jose Diridon Station (Caltrain, ACE, Amtrak), Santa Clara Transit Center, VTA Light Rail stations, and Berryessa Transit Center (BART).

Bus stops with bench amenities are provided within ½ mile walking distance from the project site at the North King Road / Las Plumas Avenue intersection.

BART Service

Commuter rail service between Daily City, Richmond, and San Jose is provided by Bay Area Rapid Transit at the Berryessa Transit Center and North San Jose BART Station. This facility is located within ¾ mile from the project and provides vehicle parking, bicycle parking, and bus transfers on-site. Trains currently operate on the Berryessa-Richmond and Berryessa-Daily City line on a schedule between 5:00 AM and 11:00 PM.

Applicable Plans, Policies, and Regulations

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 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 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 (CMA) 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 of San José 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 (e.g., office, R&D) project's 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 would be required, where feasible.

The policy also requires preparation of a Local Transportation Analysis (LTA) 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-1.4: 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-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

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.

• Downtown. Downtown San José exemplifies low-VMT with integrated land use and transportation development. In recognition of the unique position of the Downtown as the transit hub of Santa Clara County, and as the center for financial, business, institutional and cultural activities, Downtown projects shall support the long-term development of a world class urban transportation network

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?

No Impact. In accordance with General Plan policies, the proposed project will facilitate pedestrian and bicycle access and safety. The project site plan includes changes to the existing sidewalk, bicycle, and transit facilities along the project frontages on North King Road and Las Plumas Avenue. These frontage improvements include installing a pedestrian pathway between the VTA transit stop and project parking lot as well as replacing the existing transit stop bench with a metal bench per VTA specs. Implementation of these facilities would enhance pedestrian access to the VTA transit stop at the King / Las Plumas intersection.

The nearest transit stops to the project site are located at the intersections of King / Las Plumas, King / Mabury, and Mabury / Creekland, which are within a half a mile away. As for bicycle connectivity, North King Road provides Class II bike lanes in the northwest and southwest direction which frontage the project site. North King Road connects to Mabury Road and McKee Road, which also provide Class II bike lanes.

Due to the function and operational characteristics of the proposed warehouse use, the 650 N King Road Industrial project is not anticipated to add substantial project trips to the existing pedestrian, bicycle, or transit facilities in the area. Furthermore, construction related traffic (including 375 truck haul trips from site preparation) would occur prior to site operations and represent an insignificant amount of traffic compared to existing and future conditions. Therefore, the project would not create an adverse effect to the existing pedestrian, bicycle, or transit facility operations.

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 Impact. A vehicle miles traveled (VMT) analysis was used to evaluate the proposed project VMT levels against the appropriate thresholds of significance established in Council Policy 5-1.

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. 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 13.29. The proposed project is anticipated to generate a VMT per employee of 13.25. The evaluation tool estimates that the project would not exceed the City's industrial VMT per employee threshold and would not trigger a VMT impact. Therefore, the project would have a less than significant impact.

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 project provides on-site parking spaces for commercial trucks and employee staff. The at-grade parking lot for employees is accessed by one driveway along North King Road. The parking and loading area for delivery vans and trucks are accessed by two driveways along Las Plumas Avenue. The southmost driveway along Las Plumas Avenue provide exclusive access for inbound/outbound semi-trailer truck shipments and the other driveway along Las Plumas Avenue provides access for employee parking.

The proposed project driveway on North King Road is situated approximately 650-feet north of the Junction Avenue / Dado Street intersection while the closest Las Plumas Avenue driveway is located approximately 200-feet east of the intersection. Per City guidance, driveways should be a minimum of 150 feet from any intersection, and the project satisfies this standard. The proposed driveway location optimizes sight distance and spacing for the proposed site plan.

Per City Municipal Code 20.90.100 and Table 20-220, the minimum width of the proposed two-way drive aisle is 26-feet. The driveway on North King Road is 26-feet wide to accommodate employee passenger vehicles. On Las Plumas Avenue, the southmost driveway is 40-feet wide to accommodate semi-trailer trucks while the driveway near the signal is 30-feet wide to accommodate employee and visitor parking. On North King Road, the driveway is 40-feet wide to provide sufficient vehicle access and circulation for entering and exiting vehicles.

Due to the proposed raised median along North King Road, vehicles accessing the North King Road Industrial project driveway would be allowed to make inbound left, inbound right, and outbound right turns. For Las Plumas Avenue, full-access is provided at the project driveways. From the queue analysis results summarized in the traffic analysis, inbound vehicle queues and delays are not expected to be significant issues. 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; however, these conditions are typical of driveways in industrial areas.

Vehicular On-Site Circulation

The proposed project would provide up to 119 standard vehicular parking spaces and up to 48 trailer truck parking spaces. Analysis using the American Association of State Highway and Transportation Officials AASHTO) template revealed that passenger vehicles could adequately access the driveway, maneuver through the garage, and park in the stalls without conflicting into other vehicles or stationary objects. The project's reduced drive aisle width provides sufficient vehicle clearance.

Delivery trucks and heavy vehicles are currently prohibited from stopping or parking along North King Road and Las Plumas Avenue along the project frontage. All delivery activity for the project would occur onsite in the designated loading dock area. 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 square-feet or more shall provide a minimum of one (1) off-street loading space, plus one additional such loading space for each 20,000 square-feet of floor area. The project provides at least 27 loading dock spaces and satisfies the City requirement.

The STAA truck based on AASHTO and the Caltrans Highway Design Manual was assumed as the maximum size delivery truck that would be allowed due to truck route and maneuverability constraints in the North San Jose area and at the project driveway. Fire apparatus and garbage trucks were also checked for site access, and these vehicle dimensions were based on NCHRP 659 – Guide for the Geometric Design of Driveways.

STAA delivery trucks would be able to maneuver on Las Plumas Avenue adjacent to the project site and access the southmost designated truck driveway to load/unload and exit the site. Turning templates for delivery vehicles indicate that the driveways on North King Road and Las Plumas Avenue would be 40-feet wide. 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 northside 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 will stage in the project parking lots along North King Road or along Las Plumas Avenue. The proposed site layout and location of emergency drive aisles would allow emergency vehicles to have full access to all sides of the building. Existing fire hydrants on Las Plumas Avenue and on the northeast corner of the King / Las Plumas intersection provides direct fire access for emergency personnel. The project driveways are 26-feet wide minimum, provide at least 10-feet high clearance, and satisfies the 20-foot horizontal and 10-foot- vertical minimum access clearances from the 2016 CA Fire Code. 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, 10th Edition*. Per the 2018 *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 535 daily trips, 68 AM, and 74 PM peak hour trips to the roadway network. Of the AM peak hour trips, approximately 53 trips will be inbound to the project and 15 trips will be outbound from the project. For the PM peak hour trips, approximately 22 trips are inbound while 52 trips are outbound. However, when considering trip reductions from current and recent land uses at the site, the net increase in daily trips compared to existing conditions is zero additional trips. See **Table 4-30**.

Table 4-30: 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 (ITE)								
Warehouse [ITE 150]	Per 1,000 Sq Ft	1.74	0.17	77%	/ 23%	0.19	27%	/ 73%
Manufacturing [ITE 140]	Per 1,000 Sq Ft	3.93	0.62	77%	/ 23%	0.67	31%	/ 69%
General Office Building [ITE 710]	Per 1,000 Sq Ft	9.74	1.16	86%	/ 14%	1.15	16%	/ 84%
Baseline Vehicle-Trips for 650 N King Road								
650 N King Road - Warehouse	159.897 1,000 Sq Ft	278	27	21	/ 6	30	8	/ 22
650 N King Road - Manufacturing	65.488 1,000 Sq Ft	257	41	32	/ 9	44	14	/ 30
Baseline Project Vehicle-Trips		**535**	**68**	**53**	**/ 15**	**74**	**22**	**/ 52**
Location-based Mode Share Adjustments								
Suburb With Multi-Family (Mode Share)	-8%	(43)	(6)	(5)	/ (1)	(6)	(2)	/ (4)
Project Vehicle-Trips After Reduction		**492**	**62**	**48**	**/ 14**	**68**	**20**	**/ 48**
Other Trip Adjustments								
(Office) 646 N King - Yellow Checker Cab & Our City Forest	(7.47) 1,000 Sq Ft	(73)	(9)	(8)	/ (1)	(9)	(1)	/ (8)
(Office) 650 N King - 1st Commercial Realty Group	(29.63) 1,000 Sq Ft	(289)	(34)	(29)	/ (5)	(34)	(5)	/ (29)
(Warehouse) 652-10 N King - Guaranteed Express	(18.40) 1,000 Sq Ft	(32)	(3)	(2)	/ (1)	(3)	(1)	/ (2)
(Warehouse) 652-20 N King - Air Filter Controls Inc	(7.26) 1,000 Sq Ft	(13)	(1)	(1)	/ 0	(1)	0	/ (1)
(Warehouse) 654-A N King - Fresh & Best Produce	(10.71) 1,000 Sq Ft	(19)	(2)	(2)	/ 0	(2)	(1)	/ (1)
(Warehouse) 656-10 N King - US Foods	(2.79) 1,000 Sq Ft	(5)	0	0	/ 0	(1)	0	/ (1)
(Warehouse) 656-20 N King - Safra Distribution	(5.56) 1,000 Sq Ft	(10)	(1)	(1)	/ 0	(1)	0	/ (1)
(Warehouse) 656-3 N King - Safra Distribution	(3.24) 1,000 Sq Ft	(6)	(1)	(1)	/ 0	(1)	0	/ (1)
(Warehouse) 656-4 N King - Air 1 Moving	(20.58) 1,000 Sq Ft	(36)	(3)	(2)	/ (1)	(4)	(1)	/ (3)
(Warehouse) 1805 Las Plumas - Odwalla Inc	(7.55) 1,000 Sq Ft	(13)	(1)	(1)	/ 0	(1)	0	/ (1)
Other Trip Adjustment Subtotal		**(496)**	**(55)**	**(47)**	**/ (8)**	**(57)**	**(9)**	**/ (48)**
Baseline Project Vehicle-Trips		**535**	**68**	**53**	**/ 15**	**74**	**22**	**/ 52**
Gross Project Vehicle-Trips		**492**	**62**	**48**	**/ 14**	**68**	**20**	**/ 48**
Net Project Vehicle-Trips		**(4)**	**7**	**1**	**/ 6**	**11**	**11**	**/ 0**
Final Net Project Vehicle-Trips (For Analysis)		**0**	**7**	**1**	**/ 6**	**11**	**11**	**/ 0**
Notes:								
Land Uses based on latest 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 10th Edition								
A 8% Mode Share Reduction from San Jose Transportation Analysis Handbook 2018 was applied since the project is located in an "Suburb with Multi-Family Housing" area.								
Existing land uses were estimated with ITE average rates for trip credit purposes per City direction.								
Existing Land Uses used for ITE vehicle trips based on latest Project Description & 2020 tenant information from Applicant								

Trip Distribution

Due to the nature of the proposed development, vehicle project trips are anticipated to access the I-680 and US 101 regional freeways. Trip distribution and assignment assumptions for the project were based on the project driveway location, the freeway ramp location, community characteristics, and professional engineering judgement. The project trips to and from the site are anticipated to access the following regional facilities and destinations:

- King Road North
- King Road South
- McKee Road East

- McKee Road West
- US 101 North
- US 101 South
- I-680 North
- I-680 South

The project trip assignment and distribution for the proposed project is presented in Appendix I.

The study intersections are anticipated to operate at acceptable LOS during the AM and PM peak hour, and the project is not anticipated to create a significant traffic adverse effect under Background Plus Project conditions. As shown in Table 4-31 below, the study intersections are anticipated to operate at acceptable LOS during the AM and PM peak hour, and the proposed project is not anticipated to create a significant traffic impact under project conditions.

Table 4-31: Intersection Operation Summary for Background Plus Project Conditions

#	Intersection	LOS Criteria	Background Plus Project Conditions							
			AM Peak							
			LOS	Delay (sec)[1]	Delay Var	v/c Ratio	v/c Var	Crit. Delay (sec)	Crit. Delay Var	Impact
1	King Rd / Maybury Rd	D	C	32.1	0.0	0.627	0.000	33.8	0.0	NO
2	King Rd / Las Plumas Ave	D	C	24.8	0.1	0.490	0.002	23.4	0.1	NO
3	King Rd / McKee Rd	D	D	48.8	0.1	0.860	0.002	61.2	0.2	NO

#	Intersection	LOS Criteria	Background Plus Project Conditions							
			PM Peak							
			LOS	Delay (sec)[1]	Delay Var	v/c Ratio	v/c Var	Crit. Delay (sec)	Crit. Delay Var	Impact
1	King Rd / Maybury Rd	D	C	32.2	0.0	0.729	0.000	35.0	0.0	NO
2	King Rd / Las Plumas Ave	D	C	21.0	-0.1	0.507	-0.002	19.6	-0.1	NO
3	King Rd / McKee Rd	D	D	48.9	0.1	0.856	0.002	55.5	0.3	NO

4.18 Tribal Cultural Resources

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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 populated by oak, buckeye, laurel, and hazelnut, 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 is located in a developed lot with existing buildings on site and approximately 0.4 mile from Coyote Creek, the nearest major watercourse. Based on five previous archeological studies conducted in the immediate area, including studies that cover 90% of the project site, no specific archaeological resources have been identified at this location. However, based on the information search conducted by the Northwest Information Center

(NWIC), this general area of the City has a moderately high 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.

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:

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. Previously unknown unrecorded archeological deposits could be discovered during ground disturbing construction activities. Project implementation activities such as project site clearing, preparation, excavation, grading, trenching, boring etc. 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. The General Plan goals and policies include direction for the protection of such resources. However, future ground-disrupting activities within the project site could have the potential to uncover and damage or destroy unknown resources. 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 less than significant.

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.

Assembly Bill (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.

At the time of project application submittal and beginning of the CEQA review process in April 2021, no Native American tribes that are or have been traditionally culturally affiliated with the project vicinity had requested notification from the City of San José. Interest by previously recognized tribes has typically been for projects within the Coyote Valley (approximately 22 miles southeast of the site) or in downtown San José (approximately 5.5 miles south of the site). However, the City did receive a response from tribal representatives of the Tamien Nation requesting formal consultation pursuant to AB 52. Based on this request, the City is currently in consultation with the representative. . Based on this consultation, the project applicant has agreed to voluntary permit conditions for cultural awareness training and archaeological monitoring, as specified below.

Voluntary Permit Conditions

Cultural Awareness Training. Prior to issuance of the Grading Permit, the project applicant shall be required to submit evidence that a Cultural Awareness Training will be provided to construction personnel prior to ground disturbances. The training shall be facilitated by the project archaeologist in coordination with a Native American representative registered with the Native American Heritage Commissions 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.

Archaeological Monitoring. Prior to issuance of grading or demolition permits, the project applicant shall retain a qualified archaeologist and 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. The Native American representative shall be present during appliable earthmoving activities such as, but not limited to, trenching, initial or full grading, or boring on site.

4.19 Utilities and Service Systems

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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 would comply with the City Municipal Code and permitting process for any modifications to the existing solid waste generation, sanitary sewer and stormwater infrastructure potentially required over the duration of the project. The project site is located within the Urban Service Area of the City of San José and is currently served by City services. Off-site facilities would not be required to be upgraded or expanded to serve the project. The project site currently has an existing 8-inch sanitary sewer main

located along Las Plumas Avenue. Existing storm drain facilities are located along North King Road. There is an existing 12.75-inch waterline is located along Las Plumas Avenue.

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.

Water Service: Water service in the City is provided by San José Water Company (SJWC).

Storm Drainage: City of San José.

Solid Waste: Republic Services (Dry, Customized, and Wet)

Natural Gas & Electricity: Pacific Gas and Electric (PG&E).

Telecommunications: AT&T, Comcast, Viasat, Frontier, and Spectrum

Applicable Plans, Policies, and Regulations

Assembly Bill 939

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 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

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

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

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

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. The Santa Clara Valley Water District (SCVWD) adopted its most recent UWMP in 2015.

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 Jose 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-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

No Impact. Water service to the project site is currently provided by SJWC. The proposed project would continue to use SJWC as the water service provider. The project would be consistent with the development anticipated by the General Plan EIR as a result of the implementation of the General Plan for the project site. In the 2015 SCVWD UWMP, SJWC estimated that the total water demand for their service area could reach approximately 169,400 acre-feet per year (AFY) by 2040.

As part of the Water Supply Assessment (WSA) for the General Plan, the San José Municipal Water System evaluated the water demand for office and industrial jobs. Based on these demand rates and the number of employees anticipated for the project, the project would have a water demand of approximately 430 gpd.[38] This is equivalent to approximately 3.93 AFY.[39] Water demand associated with the project would represent 0.0002 percent of the 152,100 AFY projected to be supplied by the SJWC in 2025. Therefore, the increase in water demand as a result of the project is within the anticipated increase accounted for in the 2015 SCVWD UWMP. Further, the project is consistent with the maximum build out of the General Plan considered by the General Plan EIR. Therefore, the project demand is within normal growth projections for water demand in the SJWC 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 no impact.

Wastewater

No Impact. According to the General Plan EIR, development under the General Plan is estimated to generate 30.8 mgd of average dry weather influent flow[40]. 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. As discussed in the General Plan EIR, the San José-Santa Clara Regional Wastewater Facility (RWF) in Alviso 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. Since the project is within the bounds of the maximum build out considered by the General Plan the project would not increase wastewater generation beyond what was previously analyzed in the General Plan EIR, so 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 well 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

[38] The WSA assumed an office, manufacturing, and industrial water demand factor of 29 gallons per day per employee in North San José. Total Water Demand = (29 gpd per employee*121 employees) = 3,509 gpd
[39] 3,509 gpd * 365 days = 1,280,785 gallons per year * 1 acre foot per 325,851 gallons = 3.93 AFY
[40] City of San José. Draft Program Environmental Impact Report for the Envision San José 2040 General Plan. June 2011. P.656

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 no impact.

Stormwater

No Impact. As discussed in Section 4.10, Hydrology and Water Quality, implementation of the proposed project would increase impervious surfaces on-site. The General Plan EIR as supplemented, concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would not require or result in the relocation or construction of new stormwater drainage and there would be no impact.

Electric Power, Natural Gas, and Telecommunications Facilities

No Impact. As the project site is currently operating as existing office/warehouse use buildings and is surrounded by urban uses, infrastructure on the project site is already established. As discussed above, PG&E is the main electricity and natural gas provider for the City of San José. PG&E would continue to provide these services for the proposed project. Telecommunications would continue to be provided by AT&T, Comcast, Viasat, Frontier, and 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 expanded water, wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities and there would be no 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 SJWC. The proposed project would generate a water demand of 430 gpd. This increase in water demand was accounted for in the 2015 SCVWD. Further the project is within the maximum build out of the General Plan considered by the General Plan EIR. Therefore, the anticipated project demand would be within normal growth projections for water demand in the General Plan 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?

No 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. The City landfills 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.[41]

The proposed project would generate approximately 31.98[42] pounds per day (ppd) of solid waste, a net increase of approximately 13.74[43] ppd over the existing development. The General Plan EIR concluded that the increase in solid waste generated by full buildout under the General Plan would not cause the City to exceed the capacities of the operating landfills that serve the City. Solid waste generation from implementation of the proposed project would be avoided 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 that the proposed project would not result in significant impacts to landfill capacities to accommodate the City's increased service population. Therefore, there would be no impact.

[41] City of San José. Envision San José 2040 General Plan DEIR. Page 664
[42] Estimated solid waste generation rates were obtained from CalRecycle. Total ppd generated by proposed project = 225,280 SF of warehouse*(1.42 lb/100 sf/day)/100 = 31.98 ppd
[43] Estimated total ppd generated by existing project = 128,458 SF *(1.42 lb/100 sf/day)/100 = 18.24 ppd. Net increase = 31.98 ppd - 18.24 ppd = 13.74 ppd

4.20 Wildfire

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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 10.7-acre site is located within an urban area and is predominately surrounded by industrial and residential uses. According to the California Department of Forestry and Fire Protection Fire Hazard Severity Zone map last updated in January, 2020, the proposed Project site is within a Local Responsibility Area (LRA) and is not zoned as very high fire hazard.[44] The nearest Very High Fire Hazard Severity Zone is approximately three miles northeast of the project site. The proposed project is also outside of the Santa Clara County Wildland Urban Interface Fire Area.[45]

[44] California Department of Forestry and Fire Protection. FHSZ Viewer. Available at: https://egis.fire.ca.gov/FHSZ/. Accessed on June 11, 2021.
[45] County of Santa Clara. Santa Clara County Wildland Urban Interface Fire Area. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/WUIFA_Adopted_Map.pdf. Accessed on July 21, 2021.

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 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. Because the project site is zoned in the "Non-Very High Fire Hazard Safety Zone" and outside of the Wildland Urban Interface Fire Area, 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 zoned in the "Non-Very High Fire Hazard Safety Zone" and outside of the Wildland Urban Interface Fire Area. The nearest LRA very high fire hazard severity zone is approximately three 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. Also, the project site is not located in a LRA very high fire hazard severity zone and is located outside of the Wildland Urban Interface Fire 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. As discussed above, the project site is not located in a LRA very high fire hazard severity zone and is located outside of the Wildland Urban Interface Fire 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.

4.21 Mandatory Findings of Significance

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless 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. 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.

As identified in Section 4.5, Cultural Resources, the proposed project would not have potentially significant impact on historic, cultural, or tribal cultural resources located on the project site. The proposed project would result in a less than significant impact on cultural resources.

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 industrial use building on site. The project would also contribute to the continued urbanization of the project area.

The proposed project would have a less than significant impact with mitigation on hazards and hazardous materials and transportation. The proposed project would have less than significant impact on aesthetics, geology and soils, 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, hazardous materials 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.

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