Draft Environmental Impact Report

Westgate West Costco Project

File No. CP21-022
SCH# 2022010135

December 2023

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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PROJECT OVERVIEW

The 19.8-acre Project site is located at 5287 Prospect Road in the City of San José. The Project site is located on the northeast corner of the Lawrence Expressway and Prospect Road intersection.

The proposed Project would demolish three existing buildings, totaling 188,265 square feet, in the Westgate West Shopping Center and construct one new wholesale warehouse retail center ("Costco building") with associated rooftop and surface parking. Reconfiguration of the existing Westgate West Shopping Center surface parking and closing the existing northwestern driveway at the terminus of Graves Avenue would also occur.

The proposed Costco building would be located on the northwestern portion of the Project site and would comprise a total of 165,148 square feet, a 23,117 net decrease in square feet compared to the existing buildings to be demolished, with a net floor area ratio (FAR) of 0.4. The Costco building would be 40 feet tall, with the structure housing the elevator that serves the rooftop parking reaching the building's maximum height of 48 feet[1].

The following is a summary of the significant impacts and mitigation measures addressed within this Environmental Impact Report (EIR). The project description and full discussion of impacts and mitigation measures can be found in the following chapters of this EIR.

SUMMARY OF SIGNIFICANT IMPACTS

The following table, **Table ES-1.1-1: Summary of Significant Impacts and Mitigation Measures**, summarizes the significant effects of the Project on the environment and mitigation measures are identified to reduce the effects to a less than significant level, where applicable and feasible. A significant effect on the environment means a substantial, or potentially substantial, adverse change on the environment. A complete description of the Project and discussion of its potentially significant impacts and proposed mitigation measures can be found in Section 3.0, of this EIR.

[1] Light poles for rooftop parking lighting would extend 10 feet above the parking surface.

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Table ES-1.1-1: Summary of Significant Impacts and Mitigation Measures

Significant Impacts	Mitigation Measures	Significance After Mitigation
Air Quality		
Impact AQ-1: Construction activities associated with the proposed Project could expose sensitive receptors near the Project site to a maximum estimated cancer risk of 30.4 (in a million) due to toxic air contaminants (TAC) emissions that could exceed the BAAQMD threshold for annual cancer risk of 10 per million by 20.4 per million.	**Mitigation Measure AQ-1:** Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall submit verification, with equipment verified by a qualified air quality specialist, that verifies the project would achieve a fleet-wide average of a 80 percent reduction or more in diesel particulate matter (DPM) exhaust emissions during construction. Specifically, the Project would achieve this by using • All construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for particulate matter (PM_{10} and $PM_{2.5}$), if feasible, otherwise: • If use of Tier 4 equipment is not available or feasible, alternatively use equipment that meets 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 a 80 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination). The verification documentation shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).	Less than Significant

Significant Impacts	Mitigation Measures	Significance After Mitigation
Biological Resources		
Impact BIO-1: Construction activities on the Project site could potentially result in disturbance of the American peregrine falcon, nesting raptors, or other migratory birds.	**Mitigation Measure BIO-1: Preconstruction Bird Surveys** • Avoidance: Prior to the issuance of any demolition, grading, tree removal or building permits (whichever occurs first), the Project applicant shall schedule demolition and construction activities to avoid the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). • Nesting Bird Surveys: If the start of construction activities is 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 construction. This survey shall be completed no more than 14 days prior to the start of demolition and construction activities. 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 qualified 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 buffer shall remain in place until the ornithologist 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	Less than Significant

Significant Impacts	Mitigation Measures	Significance After Mitigation
	that may be present. • Reporting: If the start of construction activities is scheduled to occur between September 1st and January 31st (inclusive) and pre-construction survey are required, prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director's designee.	
Hazards and Hazardous Materials		
Impact HAZ-1: Documented concentrations of volatile organic compounds (VOCs) in soil vapor in excess of preliminary San Francisco Bay Regional Water Quality Control Board screening levels could impact future Project occupants.	**MM HAZ-1: Regulatory Oversight** Prior to the issuance of any grading or demolition permits, the project Applicant shall either provide DTSC's No Further Action Letter or, if required by DTSC, prepare a Site Management Plan and Health and Safety Plan or equivalent document to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly. A copy of either the DTSC's No Further Action letter or the approved Site Management Plan and Health and Safety Plan, if required by DTSC, shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department prior to the issuance of any grading or demolition permits.	Less Than Significant
Noise and Vibration		

Significant Impacts	Mitigation Measures	Significance After Mitigation
Impact NOI-1: Project construction would exceed the City's General Plan Policy EC-1.7 construction noise standards and would temporarily result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses (to the north) and 200 feet of commercial (to the east/south).	**MM NOI-1: Construction Noise Logistics Plan** Prior to the issuance of any grading or demolition permits, a qualified acoustical consultant shall prepare a Construction Noise Logistics Plan. The Construction Noise Logistics Plan shall include, at a minimum, the following requirements: • Hours of construction as well as the noise and vibration minimization measures. • Prohibit pile driving. • Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes. • 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. • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices. • Property owners and occupants located within 300 feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities, regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and	Less than Significant

Significant Impacts	Mitigation Measures	Significance After Mitigation
	approved by the Director of Planning, Building and Code Enforcement or Director's designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the Noise Disturbance Coordinator where residents can inquire about the construction process and register complaints. • Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities, an on-site construction staff member will be designated as a Noise Disturbance Coordinator. The Noise Disturbance Coordinator is responsible for responding to complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 300 feet of the construction site and all signs posted at the construction site, shall include the telephone number for the Coordinator, as well as a description of the Coordinator's specified roles and responsibilities at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request. Prior to issuance of any demolition or grading permits, the project applicant shall submit a copy of the Construction Noise Logistics Plan to the Director of Planning, Building and Code Enforcement or the Director's designee, and the project applicant shall implement the requirements of the Construction Noise Logistics Plan during project construction.	

Significant Impacts	Mitigation Measures	Significance After Mitigation
Impact NOI-2: Nighttime project construction activities and 24-hour concrete pours over a 5-day period, could result in hourly average noise levels exceeding the noise standard of 58.8 dBA by 14.7 dBA at the residences located north of the Project site and 1.7 dBA at the residences located east of the Project site.	**MM NOI-2 Extended Construction Hours** The project includes overnight concrete pours during the extended construction hours of 7:00 p.m. to 7:00 a.m., Monday through Friday, within 300 feet of existing residential land uses. Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the Project Applicant shall implement the following measures: • For informational purposes, the Applicant shall provide the City's Supervising Environmental Planner with a proposed overnight construction schedule, list of equipment to be used during concrete pours, and the equipment specifications (including noise level information generated by such equipment) for equipment to be used during extended construction hours. Additionally, the Applicant shall provide an example notification template for the evening hour pours that will occur at the Project site. • To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors between 7:00 p.m. and 7:00 a.m., and/or the work sites shall be arranged in a way that avoids the need for any reverse motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with SAE J994 Class D alarms (ambient-adjusting, or "smart alarms" that automatically	Less than Significant

Significant Impacts	Mitigation Measures	Significance After Mitigation
	adjust the alarm to 5 dBA above the ambient near the operating equipment). • The northern, eastern, and western Costco building walls shall be erected prior to the commencement of nighttime concrete pouring, which would provide an approximate 15 dBA Leq reduction in nighttime construction noise levels. • Prohibit concrete trucks from accessing the Project site via Graves Avenue and/or Saratoga Avenue during all nighttime activities. • Any idling trucks utilized during nighttime construction shall only queue on the southern façade of the Costco building. In addition, all concrete trucks shall only enter the Costco building from the southern building façade. Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit documentation to the Director of Planning, Building and Code Enforcement or Director's designee documenting the above requirements are met.	

CUMULATIVE IMPACTS

The Project would not have a cumulatively considerable contribution to a significant cumulative impact. Please see Section 4.0 for a complete analysis of potentially cumulative impacts.

SUMMARY OF ALTERNATIVES TO THE PROPOSED PROJECT

CEQA requires that an EIR identify alternatives to the Project as proposed. The CEQA Guidelines specify that an EIR identify alternatives which "would feasibly attain most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects" of the Project. Below is a summary of the Project alternatives. A full analysis of the Project alternatives is provided in Section 8.0 of this EIR, including additional alternatives that were considered and rejected from further consideration.

NO PROJECT ALTERNATIVE

The CEQA Guidelines [§15126(d)4] require that an EIR specifically discuss a "No Project" alternative, which shall address both "the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved, based on current plans and consistent with available infrastructure and community services."

The No Project Alternative would retain the site's current Neighborhood/Community Commercial (NCC) General Plan land use designation and Commercial General (CG) zoning, maintain existing buildings, and continue the current operations on the Project site. No development of the proposed Project would occur. If the Project site were to remain as is, there would be no new impacts.

ALTERNATIVE PLACEMENT ON-SITE ALTERNATIVE

The Alternate Placement On-Site Alternative considers locating the proposed Costco building on a different portion of the Project site further away from the residences to the east. Under this alternative, the Project would maintain the existing building footprint and layout, but would locate the Costco building on the northwestern portion of the Project site, along the Lawrence Expressway frontage. Under this Alternative, impacts to air quality, biological resources, and noise and vibration would remain similar. However, this alternative could result in a new potentially significant impact to transportation related to off-site queuing and delivery truck access to the site as compared to the proposed Project.

REDUCED SIZE ALTERNATIVE

The Reduced Size Alternative considers the development of a Costco with its building size reduced by approximately thirty percent to a size of 108,000 square feet. Under this alternative, impacts to biological resources and noise and vibration would not be avoided. Additionally, this alternative could potentially result in greater impacts to transportation and air quality as the resulting VMT may not be as decreased as the proposed Project due to the inability of customers to receive as many goods and services as other Costco locations.

NO ROOFTOP PARKING ALTERNATIVE

The No Rooftop Parking Alternative considers removing the proposed rooftop parking, screening, and associated vehicle circulation infrastructure from the proposed Costco building, while maintaining the same building footprint as the proposed Project. Under this Alternative, impacts to air quality, biological resources, and noise and vibration would remain similar. However, this alternative could result in a new potentially significant impact to operational air quality due to queuing on- and off-site a result of insufficient parking as compared to the proposed Project.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The environmentally superior alternative is the No Project Alternative as no new impacts would occur. However, CEQA Guidelines state that if the environmentally superior alternative is the No Project Alternative, the EIR shall identify an environmentally superior alternative among the other alternatives. Since the Alternate Placement On-Site Alternative would reduce the noise and vibration impact for residences located to the east of the Project site, the Alternate Placement On-Site Alternative is the environmentally superior alternative.

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SECTION 1.0 INTRODUCTION

The City of San José (City), as the Lead Agency, has prepared this Environmental Impact Report (EIR) for the Westgate West Costco Project in compliance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines.

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a proposed project, as well as identifies mitigation measures and alternatives to the proposed Project that could reduce or avoid adverse environmental impacts (CEQA Guidelines 15121(a)). As the CEQA Lead Agency for this Project, the City is required to consider the information in the EIR along with any other available information in deciding whether to approve the Project. The basic requirements for an EIR include discussions of the environmental setting, environmental impacts, mitigation measures, cumulative impacts, alternatives, and growth-inducing impacts. It is not the intent of an EIR to recommend either approval or denial of a project.

1.1 PURPOSE AND INTENDED USE OF THIS EIR

This EIR has been prepared to evaluate the environmental consequences that may result from implementation of the proposed Project. This EIR provides an evaluation of the proposed Project at a project-level pursuant to the Guidelines for the California Environmental Quality Act (State CEQA Guidelines) (CCR Title 14, Chapter 3, Sections 15000-15387), Sections 15161 and 15168(a)(2), respectively. According to Section 15161 of the State CEQA Guidelines, a project-level EIR is appropriate for specific development projects for which information is available for all phases of the project, including planning, construction, and operation.

CEQA requires the Lead Agency to consider the information contained in the EIR prior to taking any discretionary action. This EIR provides information to the Lead Agency and other public agencies, the general public, and decision makers regarding the potential environmental impacts from the construction and operation of the proposed Project. The purpose of the public review of the EIR is to evaluate the adequacy of the environmental information in a transparent and publicly available setting. Section 15151 of the CEQA Guidelines states the following regarding standards by which adequacy is judged:

> *An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among experts. The courts have not looked for perfection but for adequacy, completeness, and a good faith effort at full disclosure.*

Under CEQA, "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the proposed project, and to indicate the manner in which those significant effects can be mitigated or avoided" (PRC Section 21002.1[a]). An EIR is the most comprehensive form of environmental documentation identified in CEQA and the CEQA Guidelines and provides the information needed to assess the environmental consequences of a proposed project. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a proposed project that has the potential to result in significant, adverse environmental impacts.

As required by State CEQA Guidelines Section 15128, this EIR must identify any effects of the Project determined to be significant. Section 3.0 of this EIR identifies the subject matter that is the focus of analysis, and also identifies where certain environmental issues will have potential impacts from the Project.

1.2 EIR PROCESS

NOTICE OF PREPARATION AND SCOPING

In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City of San José prepared a Notice of Preparation (NOP) for this EIR. The NOP was circulated to the public and responsible agencies for input for a 30-day comment period, from January 12, 2022 to February 11, 2022. The NOP provided a general description of the proposed Project and identified possible environmental impacts that could result from implementation of the Project. The City of San José also held a public scoping meeting on January 24, 2022, to discuss the Project and solicit public input as to the scope and contents of this EIR.

Comments were received from individuals, organizations, and/or agencies as written comments via email for a total of 48 written comments. Additional comments were heard at the public scoping meeting. Concerns raised in response to the NOP and scoping meeting were considered during preparation of the EIR and are addressed throughout the individual sections of this EIR. The NOP and copies of all written comment letters received are provided in Appendix A of this EIR.

In general, comments on the NOP expressed an interest to see the following issues addressed in the EIR:

- Air Quality – air pollution and health risk impacts
- Noise – Construction and operation phase noise impacts
- Tribal Cultural Resources – AB 52 compliance
- Transportation – local transportation analysis methodology

DRAFT EIR PUBLIC REVIEW AND COMMENT PERIOD

Publication of this EIR will mark the beginning of a 45-day public review and comment period. During this period, the EIR will be available to local, state, and federal agencies and to interested organizations and individuals for review and comment. Notice of the availability and completion of this EIR will be sent directly to every agency, person, and organization that provided comment(s) on the NOP, as well as the Office of Planning and Research (OPR) per AB 819 ((Revised Pub. Resources Code, §§ 21080.4(a), 21082.1(c), 21091(a), 21092(b)(3), 21092.2(d), 21092.3, 21108(d), 21152(c), (d) and 21161.).

Written comments concerning the environmental review contained in this EIR during the 45-day public review period should be sent to:

City of San José
Department of Planning, Building, & Code Enforcement
Kara Hawkins, Planner
200 E. Santa Clara Street, Tower 3rd Floor
San José, CA 95113-1905
Kara.Hawkins@sanjoseca.gov

This EIR and all documents referenced in it are available for public review in the Department of Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, Tower 3rd floor, by

appointment during normal business hours and at the Martin Luther King, Jr. library in downtown San José. These documents are also available for review online here:

https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/westgate-west-costco-warehouse-project-cp21-022

FINAL EIR AND RESPONSES TO COMMENTS

Following the conclusion of the 45-day public review period, the City of San José will prepare a Final EIR in conformance with CEQA Guidelines Section 15132. The Final EIR will consist of the following: revisions to the EIR text, as necessary; list of individuals and agencies commenting on the EIR; responses to comments received on the EIR, in accordance with CEQA Guidelines (Section 15088); and copies of letters received on the EIR.

NOTICE OF DETERMINATION

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

1.3 PROJECT INFORMATION

PROJECT TITLE AND FILE NUMBER

Westgate West Costco Project
File No. CP21-022

PROJECT LOCATION

The 19.8-acre Project site is located at 5287 Prospect Road in the City of San José. The Project site is located in the Westgate West Shopping Center on the northeast corner of the Lawrence Expressway and Prospect Road intersection in the Paseo de Saratoga Urban Village[2]. See Figure 1.3-1: Regional Map and Figure 1.3-2: Project Vicinity Map.

LEAD AGENCY CONTACT

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

Environmental Project Manager: Kara Hawkins
Phone: (408) 535-7852
Email: Kara.Hawkins@sanjoseca.gov

[2] At the time of writing, the Paseo de Saratoga Urban Village does not have an approved Urban Village Plan.

PROPERTY OWNER/PROJECT APPLICANT

Contact: Michael Okuma
Costco Wholesale Corporation
999 Lake Drive
Issaquah, WA 98027

ASSESSOR'S PARCEL NUMBERS

APNs 381-36-012, -014, -018, -021, -023, -026, -028, -029, -030

ZONING DISTRICT AND GENERAL PLAN DESIGNATION

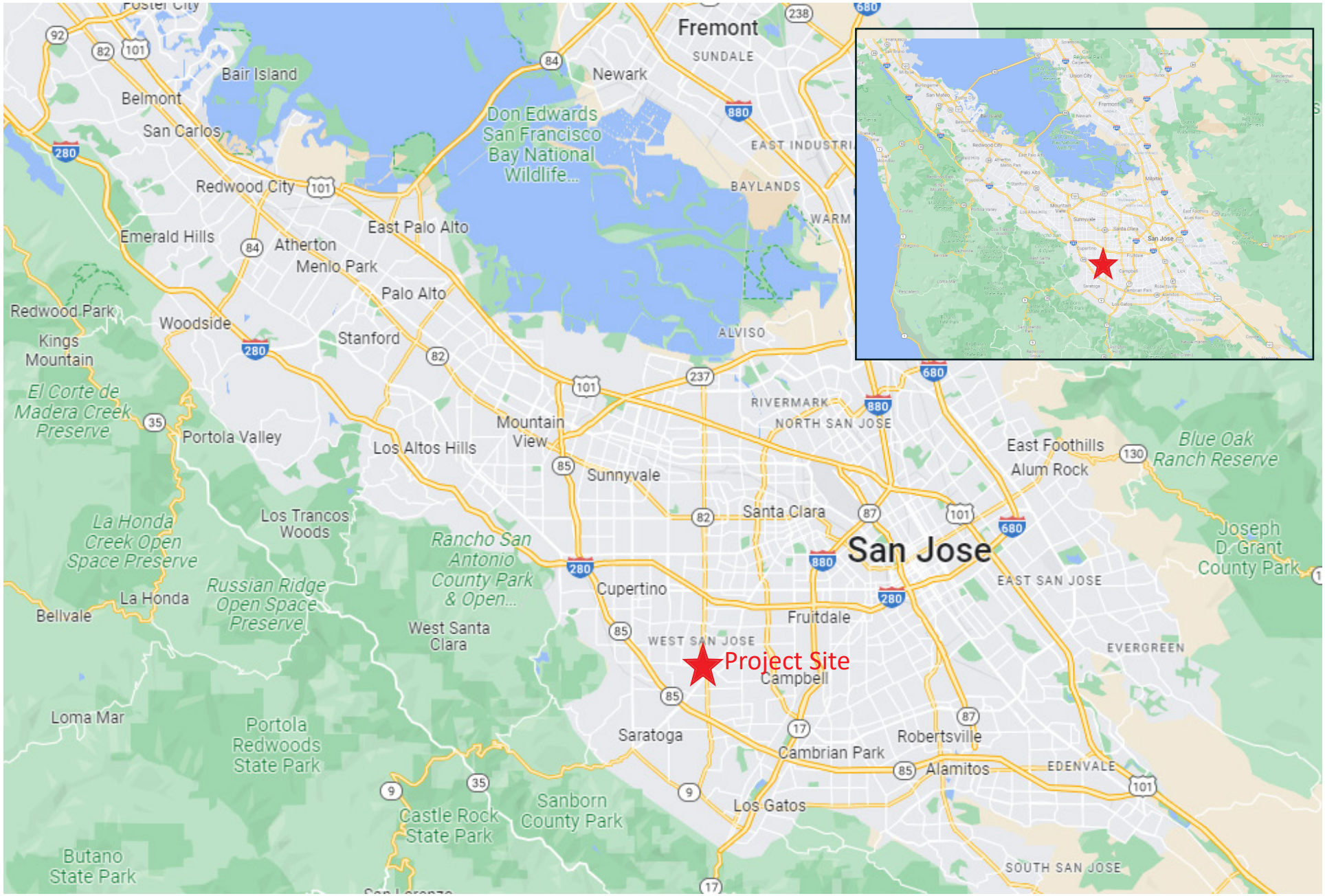
General Plan: Neighborhood/Community Commercial (NCC)
Zoning: Commercial General (CG)

HABITAT PLAN DESIGNATION

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

PROJECT-RELATED DISCRETIONARY APPROVALS, AGREEMENTS, AND PERMITS

- Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-site alcohol sales. Includes Site Development Permit findings for extended construction hours and a Citywide Design Standards and Guidelines exception.
- Tree Removal Permit
- Medical Waste Management Permit



Source: Google Maps, 2022

Figure 1.3-1: Regional Map

Westgate West Costco
Draft EIR

Not to scale

Kimley»Horn
Expect More. Experience Better.

Source: Google Maps, 2021

Figure 1.3-2: Project Vicinity Map

Westgate West Costco
Draft EIR

Not to scale

Kimley»Horn
Expect More. Experience Better.

SECTION 2.0 PROJECT INFORMATION AND DESCRIPTION

2.1 EXISTING PROJECT SITE

The 19.8-acre Project site is located at 5287 Prospect Road (APNs: 381-36-012, -014, -018, -021, -023, -026, -028, -029, -030) in the City of San José. The Project site is within the Westgate West Shopping Center and is currently developed with nine commercial/retail buildings, a covered garden center, surface parking lots, and associated landscaping; see Figure 2.5-1: Existing Conditions. There is a total of approximately 251,519 square feet of existing buildings; see Table 2.1-1: Existing Buildings Summary. Existing uses on-site include retail and restaurant uses. Vehicular access to the Project site is currently provided via seven driveways, one driveway from the Lawrence Expressway, three driveways from Prospect Road, two driveways from Graves Avenue, and one driveway from Saratoga Avenue through the eastern portion of the Westgate West Shopping Center. A total of 1,311 parking spaces are available throughout the site to serve the existing buildings. Truck access and loading docks are located on the north side of existing Buildings J, H, and E.

Table 2.1-1: Existing Buildings Summary

Existing Building	Building Area (sf)
Building A	12,565
Building B	7,034
Building C	11,235
Building D	11,772
Building E	17,848
Building F	16,708
Building G	2,800
Building H	74,303
Building J	97,254
TOTAL	**251,519**

The Project site has existing landscaping along all site boundaries and throughout surface parking areas. There are 272 existing trees throughout the Project site, including 171 ordinance-size trees.[3] There is existing utility access (water and sewer, stormwater management, dry utilities and solid waste management) to the Project site. Finally, the Project site has existing site lighting for security and wayfinding.

[3] An ordinance-size tree on private property is either: Single Trunk, 38-inches or more in circumference at 4 ½ feet above ground or Multi Trunk, the combined measurements of each trunk circumference, at 4 ½ feet above ground, add up to 38-inches or more in circumference.

For the purposes of CEQA, this EIR baseline assumes 80 percent occupancy of the three existing commercial buildings on-site that would be demolished by the Project. For purposes of this analysis "80 percent occupancy" reflects that 80 percent of the three existing buildings (Buildings H, J and F as shown on Figure 2.5-1: Existing Conditions) are occupied with tenants, which is consistent with average historical occupancy rates over the past five years.[4] This occupancy assumption is conservative as a result of the by-right opportunity to occupy all of the existing buildings with permitted uses in the future. While some of the buildings are currently partially vacant, in part due to timing of leases and anticipation of the Project, the site has historically been occupied and could readily become fully occupied again without any discretionary approvals. As such, consistent with prevailing case law (North County Advocates v. City of Carlsbad (2015) 241 Cal.App.4th 94), the 80 percent occupancy rate will be used as the appropriate CEQA baseline against which impacts associated with implementation of the Project are measured.

2.2 PROJECT SITE VICINITY

The Project site is located in an urban area within an existing commercial center surrounded by a mix of commercial/retail and residential uses. The Project site is generally surrounded by commercial/retail uses to the east and south and residential uses to the north and west. More specifically, the Project site is bounded by Graves Avenue to the north, the Westgate Shopping Center and West Valley Professional Center to the east, Prospect Road to the south, and the Lawrence Expressway to the west. Residential uses are located north of the Project site, across Graves Avenue. Commercial/retail uses are located immediately east of the Project site, with residential uses further east, beyond the Westgate Shopping Center. Commercial/retail uses are also located south of the Project site across Prospect Road. Residential uses are located west of the Project site, across the Lawrence Expressway. The Saratoga Creek Dog Park is located north of the Project site, Prospect High school is located southwest, and Saratoga Creek is located west of the Project site.

2.3 PROPOSED DEVELOPMENT

PROPOSED PROJECT

The proposed Project would demolish three existing buildings, Buildings F, H, and J, totaling 188,265 square feet (see Figure 2.5-1: Existing Conditions), and construct one new wholesale warehouse retail center ("Costco building") and associated rooftop and surface parking. The other six existing buildings, Buildings A, B, C, D, E, and G, as shown on Figure 2.5-1: Existing Conditions, would remain. Reconfiguration of the existing Westgate West Shopping Center surface parking and closing the existing northwestern driveway at the terminus of Graves Avenue would also occur. Figure 2.5-2: Proposed Overall Site Plan shows the site layout and Figure 2.5-3: Proposed Elevations shows the proposed architectural elevations for the Costco building. The Project site is designated as Neighborhood/Community Commercial (NCC) in the Envision San José 2040 General Plan Land/Use Transportation Diagram, which allows for commercial and retail uses. The Project site is located in the Commercial General (CG) Zoning District, which also allows for commercial and retail uses including larger commercial centers and regional malls.

Costco

The Costco building, located on the northwestern portion of the Project site, would comprise a total of 165,148 square feet, a 23,117 net decrease in square feet compared to the existing buildings, with a net floor area ratio (FAR) of 0.4. The Costco building would be 40 feet tall, with the structure housing the

[4] Personal mail communication with Project Applicant, October 17th 2022.

elevator that serves the rooftop parking reaching a maximum height of 48 feet. Uses associated with the Costco building could include:

- General warehouse retail sales
- Optical exams and sales
- A vision center
- A bakery
- A rotisserie area
- A deli/dish preparation area
- Produce, deli/meat, and dairy coolers
- A sales coolers, freezer, and sub-zero freezer
- Alcohol sales
- A pharmacy and pharmaceutical lab
- A hearing center
- Three consult rooms for the hearing and vision centers
- Employee lockers rooms
- Offices
- Restrooms
- Tire sales and services areas
- A food service area and indoor seating

The Costco building would include four loading dock doors for trucks on the south side of the building, near the southeast corner of the building, that would connect to the interior receiving area. Rooftop parking would be constructed on top of the Costco building in addition to surface parking located to the west and southwest of the building. See Table 2.3-1: Proposed Parking below for proposed parking quantities. Ten short term bicycle parking spaces would also be installed adjacent to the Costco entrance. Vehicle access to the surface parking from off-site would be provided by three driveways (from the Lawrence Expressway, one from Prospect Road, and one from Graves Avenue) with an additional access point from Saratoga Avenue connected to the Project site through the existing West Valley Professional Center. Access to the rooftop parking would be provided via a ramp on the south side of the Costco building connected to internal driveways with access from Prospect Road and the Lawrence Expressway. Truck access would be from the Lawrence Expressway or the Saratoga Avenue driveways with additional access available from Prospect Avenue at night.

Surface Parking Reconfiguration

The existing Building E and Building F parking lots and circulation would be reconfigured to accommodate the proposed extension of the access driveway from Prospect Road. The existing driveway from Prospect Road would be extended to connect with the rooftop parking access ramp on the south side of the proposed Costco building; see Figure 2.5-2: Proposed Overall Site Plan**.**

PARKING

With development of the Project, the Westgate West Shopping Center would have a total of 1,311 parking spaces with 687 stalls dedicated to Costco; see Table 2.3-1: Proposed Parking. This would constitute a 280 parking space increase as compared to the 1,031 parking spaces currently on-site.

Table 2.3-1: Proposed Parking

Building	Parking Stalls
Costco Building	**687**
Rooftop	*381*
Surface	*306**
Westgate West Shopping Center	**624**
TOTAL	**1,311**
*18 stalls are ADA accessible	

LANDSCAPE PLAN

The proposed landscaping plan and plant palette is provided in Figure 2.5-4: Proposed Costco Landscape Plan and Figure 2.5-5: Proposed Reconfigured Parking Landscape Plan. The Project site has mature landscape vegetation including trees and shrubs along the site boundary. Trees are also existing throughout the existing surface parking lots. Project implementation would remove some of the existing vegetation on-site, including 115 trees, 81 of which are ordinance-sized trees; 157 existing trees would remain. Tree removals would be in accordance with San José Municipal Code Section 13.32 which requires project applicants to obtain and comply with a Tree Removal Permit. Based on the City's Tree Replacement ratios, the Project would be required to plant a total of 375 15-gallon replacement trees (or 188 24-inch box trees) or pay equivalent Tree Replacement Fees to the City. The Project proposes to plant 289 new 24-inch box trees on-site and in project site street frontages. Additional landscaping throughout the site would include a mix of grasses, shrubs, and groundcover. Landscape coverage would be provided for the required 15-foot frontage setback along the Lawrence Expressway.

The proposed landscape plan would meet the City of San José's Water Efficient Landscape Requirements. Proposed features include a low-flow, point source irrigation system equipped with a weather based smart controller. On-site landscaping would meet State water efficient landscape standards and stage 2 drought restrictions.

OFF-SITE IMPROVEMENTS

The Project would also include off-site right-of-way improvements at the Project site access points from the Lawrence Expressway, along the Lawrence Expressway, along Prospect Road, along Graves Avenue, and Project site access from Saratoga Avenue.

Improvements at the Lawrence Expressway access would include constructing two ADA compliant curb ramps equipped with truncated domes connected to a crosswalk that would be restriped and may receive some asphalt reconstruction. The sidewalk between the Lawrence Expressway access to the Project site and the Graves Avenue cul-de-sac would also be reconstructed.

Public improvements along Prospect Road would involve reconstructing the existing median to extend the existing eastbound left-turn lane that would provide access to the Project site.

A crosswalk across Graves Avenue at the intersection with Field Avenue would be installed to provide pedestrian access to the Project site. Crosswalk installation would include striping across Graves Avenue

and concrete curb extensions on both sides of Graves Avenue. Some roadway reconstruction may be required to access drainage though no drainage outlets are anticipated to be relocated.

The north side of the Saratoga Avenue access behind the existing Westgate West Shopping Center building would be widened to permit truck access to the proposed Costco Building.

UTILITY INFRASTRUCTURE

The Project would connect proposed utilities to existing off-site utility infrastructure in adjacent roadways, with the final sizing and design occurring during final building design and plan review.

Water and Sewer. The Project site is within the San José Water Company's jurisdictional boundaries. Although the site's existing use has connections to the utility system, the proposed Project would provide new connections to the municipal water system. The City of San José's Environmental Services Department provides sewer utility services to the Project site, and wastewater treatment occurs at the San José-Santa Clara Regional Wastewater Facility (Facility). The Facility is jointly owned by the cities of San José and Santa Clara and is managed by the City of San José's Environmental Services Department.

Stormwater Management. The City of San José's Environmental Services Department is responsible for stormwater management within the City. The Project would install bioretention basins throughout the proposed surface parking lots that feed into the City storm drain system. Underground 12 or 24 inch piping would convey stormwater from the bioretention basins to pipe that would connect to the existing storm drain under Graves Avenue.

Dry Utilities and Solid Waste Management. The Pacific Gas and Electric Company (PG&E) provides electrical power to the Project site. The Project would continue to utilize PG&E as the electricity provider, and the Project would be enrolled in the PG&E Solar Choice program. The proposed Project would connect to existing utility lines, with on-site facilities upgrades as required. Republic Services provides solid waste collection services and recycling services to the Project site. The Project would provide covered trash enclosures.

PROJECT CONSTRUCTION AND OPERATIONS

Demolition. The Project would demolish three existing on-site buildings totaling approximately 188,265 square feet.

Excavation. Construction of the Project requires approximately 24,000 cubic yards (cy) of soil export from the Project site and approximately 16,000 cubic yards of soil import.

Construction. The Project would be constructed over approximately 21 months, anticipated to begin in February of 2024. The Project would be constructed in one comprehensive phase, though planned and staged in order to allow for continual operation of the existing shopping center and would follow a conventional construction sequence of demolition, site preparation, grading/earthwork, paving, building construction, and architectural coating. Operations would be anticipated to commence in Fall of 2025.

Typical construction equipment associated with site development includes, but is not limited to, graders, and scrapers during site preparation; graders, scrapers, and dozers during grading; cranes, lifts, generators, and welders during building construction; and air compressors during architectural coating. Typical equipment used during site development grading and excavation includes heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, and scrapers.

The Project would also be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) under the National Pollution Discharge Elimination System (NPDES) General Construction Permit and the City's Municipal Code. The SWPPP would include best management practices (BMPs) to be implemented to prevent soil erosion and discharge of other construction-related pollutants that could contaminate nearby bodies of water.

It is anticipated that construction would typically occur six days a week (Monday through Saturday) from 7:00 a.m. to 7:00 p.m. Accordingly the Site Development Permit would include a request for extended off-hour construction activities to support Saturday construction as well as off-hour activities. Off-hour activities comprise 24-hour concrete pours required for building slabs. The Project would require up to five (5) 24-hour periods of construction for concrete pours.

2.4 PROJECT OBJECTIVES

Pursuant to CEQA Guidelines Section 15124, the EIR must identify the objectives sought by the proposed Project. The objectives of the Project are to:

1. Positively contribute to the economy of the region through new capital investment and revitalization of an existing developed site.
2. Construct and operate a new Costco warehouse that serves the local community with competitively priced goods and services from both nationally known businesses but also more regional and local businesses.
3. Provide a state-of-the-art Costco warehouse to better serve the membership in the greater San José area in a location that is convenient for its members, the community, and employees to travel to shop and work.
4. Provide a Costco warehouse in a location that is serviced by adequate existing infrastructure including roadways and utilities.
5. Improve the Westgate West Shopping Center to support the development and operation of the Costco development.
6. Employ architectural and landscaping designs that soften the scale and mass of the building, create a pleasant and attractive appearance, and complement the surrounding area.
7. Develop building that meet new state and City sustainability and green building standards and reduce energy use for building operations.
8. Promote economic growth and diverse new employment and retail/service opportunities for City residents.
9. Develop a Costco warehouse that is large enough to accommodate all the uses and services Costco provides to its members.
10. Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity.
11. Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways.
12. Provide sufficient on-site parking to meet the needs of warehouse members and to minimize parking spillover into parking spaces for other business and nearby residences.

13. Maximize placement of the warehouse building in close proximity to designated truck routes and the State highway system in order to minimize truck-trip and commute distances on other roadways.
14. Improve the City's retail base to increase municipal revenues through increased sales taxes.

2.5 USES OF THE EIR

This EIR is intended to provide decision-makers of the City of San José, other public agencies, and members of the public with the relevant environmental information needed in considering the proposed Project.

Anticipated project-related discretionary approvals and permits include, but are not limited to the following, to implement the Project addressed in this EIR:

- Conditional Use Permit and Determination of Public Convenience or Necessity to allow off-site alcohol sales. Includes Site Development Permit findings for extended construction hours and a Citywide Design Standards and Guidelines exception.
- Tree Removal Permit
- Medical Waste Management Permit

PROJECT DATA

CLIENT:	COSTCO WHOLESALE 999 LAKE DRIVE ISSAQUAH, WA 98027
PROJECT ADDRESS:	NEC OF LAWRENCE EXPY & PROSPECT RD SAN JOSE, CA

EXISTING BUILDING TO BE DEMO'D:

TOTAL BUILDING FOOTPRINT AREA:	188,265 SF
INCLUDES:	
RETAIL H	74,303 SF
BUILDING J	97,254 SF
BUILDING F	16,708 SF

COSTCO BUILDING DATA:

TOTAL BUILDING FOOTPRINT AREA:	165,148 SF
INCLUDES:	
GROSS WAREHOUSE FLOOR	154,389 SF
NET MECH / FIRE ROOM	2,595 SF
NET OPEN VESTIBULE	5,031 SF
NET VERTICAL CIRCULATION	3,133 SF
LEASEABLE NET AREA (85% GROSS)	140,375 SF

TOTAL PROPOSED DEVELOPMENT BUILDING DATA:

EXISTING TOTAL BUILDING FOOTPRINT AREA:	251,159 SF
PROPOSED TOTAL BUILDING FOOTPRINT AREA:	228,402 SF
INCLUDES:	
BUILDING A	12,565 SF
BUILDING B	7,034 SF
BUILDING C	11,235 SF
BUILDING D	11,772 SF
BUILDING E	17,848 SF
BUILDING G	2,800 SF
COSTCO	165,148 SF

Legend

Building to be Demolished

Source: MG2, September 28, 2023

Figure 2.5-1: Existing Conditions

Westgate West Costco
Draft EIR

Not to scale

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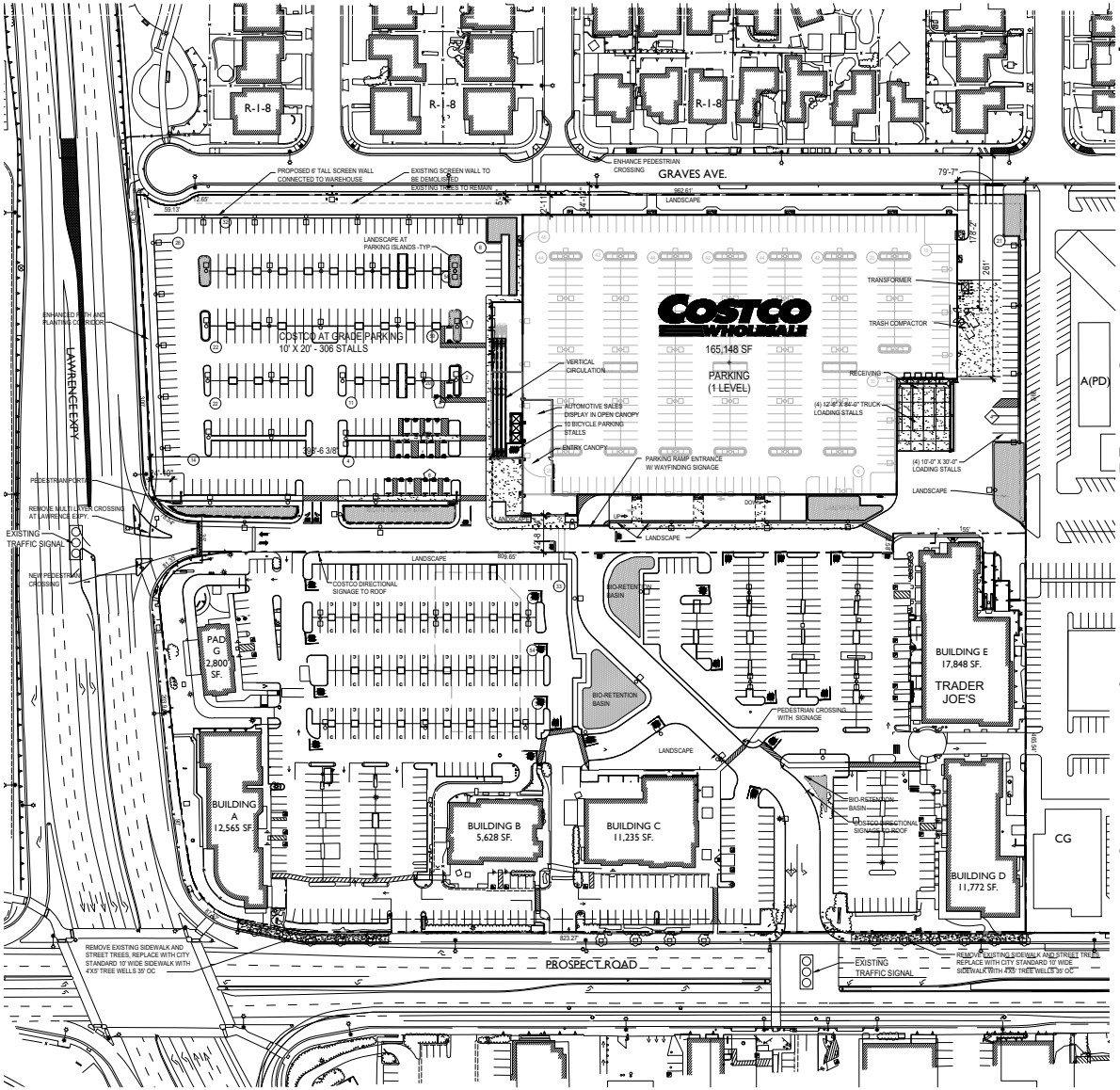

PROJECT DATA

CLIENT:	COSTCO WHOLESALE 999 LAKE DRIVE ISSAQUAH, WA 98027
PROJECT ADDRESS:	NEC OF LAWRENCE EXPY & PROSPECT RD SAN JOSE, CA

SITE DATA:

JURISDICTION:	CITY OF SAN JOSE
ZONING:	COMMERCIAL GENERAL (CG)
ACESSOR'S PARCEL NUMBERS:	i. 381-36-014 ii. 381-36-021 iii. 381-36-023 iv. 381-36-028 v. 381-36-029
COSTCO SITE AREA:	9.69 ACRES (422,080 SF)
INCLUDES:	
BUILDING FOOTPRINT	165,148 SF (39.13%)
PARKING / LOADING	193,039 SF (45.73%)
LANDSCAPE	54,507 SF (12.91%)
DEVELOPER IMPROVEMENT AREA	4.19 ACRES (182,686 SF)
INCLUDES:	
BUILDING FOOTPRINTS	6,992 SF (3.83%)
PARKING / LOADING	125,128 SF (68.49%)
LANDSCAPE	41,648 SF (22.80%)

EXISTING BUILDING TO BE DEMO'D:

TOTAL BUILDING FOOTPRINT AREA:	188,265 SF
INCLUDES:	
RETAIL H	74,303 SF
BUILDING J	97,254 SF
BUILDING F	16,708 SF

COSTCO BUILDING DATA:

TOTAL BUILDING FOOTPRINT AREA:	165,148 SF
INCLUDES:	
GROSS WAREHOUSE FLOOR	154,389 SF
NET MECH / FIRE ROOM	2,595 SF
NET OPEN VESTIBULE	5,031 SF
NET VERTICAL CIRCULATION	3,133 SF
LEASEABLE NET AREA (85% GROSS)	140,375 SF

TOTAL PROPOSED DEVELOPMENT BUILDING DATA:

EXISTING TOTAL BUILDING FOOTPRINT AREA:	251,159 SF
PROPOSED TOTAL BUILDING FOOTPRINT AREA:	228,402 SF
INCLUDES:	
BUILDING A	12,565 SF
BUILDING B	7,034 SF
BUILDING C	11,235 SF
BUILDING D	11,772 SF
BUILDING E	17,848 SF
BUILDING G	2,800 SF
COSTCO	165,148 SF

PARKING DATA:

COSTCO TOTAL PARKING:	687 STALLS
INCLUDES:	
PARKING ON GRADE PROVIDED:	
⊙ 10' X 20' STALLS	284 STALLS
◇ 10' X 30' LOADING STALLS	4 STALLS
⬠ ACCESSIBLE STALLS	18 STALLS
ROOFTOP PARKING:	381 STALLS
1 STALL PER XXX NET SF:	204 SF
LOADING DOCK STALLS	4 STALLS
BICYCLE PARKING	10 STALLS
SHOPPING CENTER PARKING:	624 STALLS
DEVELOPMENT TOTAL PARKING:	1,311 STALLS
1 STALL PER XXX NET SF:	192 SF

NOTES:
EXISTING CONDITIONS TO BE FIELD VERIFIED.

Source: MG2, September 28, 2023

Figure 2.5-2: Proposed Overall Site Plan

Westgate West Costco
Draft EIR

Not to scale

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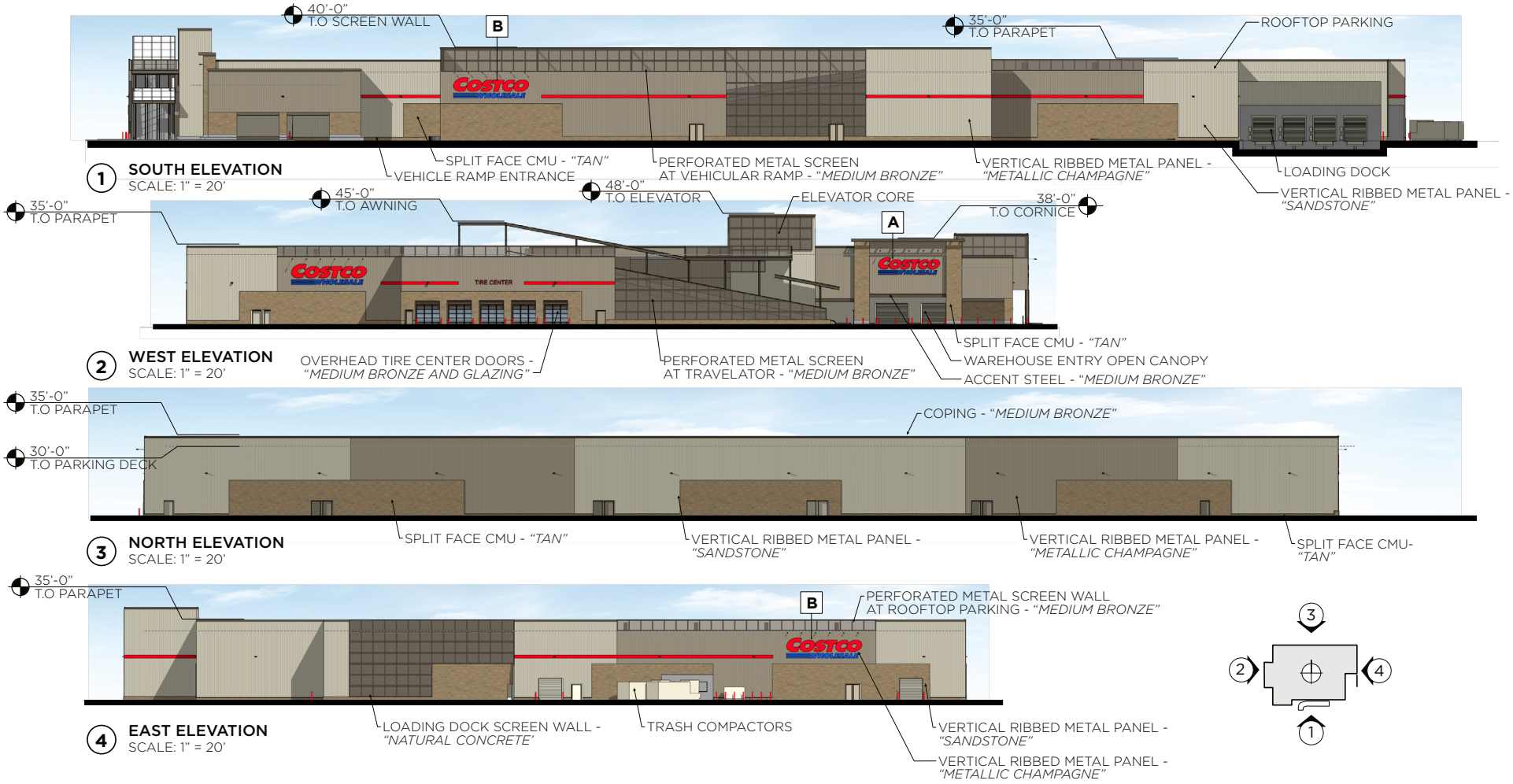

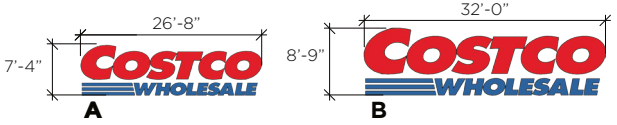

5 **SIGN PACKAGE**

**All signage shown is conceptual. Signage shall be applied for with a separate Sign Permit Application.

SIGN TABLE

IDENTITY	*QUANTITY*	*SIGN*	*SIZE*	*AREA (EACH)*	*TOTAL SF*
A	1	COSTCO WHOLESALE	4'-6" C	158 SF	***158 SF***
B	3	COSTCO WHOLESALE	6'-0" C	280 SF	***840 SF***
				TOTAL SIGN AREA:	**998 SF**

Source: MG2, October 25 2022

Figure 2.5-3: Proposed Elevations

Westgate West Costco
Draft EIR

Not to scale

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PLANT LEGEND

Symbol	Botanical / Common Name	Size	WUCOLS (Water Use Classification Of Landscape Species)	Quantity	Comments
	Trees				
	Lagerstroemia hyb. 'Muskogee' / Muskogee Crape Myrtle	24" box	L	13	Matched Standards
	Magnolia g. 'Majestic Beauty' / Majestic Beauty Southern Magnolia	24" box	M	30	Matched Standards
	Quercus coccinea / Scarlet Oak	15 gal.	M	14	Matched Standards Along Prospect Road
	Quercus virginiana 'Sky Climber' / Sky Climber Live Oak	24" box	L	18	Matched Standards
	Quercus wislizenii / Interior Live Oak	24" box	L	27	Matched Standards CA Native
	Ulmus parvifolia 'Emer II' Emerald Vase Chinese Elm	24" box	L	8	Matched Standards
	Ulmus parvifolia 'True Green' / True Green Chinese Elm	24" box	L	25	Matched Standards
	Existing tree to remain				
	Understory Planting:				
	Shrubs and Perennials				
	Callistemon v. 'Little John' / Little John (Dwarf) Bottlebrush	15 gal.	L		
	Ceanothus 'Concha' / Concha Ceanothus	15 gal.	L		CA Native
	Dietes vegeta / Fortnight Lily	5 gal.	L		
	Frangula californica 'Eve Case' / Eve Case Coffeeberry	15 gal.	L		CA Native
	Grevillea 'Firesprite' / Firesprite Grevillea	15 gal.	L		
	Lomandra longifolia 'Breeze' / Breeze (Dwarf) Mat Rush	1 gal.	L		
	Rhus ovata / Sugar Bush	15 gal.	L		CA Native
	Salvia leucantha 'Santa Barbara' / Santa Barbara Mexican Sage	5 gal.	L		
	Teucrium x lucidrys / Dwarf Germander	5 gal.	L		
	Ornamental Grasses				
	Carex tumulicola / Berkeley Sedge	1 gal.	L		CA Native
	Festuca mairei / Atlas Fescue	1 gal.	L		
	Muhlenbergia rigens / Deer Grass	1 gal.	L		CA Native
	Pennisetum orientale / Oriental Fountain Grass	1 gal.	M		
	Groundcovers				
	Baccharis pilularis 'Twin Peaks' / Twin Peaks Dwarf Coyote Bush	1 gal.	L		CA Native
	Ceanothus g.h. 'Yankee Point' / Yankee Point Ceanothus	1 gal.	L		CA Native
	Rosa 'Meigalpio' / Red Drift Groundcover Rose	2 gal.	M		
TCM #	**Storm Water Treatment Planter:**				
	Understory Planting				
	Achillea millifolium / Common Yarrow	1 gal.	L		CA Native On slope embankments only
	Chondropetalum tectorum / Cape Rush	1 gal.	L		
	Epilobium septentrionale 'Select Mattole' / Select Mattole California Fuchsia	1 gal.	L		CA Native On slope embankments only
	Juncus patens 'Elk Blue' / Elk Blue California Gray Rush	1 gal.	L		CA Native
	Mimulus aurantiacus / Sticky Monkey Flower (Red)	1 gal.	L		On slope embankments only
	Verbena lilacina 'Del La Mina' / Purple Cedros Island Verbena	1 gal.	L		CA Native

LANDSCAPE DATA

Shade Tree Requirement per 2019 California Green Building Standards Code (CALGreen):
Required: 50% Surface parking area shading within 15 years
Provided: 50.0%
Required: 20% Landscape area shading within 15 years
Provided: 59.0%
Required: 20% Hardscape area shading within 15 years
Provided: 24.5%

Tree Requirement per City of San Jose
Required: 78 Trees - Provide one (1) tree for every 4 parking spaces (311 Parking Spaces / 4 = 78)
Provided: 121 New Trees

WUCOLS LEGEND:

L Low Water Use
M Moderate Water Use

TREE REPLACEMENT DATA

Tree Removal Requirement per Municipal Code Section 13.32
(tree replacement to required tree loss ratios)

Tree Circumference*	Ratio	Existing Trees to be Removed	Replacement Trees
>38 inches or greater	(5:1 native) (4:1 non-native)	0 native species 51 non-native species	0 204
19 inches to 38 inches	(3:1 native) (2:1 non-native)	0 native species 17 non-native species	0 34
<19 inches	(1:1 native/ non-native)	0 native species 2 non-native species	0 2
		Total Replacement Trees Required Using 15-Gallon Trees	240
		**New Total Replacement Trees Required Using 24-Inch Box Trees	120
		Total Trees Proposed	129

*Circumference of Tree to be Removed (measured at 4'-6" above grade)
**A 24-inch box tree can be used in lieu of two 15-gallon trees.

NOTES:

1. Street trees shown in the public right-of-way are for information only. The Planning Permit does not authorize the installation or removal of trees in the public right-of-way. Actual street tree locations will be determined by Public Works at the implementation stage on the Public Improvement plan. The installation or removal of the street trees requires a permit from the Department of Transportation. The City Arborist will specify the species.

2. Include 3 inches of composted, non-floatable mulch in areas between stormwater treatment plantings and side slopes.

3. Minimum vertical clearances for tree canopies comply with Standard 7 of Section 2.3.8 of the City Design Standards and Guidelines.

4. Project will not locate trees within the basin or bank planting zones of Bioretention Areas, but rather on the upland planting zones per Appendix D of the SCVURPPP C.3 Stormwater Handbook. Trees will also not be located directly in line with or next to stormwater inlets (curb openings, bubble box emitters, etc.) and will offset or relocate trees where necessary outside of the Bioretention Area basin and bank planting zones to maximize runoff dispersal throughout Bioretention Areas.

Source: DB+A, October 10, 2023

Figure 2.5-4: Proposed Costco Landscape Plan

Westgate West Costco
Draft EIR

Not to scale

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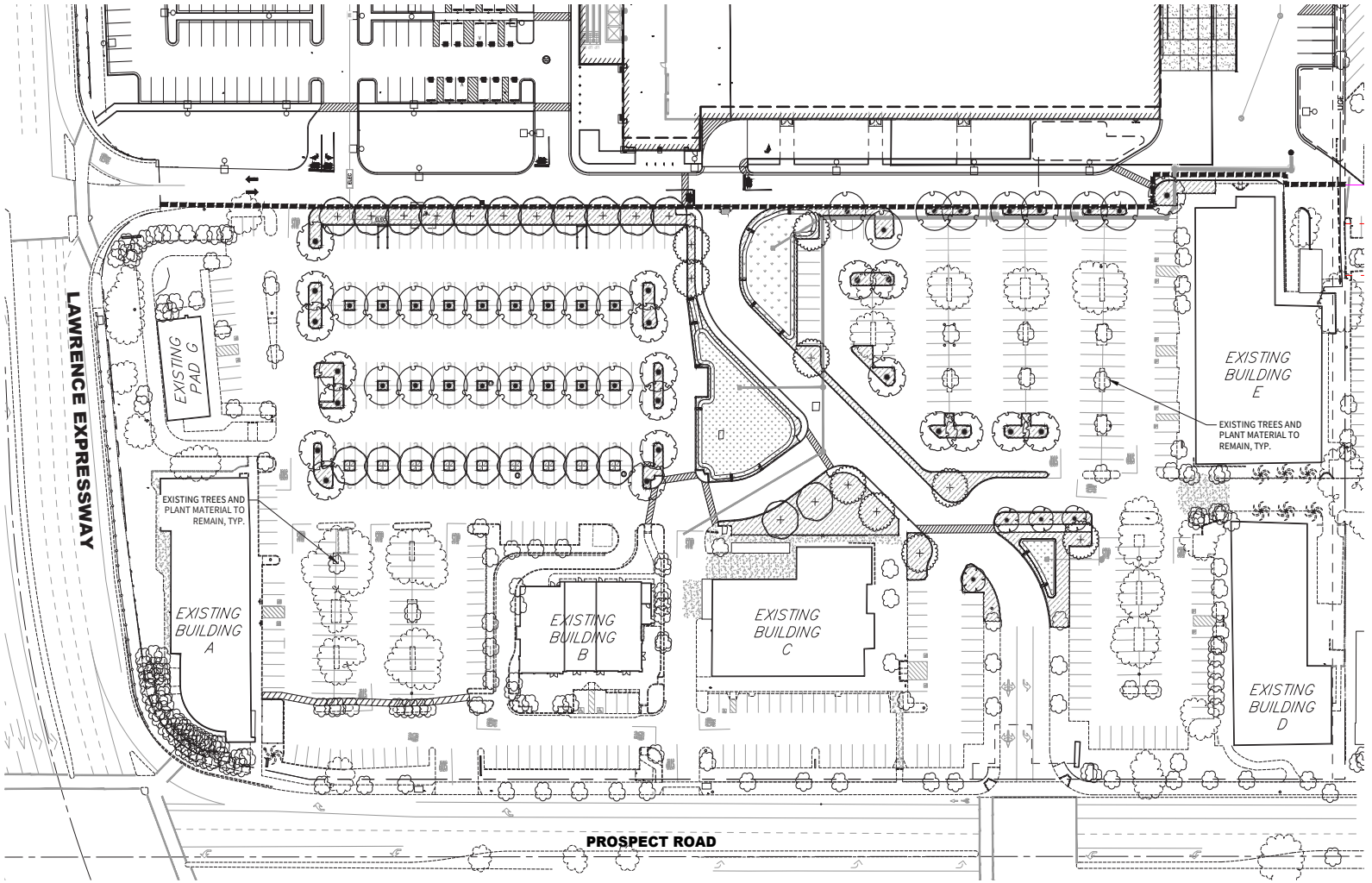

TREE SCHEDULE

TREES	CODE	BOTANICAL / COMMON NAME	SIZE	WATER USE	QTY
	MAG MAJ	MAGNOLIA GRANDIFLORA 'MAJESTIC BEAUTY' TM MAJESTIC BEAUTY SOUTHERN MAGNOLIA	24" BOX	LOW	4
	QUE FRA	QUERCUS FRAINETTO FOREST GREEN OAK	24" BOX	LOW	25
	QUE VIR	QUERCUS VIRGINIANA SOUTHERN LIVE OAK	24" BOX	LOW	9
	ULM VAS	ULMUS PARVIFOLIA `EMER II' EMERALD VASE CHINESE ELM	24" BOX	L	22
	ULM TRU	ULMUS PARVIFOLIA 'TRUE GREEN' TRUE GREEN LACEBARK ELM	24" BOX	LOW	21

CONCEPT PLANT SCHEDULE

SHRUBS & PERENNIALS		
CALLISTEMON VIMINALIS `LITTLE JOHN` / DWARF WEEPING BOTTLEBRUSH	5 GAL., L	
DIETES VEGETA / AFRICAN IRIS	5 GAL., L	
LOMANDRA LONGIFOLIA `BREEZE` / BREEZE MAT RUSH	1 GAL., L	
SALVIA LEUCANTHA `SANTA BARBARA` / MEXICAN BUSH SAGE	1 GAL., L	
TEUCRIUM X LUCIDRYS / DWARF GERMANDER	1 GAL., L	
BIOFILTRATION BASINS		
BIOFILTRATION SOD	SOD, M	
ORNAMENTAL GRASSES		
FESTUCA MAIREI / ATLAS FESCUE	1 GAL., L	
MUHLENBERGIA RIGENS / DEER GRASS	1 GAL., L	
PENNISETUM ORIENTALE / ORIENTAL FOUNTAIN GRASS	1 GAL., L	
GROUNDCOVERS		
ROSA MEIGALPIO / RED DRIFT GROUNDCOVER ROSE	2 GAL., M	

LANDSCAPE DATA

SHADE TREE REQUIREMENTS PER 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN):
REQUIRED: 50% SURFACE PARKING AREA SHADING WITH 15 YEARS.
PROVIDED: 51%
REQUIRED: 20% LANDSCAPE AREA SHADING WITH 15 YEARS.
PROVIDED: 63.2%
REQUIRED: 20% HARDSCAPE AREA SHADING WITHIN 15 YEARS.
PROVIDED: 75%

TREE REQUIREMENT PER CITY OF SAN JOSE
REQUIRED: PROVIDE ONE (1) TREE FOR EVERY 4 PARKING SPACES (175 PARKING SPACES / 4 = 44)
PROVIDED: 81 NEW TREES

TREE MITIGATION REQUIREMENT PER CITY OF SAN JOSE
REQUIRED: 45 TREES REMOVED = 135 REPLACEMENT TREES
PROVIDED: 81 NEW TREES (24" BOX) = 162 PROVIDED

GENERAL PLANTING NOTES

1. ALL PLANTING AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC IRRIGATION SYSTEM THAT WILL BE COMPLIANT WITH THE STATE'S WATER EFFICIENT LANDSCAPE ORDINANCE.
2. ALL SHRUB AND GROUNDCOVER AREAS SHALL RECEIVE A 3" LAYER OF BARK CHIP MULCH TOP DRESSING.
3. GROUND COVERS SHALL NOT BE INSTALLED WITHIN A 4' RADIUS OF A TREE TRUNK.

Source: Fuhrman Leamy Land Group, November 3 2022

Figure 2.5-5: Proposed Reconfigured Parking Landscape Plan

Westgate West Costco
Draft EIR

Not to scale

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SECTION 3.0 ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION

The analysis contained in this EIR evaluates the potential effects of Project implementation on the entire Project site. Sections 3.1 through 3.20 of this EIR are structured as follows:

ENVIRONMENTAL SETTING

This subsection describes the existing, physical environmental conditions at the Project site and in the surrounding area, as relevant.

REGULATORY FRAMEWORK

This subsection provides a brief overview of relevant plans, policies, and regulations that comprise the regulatory framework for the Project.

IMPACT ANALYSIS

This subsection: 1) includes thresholds of significance for determining impacts and 2) discusses the Project's consistency with those thresholds. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered using an alphanumeric system that identifies the environmental issue. For example, **Impact AQ-1** would denote the first impact discussed in the Air Quality section. Mitigation measures are numbered to correspond to the order they appear. For example, **Mitigation Measure AQ-1** would refer to the first mitigation measure introduced in the Air Quality section.

IMPORTANT NOTE TO THE READER

The California Supreme Court in a December 2015 opinion [*California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 (No. S 213478)] confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project. Therefore, the evaluation of the significance of project impacts under CEQA in the following sections focuses on impacts of the project on the environment, including whether a project may exacerbate existing environmental hazards.

The City of San José currently has policies that address existing conditions (e.g., air quality, noise, and hazards) affecting a proposed project. Applicable polices are addressed in Sections 3.1-3.20 of this document. Though not required, this is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole. The CEQA Guidelines and the courts are clear that a CEQA document (e.g., EIR or Initial Study) can include information of interest even if such information is not an "environmental impact" as defined by CEQA.

Therefore, where applicable, in addition to describing the impacts of the project on the environment, where applicable, this chapter will discuss issues that relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

3.1 AESTHETICS

This section describes the potential impacts of the proposed Project related to aesthetics.

ENVIRONMENTAL SETTING

The 19.8-acre Project site is currently developed with a shopping center comprised of nine buildings totaling 251,519 square feet and associated surface parking lots and landscaping. The Project site is bordered by Graves Avenue to the north, the Westgate Shopping Center and West Valley Professional Center to the east Prospect Road to the south, and the Lawrence Expressway to the west. There are existing landscaping and trees along Graves Avenue, Prospect Road, and the Lawrence Expressway and throughout the existing surface parking. Surface parking stalls are located throughout the site.

The Project site is located within West San José in the West Valley Planning Area. The visual context is predominantly urban with commercial uses surrounding the Project site on three sides and residences to the north. The predominant character of the visual and aesthetic environment is that of a commercial area. Buildings and roadways dominate the aesthetic character. All existing buildings are of similar design and development scale. Several surrounding properties include street trees and landscaping along the street frontages. There are no scenic vistas within West San José. The Project site is located immediately north of Saratoga Avenue, a designated "gateway" described in the Envision San José 2040 General Plan ("General Plan"). Gateways are locations which announce to a visitor or resident that they are entering the City, or a unique neighborhood.

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 13 miles east, or the Santa Cruz Mountains, approximately three 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 Environmental Impact Report for the General Plan ("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 commercial buildings.

REGULATORY FRAMEWORK

FEDERAL

No federal plans, policies, regulations, or laws related to aesthetics are applicable to the Project.

STATE OF CALIFORNIA

Streets and Highway Code Sections 260-263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The intent of the California Scenic Highway

Program (Streets and Highway Code Sections 260 et seq.) is to provide and enhance California's natural beauty and protect the social and economic values provided by the State's scenic resources. Caltrans defines a scenic highway as any freeway, highway, road, or other public right-of-way that traverses an area of exceptional scenic quality. Suitability for designation as a State Scenic Highway is based on vividness, intactness, and unity.

CITY OF SAN JOSÉ

City of San José Municipal Code

The City of San José Municipal Code ("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 exterior lighting 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 continued operation of the Lick Observatory by reducing light pollution and sky glow.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes policies applicable to all development projects in San José. The following policies are specific to aesthetics and are applicable to the Project.

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).

Policy CD-10.2: Require that new public and private development adjacent to Gateways and freeways (including 101, 880, 680, 280, 17, 85, 237, and 87), and Grand Boulevards consist of high quality materials, and contribute to a positive image of San José.

San José Citywide Design Standards and Guidelines

The *San José Citywide Design Standards and Guidelines* sets standards and guidelines for development within the City outside of the downtown area where the Downtown Design Guidelines and Standards apply. The following standards and guidelines are specific to aesthetics and are applicable to the Project.

Standard S1 Orient all site lighting directly downwards to prevent light pollution and excess glare in the public realm.

Standard S8 When adjacent to a residential development, lighting fixtures for commercial, industrial, or quasi-public developments must be less than 40-feet tall, irrespective of the distance from the common property line.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, an aesthetic impact is considered significant if the Project would:

1. Have a substantial adverse effect on a scenic vista;
2. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
3. 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). In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality; or
4. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

AES-1 ***Would the proposed Project, have a substantial adverse effect on a scenic vista?***

Less than Significant Impact

The Project site and surrounding areas are relatively flat and scenic views of distant mountains are limited by buildings and landscape. There are no designated scenic vistas located in the vicinity of the Project site. However, the Project site is located immediately north of a General Plan designated Gateway, the Saratoga Avenue Gateway. Gateways are locations which announce to a visitor or resident that they are entering the city, or a unique neighborhood. When made and kept attractive and inviting, Gateways contribute to the lasting positive impression of a city or area, contribute to the quality of life, and can encourage private investment and economic activity. Project development would result in the construction of a Costco building which would be similar in scale and style to the existing commercial uses within the Gateway. The Project would also contribute to private investment and economic activity in the area, in accord with the requirement of the Gateway. Thus, the Project would not have a substantial adverse effect on a scenic vista.

AES-2 ***Would the proposed Project, substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?***

No Impact

The Project site is neither located along a designated or eligible State Scenic Highway nor located along a scenic corridor designated by the General Plan. The nearest officially designated State Scenic Highway is Highway 9 located approximately three miles southwest of the Project site (Caltrans, 2019). The nearest eligible State Scenic Highway is Interstate 280 located approximately two miles north of the Project site (Caltrans, 2019). The nearest General Plan designated scenic corridor is located approximately seven miles southeast of the Project site. The Project site would not be visible from these designated or eligible State Scenic Highways or from the General Plan designated scenic corridor. The Project would not result in an adverse effect a scenic vista or damage scenic resources within a State-designated or eligible Scenic Highway. Thus, there would be no impact.

AES-3 ***Would the proposed Project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). In an urbanized area, conflict with applicable zoning and other regulations governing scenic quality?***

Less than Significant

The Project site is located in an urbanized area. Therefore, this discussion evaluates whether the Project would conflict with applicable zoning and regulations governing scenic quality.

The Project site is in the Commercial General (CG) Zoning District and designated Neighborhood/Community Commercial (NCC). The CG zoning district allows for a maximum height of 65 feet and requires a 15-foot minimum front setback and 12.5-foot side corner setback. The CG zoning does not have a minimum rear setback requirement. The proposed Costco building would be within the 65-

foot height limitation and all Project setbacks would be at least 15 feet wide; see Figure 2.5-2: Proposed Overall Site Plan and Figure 2.5-3: Proposed Elevations**.**

The NCC land use designation supports a broad range of commercial activity, including commercial uses that serve the communities in neighboring areas, such as neighborhood serving retail and services and commercial/professional office development. The proposed Costco building would have a commercial retail use that would serve the community. As the Project would comply with the zoning requirements and General Plan guidelines, the Project would have a less than significant impact in regard to compliance with zoning and the General Plan land use designation as applicable to scenic quality.

The Project site is located immediately north of a General Plan designated Gateway, the Saratoga Avenue Gateway. New development adjacent to Gateways is required by General Plan policy CD-10.2 to, "consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José." The proposed Project would go through a design review process during planning review and would be reviewed for consistency with the General Plan and the Citywide Design Guidelines. The Project is seeking a design exemption from the San José Citywide Design Standards and Guidelines, Section 2.3.1 Building Placement, Standard S1. Standard S1 requires that a development site be designed to place at least 75 percent of the ground floor primary street-facing façades of buildings with the primary commercial use within five feet of the setback or easement line (whichever is more restrictive). Though this exemption would allow the proposed building to be placed further from the primary street-facing setback, the Project would consist of high-quality architecture, use high-quality materials, and contribute to a positive image of San José. Thus, the Project would be designed to generally comply with Gateway design requirements and would not impact the built environment of the City.

Existing trees would be removed to facilitate Project construction and tree removal is included in the project review under the Conditional Use Permit (File Number CP21-022). Tree removal would require tree replacement per the City's tree replacement ratios further described in the Biological Resources section. Additionally, the Project proposes new landscaping along the Project site frontages to enhance the visual appearance of the site; see Figure 2.5-4: Proposed Costco Landscape Plan and Figure 2.5-5: Proposed Reconfigured Parking Landscape Plan. The Project would comply with tree and landscaping polices.

With adherence to the policies set forth in the General Plan, the zoning requirements, and the design guidelines for the Project site, the proposed Project would not conflict with applicable zoning and other regulations governing scenic quality. Thus, impacts would be less than significant.

AES-4 ***Would the proposed Project, create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?***

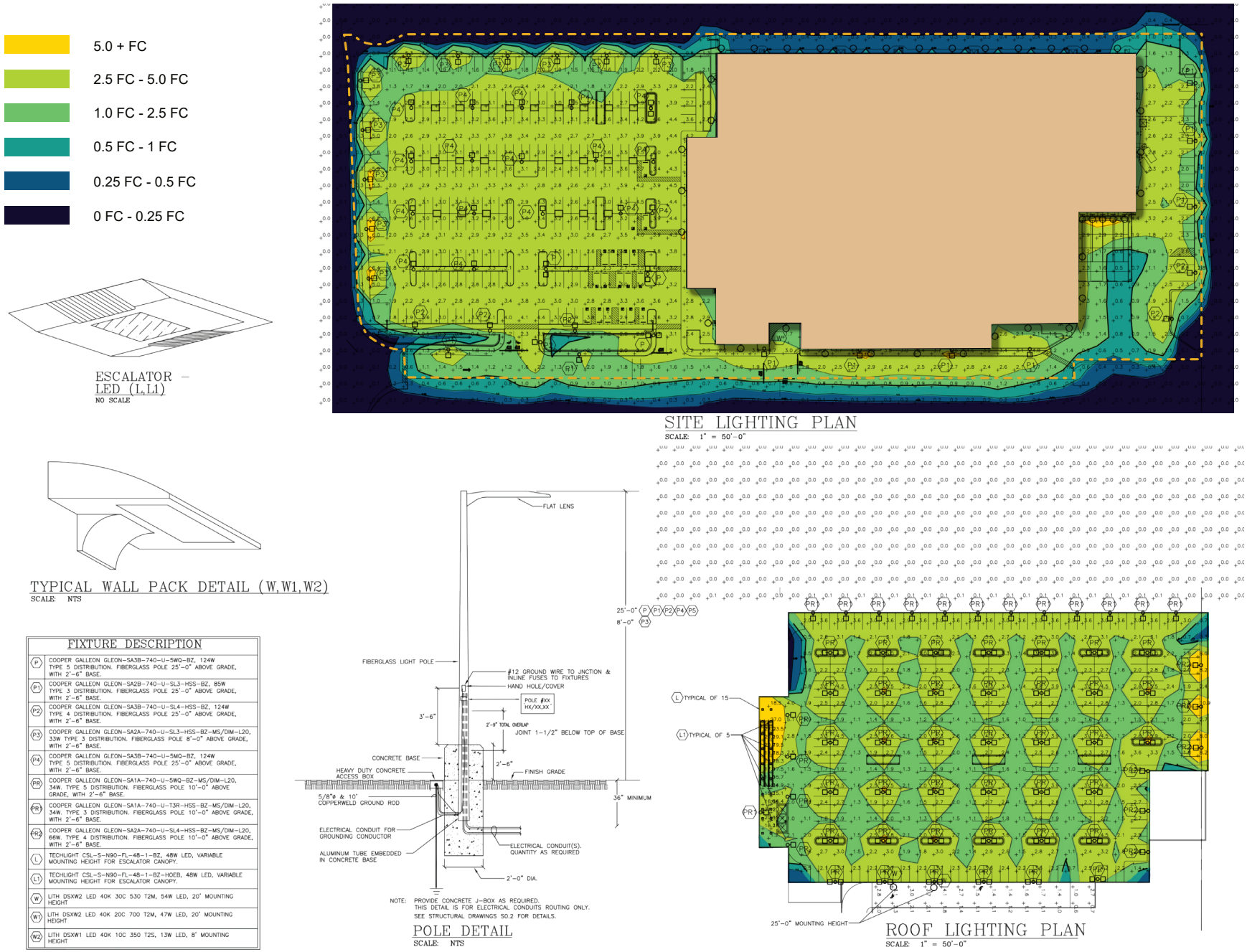
Less than Significant

Glare is created by the reflection of sunlight and electric lights from windows and building surfaces. The Project site is currently developed with a shopping center and surrounded on three sides by commercial uses which are sources of lighting and glare. Additional sources of lighting in the Project area include lighting of building exteriors and architectural accents, illumination through windows, landscape lighting, street lighting, parking lot lighting, and vehicle headlights.

The Project includes the installation of exterior lighting. Wall pack lighting fixtures would be installed on the exterior walls of the Costco building and light poles would be installed within parking lots. Wall packs would typically be mounted at eight or 20 feet on the exterior walls of the Costco building. Parking lot light poles installed in the surface parking lots would be eight or 25 feet tall above grade while light poles installed in the rooftop parking lot would be 10 feet tall above the rooftop grade.

Proposed lighting would be reflected away from roadways and the residences located north of the Project site beyond Graves Avenue so that there would be no glare, consistent with the City of San José Municipal Code. The Project proposes rooftop parking that would introduce sources of light and glare, including exterior lighting and vehicle headlights. However, the design of the proposed Costco Building includes screening around the exterior of the rooftop parking to contain light and glare. Additionally, the existing mature trees along the northern boundary of the Project site would be preserved by the Project, further shielding the residences from proposed surface and building mounted site lighting and glare. See **Figure 3.1-1: Site Lighting Plan** for the site lighting analysis that reflects that light from the proposed Project would not extend beyond the roads bounding the Project site. Thus, the Project would comply with City lighting policies and light and glare would be minimized.

The features listed above to reduce light and glare proposed by the Project would go through a design review process during the Project 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). 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.



Source: T.E., Inc., 2023

Figure 3.1-1: Site Lighting Plan

Westgate West Costco
Draft EIR

Not to scale

Kimley»Horn
Expect More. Experience Better.

3.2 AGRICULTURAL RESOURCES

This section describes the potential impacts of the proposed Project related to agricultural resources and agricultural resources-related risks.

ENVIRONMENTAL SETTING

The Project area is in a commercial area in the West San José area of the City, which does not contain farmland. The Project area is designated 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.[5]

REGULATORY FRAMEWORK

FEDERAL REGULATIONS

No federal plans, policies, regulations, or laws related to agricultural resources are applicable to the Project.

STATE OF CALIFORNIA

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 ten 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.

[5] California, State of, Department of Conservation, Williamson Act/Land Conservation Act. Available at https://www.conservation.ca.gov/dlrp/wa. Accessed February 16, 2022.

CITY OF SAN JOSÉ

No local plans, policies, regulations, or laws related to agricultural resources are applicable to the Project.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, an agricultural resource impact is considered significant if the Project would:

1. 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;
2. Conflict with existing zoning for agricultural use, or a Williamson Act contract;
3. 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));
4. Result in the loss of forest land or conversion of forest land to non-forest use; or,
5. 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.

AG-1 ***Would the proposed Project, convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?***

No Impact

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

AG-2 ***Would the proposed Project, conflict with existing zoning for agricultural use, or a Williamson Act contract?***

No Impact

The Project includes a permitted commercial use in an existing shopping center in the CG zoning district. Further, the Project site is not currently under a Williamson Act contract. Therefore, the proposed Project would not conflict with existing zoning or a Williamson Act contract and no impacts would occur.

AG-3 ***Would the proposed Project, conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?***

No Impact

The Project site is located in the CG zoning district, within an existing shopping center; no forestland or timberland exists at the project site. The Commercial Zoning District does not permit timberland production. Therefore, the development of the proposed Project would not conflict with existing zoning or cause rezoning of any such land and no impacts would occur.

AG-4 ***Would the proposed Project, 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 regarding changing forest land to non-forest use. Therefore, no impacts would occur.

AG-5 ***Would the proposed Project, involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?***

No Impact

No designated agricultural or forest land is located on the Project site. The Project site is in the West San José area of San José which is designated Urban and Built-Up Land. Accordingly, the site does not contain Farmland, nor does it contain forest land. The Project site would be on a parcel that is zoned as Commercial General and would not conflict with farmland or forest land. The proposed Project would not involve other changes in the existing environment, which due to their location or nature, would result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest land. Therefore, no impacts to agricultural resources would occur.

3.3 AIR QUALITY

An Air Quality Assessment has been prepared by Ramboll US Consulting, Inc. (September 2023) to address potential impacts to Air Quality associated with implementation of the proposed Project. The following discussion is based on the Air Quality Assessment and the report is included as Appendix B of this EIR.

ENVIRONMENTAL SETTING

The City of San José is located in the Santa Clara Valley within the San Francisco Bay Area Air Basin (the 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 by 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-southeast axis.

The Project site is located in an urban area within an existing commercial center with a mix of surrounding commercial and residential uses. The Project site is designated as Neighborhood/Community Commercial (NCC) in the Envision San José 2040 General Plan and is in the Commercial General (CG) Zoning District.

RECEPTORS

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 that are considered sensitive receptors include residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.

Analyzing impacts of receptors close to sources of toxic air contaminants (TACs) is important in determining cancer and non-cancer health risk impacts. In order to evaluate health impacts to off-site receptors, including nearby residential and sensitive receptor populations, BAAQMD guidance suggests receptors around the Project development were to be covered in a fine receptor grid 10 m x 10 m up to 1,000 ft from modeled Project sources. The 1,000 foot BAAQMD modeling distance is based on receptor exposure to construction and operation emission sources being greatest nearest to the emission source.

Receptors identified by the 1,000 foot grid were classified as residential or worker based on the current land use. BAAQMD requires inclusion of sensitive receptors for all sources subject to Rule 11-18 or Air Toxics "Hot Spots" Health Risk Assessments (HRAs) and identifies the following as sensitive receptors: residences, schools, playgrounds, childcare centers, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes.[6] The closest sensitive receptors are nearby single-family residences located 50 feet north of the project site. There were no non-residential sensitive receptors identified within the BAAQMD recommended 1,000 foot radius from the Project site. However, in performing the 1,000 foot buffer search, one additional sensitive receptor was identified just outside the 1,000 foot radius. Specifically, a non-residential sensitive receptor, Prospect High School, is located approximately 1,033 feet to the southwest of the Project boundary and was included in the analysis to be

[6] BAAQMD, *BAAQMD CEQA Guidelines Assessing the Air Quality Impact of Projects and Plans*, December 1999. https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqaguid.pdf.

conservative even though it is beyond the BAAQMD recommended 1,000 foot radius. Receptor locations are illustrated in Figure 3.3-1: Modeled Receptors for Health Risk Assessment. Receptor heights were assumed to be 1.5 meters, or approximately 5 feet, based on BAAQMD guidance.

REGULATORY FRAMEWORK

FEDERAL AND STATE

Federal Clean Air Act

Air quality is federally protected by the Federal Clean Air Act (FCAA) and its amendments. Under the FCAA, the EPA developed the primary and secondary National Ambient Air Quality Standards (NAAQS) for the criteria air pollutants including ozone, nitrogen dioxide (NO_2), carbon monoxide (CO), sulfur dioxide (SO_2), particulate matter less than 10 micrometers in diameter (PM_{10}), particulate matter less than 2.5 micrometers in diameter ($PM_{2.5}$), and lead. Depending on whether the standards are met or exceeded, the local air basin is classified as in "attainment" or "nonattainment." Some areas are unclassified, which means no monitoring data are available. Unclassified areas are considered to be in attainment. Proposed projects in or near nonattainment areas could be subject to more stringent air-permitting requirements. The FCAA requires that each state prepare a State Implementation Plan (SIP) to demonstrate how it will attain the NAAQS within the federally imposed deadlines.

The U.S. Environmental Protection Agency (EPA) has designated enforcement of air pollution control regulations to the individual states. Applicable federal standards are summarized in Table 3.3-1: State and Federal Ambient Air Quality Standards.

California Air Resources Board

CARB administers California's air quality policy. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, included with the NAAQS in Table 3.3-1: State and Federal Ambient Air Quality Standards, are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. In general, the Bay Area experiences low concentrations of most pollutants when compared to federal standards, except for O_3 and PM, for which standards are exceeded periodically. With respect to federal standards, the Bay Area's attainment status for 8-hour ozone is classified as "marginal nonattainment" and for $PM_{2.5}$ is "nonattainment." The region is also considered to be in nonattainment with the CAAQS for PM_{10} and $PM_{2.5}$. Area sources generate the majority of these airborne particulate emissions. The Basin is considered in attainment or unclassified with respect to the CO, NO_2 and SO_2 NAAQS and CAAQS.

The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMPs also serve as the basis for the preparation of the SIP for meeting federal clean air standards for the State of California. Like the EPA, CARB also designates areas within California as either attainment or nonattainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as nonattainment for a pollutant if air quality data shows that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events such as wildfires, volcanoes, etc. are not considered violations of a State standard, and are not used as a basis for designating areas as nonattainment. The applicable State standards are summarized in Table 3.3-1: State and Federal Ambient Air Quality Standards.

Table 3.3-1: State and Federal Ambient Air Quality Standards

Pollutant	Averaging Time	State Standards[1]		Federal 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/m_3. 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.

REGIONAL

Bay Area Air Quality Management District

The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin. The Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), county transportation agencies, cities and counties, and various nongovernmental organizations also join in the efforts to improve air quality through a variety of programs. These programs include the adoption of regulations and policies, as well as implementation of extensive education and public outreach programs. Table 3.3-2: NAAQS and CAAQS Attainment Status shows BAAQMD attainment status.

Table 3.3-2: NAAQS and CAAQS Attainment Status

Pollutant	Averaging Period	Bay Area Air Quality Management District Attainment Status	
		California Standard	Federal Standard
Ozone (O_3)	1 hour	Nonattainment	---
	8 hour	Nonattainment	Nonattainment
Respirable Particulate Matter (PM_{10})	24 hour	Nonattainment	Unclassified
	Annual	Nonattainment	---
Fine Particulate Matter ($PM_{2.5}$)	24 hour	---	Nonattainment
	Annual	Nonattainment	Unclassified/Attainment
Carbon Monoxide (CO)	1 hour	Attainment	Attainment
	8 hour	Attainment	Attainment

Pollutant	Averaging Period	Bay Area Air Quality Management District Attainment Status	
		California Standard	Federal Standard
Nitrogen Dioxide (NO_2)	1 hour	Attainment	Unclassified
	Annual	---	Attainment
Lead (Pb)	30 day average	---	Attainment
	Calendar Quarter	---	Attainment
Sulfur Dioxide (SO_2)	1 hour	Attainment	Unclassified
	24 hour	Attainment	Unclassified
	Annual	---	Unclassified
Hydrogen Sulfide (H_2S)	1 hour	Unclassified	---
Vinyl Chloride	24 hour	No Information Available	---
Sulfates	24 hour	Attainment	---

Notes:

[1] Attainment status for BAAQMD obtained from: https://www.baaqmd.gov/about-air-quality/research-and-data/air-quality- standards-and-attainment-status. Accessed: June 2022.

Clean Air Plan

Air quality plans developed to meet federal requirements are referred to as State Implementation Plans. The federal and state Clean Air Acts require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment for the state PM_{10} standard). The BAAQMD is responsible for developing a Clean Air Plan, which guides the region's air quality planning efforts to attain the CAAQS. The BAAQMD adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate on April 19, 2019.

BAAQMD periodically develops air quality plans that outline the regional strategy to improve air quality and protect the climate. The most recent plan, 2017 Bay Area Clean Air Plan, includes a wide range of control measures designed to reduce emissions of air pollutants and GHGs, including the following examples that may be relevant to this project: reduce emissions of toxic air contaminants by adopting more stringent limits and methods for evaluating toxic risks; implement pricing measures to reduce travel demand; accelerate the widespread adoption of electric vehicles; promote the use of clean fuels; promote energy efficiency in both new and existing buildings; and promote the switch from natural gas to electricity for space and water heating in Bay Area buildings.

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how the BAAQMD will continue progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 Clean Air Plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas (GHG) reduction targets for 2030 and 2050 and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets. The 2017 Clean Air Plan contains district-wide control measures to reduce ozone precursor emissions (i.e., ROG and NO_X), particulate matter, TACs,

and greenhouse gas emissions. The Bay Area 2017 Clean Air Plan updates the Bay Area 2010 Clean Air Plan in accordance with the requirements of the California Clean Air Act to implement "all feasible measures" to reduce ozone; provides a control strategy to reduce ozone, PM, TACs, and greenhouse gases in a single, integrated plan; reviews progress in improving air quality in recent years; and establishes emission control measures to be adopted or implemented in both the short term and through 2050.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The following BAAQMD rules would limit emissions of air pollutants from construction and operation of the project:

- Regulation 8, Rule 3 – Architectural Coatings. This rule governs the manufacture, distribution, and sale of architectural coatings and limits the reactive organic gases content in paints and paint solvents. Although this rule does not directly apply to the project, it does dictate the ROG content of paint available for use during the construction.

- Regulation 8, Rule 15 – Emulsified and Liquid Asphalts. This rule dictates the reactive organic gases content of asphalt available for use during construction through regulating the sale and use of asphalt and limits the ROG content in asphalt. Although this rule does not directly apply to the project, it does dictate the ROG content of asphalt for use during the construction.

- Regulation 9, Rule 8 – Organic Compounds. This rule limits the emissions of nitrogen oxides and carbon monoxide from stationary internal combustion engines with an output rated by the manufacturer at more than 50 brake horsepower.

BAAQMD prepared an Ozone Attainment Demonstration Plan to satisfy the federal 1-hour ozone planning requirement because of the Air Basin's nonattainment for federal and State ozone standards. However, the U.S. EPA revoked the 1-hour ozone standard and adopted an 8-hour ozone standard. The BAAQMD will address the new federal 8-hour ozone planning requirements once they are established.

CITY OF SAN JOSÉ

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-11.7: 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-13.2: Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxic control measures (ATCMs) for Construction, Grading, Quarrying, and Surface Mining Operations.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, an air quality impact is considered significant if the Project would:

1. Conflict with or obstruct implementation of the applicable air quality plan;
2. 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;
3. Expose sensitive receptors to substantial pollutant concentrations;

4. Result in other emissions (such as those leading to odors adversely affecting a substantial number of people.

BAAQMD THRESHOLDS

The analysis provided in this EIR and Appendix B evaluates the significance of the Project's criteria air pollutant emissions relative to the Bay Area Air Quality Management District thresholds to show consistency with CEQA Thresholds of Significance 2 through 4. CEQA The BAAQMD has established significance thresholds to assess the impacts of project-related construction and operational emissions on ambient air quality. Table 3.3-3: BAAQMD Air Quality Significance Thresholds shows the mass daily thresholds for construction and operation as adopted by the BAAQMD for criteria air pollutant emissions and TACs. The analysis summarized in this EIR estimates Project-related construction and operational mass emissions and compares the emissions to these mass daily significance thresholds. The BAAQMD CEQA Guidelines provide a methodology to evaluate the construction and operational emissions by assessing against average daily emissions thresholds. The BAAQMD indicates that "These thresholds represent the levels above which a project's individual emissions would result in a considerable contribution (i.e., significant) to the SFBAAB's existing non-attainment air quality conditions and thus establish a nexus to regional air quality impacts that satisfies CEQA requirements for evidence-based determinations of significant impacts." Additionally, the BAAQMD has set its CEQA significance threshold based on the trigger levels for the federal New Source Review (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. Thus, the assessment against these thresholds meets the criteria as established by BAAQMD to evaluate the construction and operational emissions and covers the potential to exceed the NAAQS and CAAQS. To evaluate the potential significance of the Project's emissions, this report evaluates whether the Project's estimated emissions would exceed the BAAQMD significance thresholds.

Table 3.3-3: BAAQMD Air Quality Significance Thresholds

Emissions Thresholds			
Pollutant	**Construction Average Daily (lb/day)**	**Operational Average Daily (lb/day)**	**Operational Maximum Annual (tons/year)**
VOC	54	54	10
NOx	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
Toxic Air Contaminants (TACs) and Odor Thresholds			
TACs - Risk and Hazards for new sources and Receptor (Individual Project)	Compliance with Qualified Community Risk Reduction Plan OR Increased Cancer Risk > 10 in 1 million Increased non-cancer risk > 1.0 Hazard Index (Chronic or Acute) Ambient $PM_{2.5}$ increase > 0.3 µg/m^3 annual average		

Emissions Thresholds			
Pollutant	**Construction Average Daily (lb/day)**	**Operational Average Daily (lb/day)**	**Operational Maximum Annual (tons/year)**
TACs - Risk and Hazards for new sources and Receptors (Cumulative Threshold)	Compliance with Qualified Community Risk Reduction Plan OR Cancer Risk > 100 in 1 million (from all local sources) Non-cancer risk > 10.0 Hazard Index (from all local sources) (Chronic) $PM_{2.5}$ > 0.8 µg/m^3 annual average (from all local sources)		
Odor	None	5 confirmed complaints per year averaged over three years	

[1] BAAQMD. 2017. Bay Area Air Quality Management District California Environmental Quality Act Air Quality Guidelines. May. Available at: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: June 2022.

Additionally, BAAQMD CEQA Guidelines provide preliminary screening methodology to determine if implementation of a proposed project would result in CO emissions that exceed BAAQMD significance thresholds for CO. Mobile-source impacts occur on two basic scales of motion. Regionally, project-related travel can add to regional trip generation and increase the vehicle miles traveled (VMT) within the local airshed and the San Francisco Bay Area Air Basin. Locally, project traffic will be added to the City's roadway system. There is a potential for the formation of microscale CO "hotspots" in the area immediately around points of congested traffic. According to the guidelines, a project would result in a less-than significant impact to localized CO concentrations if the following screening criteria are met:

1. Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.
3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

The BAAQMD has established significance thresholds to assess health risk impacts of TACs from project-related construction and operation emissions sources on nearby sensitive receptors including residents and other human populations. These significance thresholds include a maximum incremental cancer risk of 10 in a million, incremental chronic and acute hazards indices of 1.0, and ambient $PM_{2.5}$ increase of 0.3 micrograms per cubic meter annual average. The analysis summarized in this EIR evaluates the human health risk impacts from construction activities and from operational emissions using the significance thresholds BAAQMD has established. This EIR also evaluates the cumulative health risk and $PM_{2.5}$ impacts from the Project using BAAQMD's CEQA methodology.

AQ-1 ***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.

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

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 Neighborhood/Community Commercial (NCC). The Project site is in the Commercial General (CG) Zoning District. The CG Zoning District allows for commercial and retail uses, including larger commercial centers and regional malls. 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 would be consistent with the Envision San José 2040 General Plan land use designation and would not increase the regional population growth or cause changes in vehicle traffic that would obstruct implementation of the Clean Air Plan in the San Francisco Bay Area Basin.

A maximum of 300 jobs would be provided by the Project based on the information provided by applicant. Based on the size of the existing commercial buildings to be demolished by Project implementation, at 100% occupancy the existing buildings would provide 258 jobs[7,8]. Thus, the Project would result in a net increase of 42 jobs provided by the Project site. Given the slight increase in jobs on-site, the Project would have the potential to indirectly increase population. Any population increase would be minor and the Project is consistent with the General Plan designation for the site. Therefore, there would be no unplanned population increase as a result of the Project as the jobs increase is not of the scale to cause population growth unanticipated by the City in the General Plan.

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[9]. The project is consistent with the City's General Plan 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 minor increase in jobs contributes to correcting 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).

[7] Existing jobs were calculated using the square footage of Buildings F, H, and J to be demolished and an employment generation rate of 1 job per 650 sf for Buildings H and J and 1 job per 250 sf for Building F (2050 Envision General Plan EIR, City of San José).; (74,303 sf*1 job/650 sf) + (97,254 sf*1 job/650 sf) + (16,708 sf*1 job/250 sf) = 332 jobs * 0.80 = 258 baseline condition jobs

[8] City of San José. 2016. San Jose Market Overview and Employment Lands Analysis. Available at https://www.sanjoseca.gov/home/showpublisheddocument/22529/636688929663530000

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

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 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 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.

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. See Table 3.3-4 Project Compliance with the 2017 Clean Air Plan below for a summary of Project compliance with the applicable control measures.

Table 3.3-4 Project Compliance with the 2017 Clean Air Plan

Category	Control Measures	Consistency Analysis
Transportation Measures	**TR2 – Trip Reduction Programs**: Encourage local governments to require mitigation of vehicle travel as part of new development approval, to develop innovative ways to encourage rideshare, transit, cycling, and walking for work trips.	**Consistent.** This policy is directed at local governments and does not apply directly to the Project. However, the Project would implement the following employee TDM-reducing strategies: provide transit incentives and encourage employee carpooling. Additionally, the Project would provide on-site bicycle parking to contribute to the overall bicycle parking provided within the Westgate West shopping center. Additionally, the project has been evaluated for daily VMT and has been found to reduce regional daily VMT.
	TR8 – Ridesharing and Last-Mile Connections: Encourage employers to promote ridesharing and carsharing to their employees.	**Consistent**. The Project would provide transit incentives and encourage employee carpooling.
	TR9 – Bicycle and Pedestrian Access and Facilities: Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	**Consistent.** This policy is directed at local governments and does not apply directly to the Project. However, the Project would provide on-site bicycle parking to contribute to the overall bicycle parking provided within the Westgate West shopping center. The Project would improve the existing pedestrian path along the Lawrence Expressway between the

Category	Control Measures	Consistency Analysis
		site access and Graves Avenue, and it would install a new marked crosswalk on Graves Avenue connecting the shopping center to the residential neighborhood to the north.
	TR13 – Parking Policies: Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing in high- traffic areas.	**Not Applicable.** This policy is directed at local governments and does not apply directly to the Project. However, the Project would provide the appropriate amount of on-site parking to minimize the demand for off-site parking.
	TR10 – Land Use Strategies: Support implementation of Plan Bay Area, maintain and disseminate information on current climate action plans and other local best practices.	**Not Applicable.** This policy is directed at local governments and does not apply directly to the Project.
Building and Energy Measures	**BL1 – Green Buildings**: Identify barriers to effective local implementation of CalGreen (Title 24) statewide building energy code; develop solutions to improve implementation/ enforcement. Engage with additional partners to target reducing emissions from specific types of buildings.	**Consistent.** This policy is directed at local governments and does not apply directly to the Project. However, the Project would meet or exceed the Title 24 energy efficiency standards in effect at the time of building permit application.
	BL2 – Decarbonize Buildings: Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	**Consistent**. This policy is directed at local governments and does not apply directly to the Project. However, the Project proponent has committed to the community "Solar Choice" program with PG&E, which is PG&E's program to provide 100% solar to customers, which is a zero-carbon electricity source. Therefore all electricity used by the project would be from zero-carbon sources.
	BL4 – Urban Heat Island Mitigation: Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code	**Consistent**. This policy is directed at local governments and does not apply directly to the Project. However, the Project will follow all building code requirements for the development of the new warehouse and parking.

Category	Control Measures	Consistency Analysis
	requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	Additionally, the roof will be used for parking to reduce the land area dedicated to parking while fulfilling the city parking requirement.
	EN2 – Decrease Electricity Demands: Support local government energy efficiency program via best practices, model ordinances, and technical support.	**Consistent.** This policy is directed at local governments and does not apply directly to the Project. However, the Project will incorporate sustainability features per the California Title 24 energy requirements. In addition, to reduce energy consumption and promote sustainability, the Project will incorporate many energy saving measures when constructing a new facility. Additionally, this project plans to implement a number of measures that aim to improve energy efficiency. These measures include: • Parking lot light standards will be designed to provide even light distribution, and utilize less energy compared to a greater number of fixtures at lower heights. The use of LED lamps can provide a higher level of perceived brightness with less energy than other lamps such as high-pressure sodium. Additionally, the LED fixtures that we will be using on our light poles are full cutoff to eliminate light being aimed skyward. • High-efficiency restroom fixtures will be installed and can achieve a 40% decrease and water savings over U.S. standards • Gas water heaters will be direct vent and 94% efficient or greater.

Category	Control Measures	Consistency Analysis
Natural and Working Land Measures	**NW2 – Urban Tree Planting**: Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, the Air District's technical guidance, best management practices for local plans, and CEQA review.	**Consistent**. This policy is directed at local governments and does not apply directly to the Project. However, the Project will exceed the City/State shade tree requirements, per CalGreen and the City of San José. Additionally, the Project will include the planting of mostly low-water use trees (with some moderate water use trees), and a variety of trees will be planted in order to prevent monocultures. A substantial amount of the proposed plant material for the Project site is climate adapted to the region and will use less water than other common species.
Waste Management Measures	**WA4 – Recycling and Waste Reduction**: Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	**Consistent.** This policy is directed at local governments and does not apply directly to the Project. However, the Project will utilize pre-manufactured building components, including structural framing and metal panels, which helps to minimize waste and energy requirements during construction. The main building structure is a pre-engineered system that uses 100% recycled steel materials and is designed to minimize the amount of material used.
Water Conservation Measures	**WR2 – Support Water Conservation**: Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	**Consistent**. This policy is directed at local governments and does not apply directly to the Project. However, the Project will use high-efficiency restroom fixtures that can achieve a 40% decrease and water savings over U.S. Standards, thus helping to reduce the depletion of the City's water supply. Additionally, the irrigation system will be a water efficient low flow, point source system designed to

Category	Control Measures	Consistency Analysis
		provide adequate watering to support plant growth and insure deeply rooted plant material while avoiding excess water application. The irrigation system includes the use of deep root watering bubblers for parking lot trees to minimize usage and ensure that water goes directly to the intended planting areas. Lastly, gas water heaters are direct vent and will be 94% efficient or greater.

As mentioned above, 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 and the impact would be less than significant.

AQ-2 ***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

This section describes the estimation of emissions from construction activities at the Project site. The emissions from construction are largely attributable to fuel use from off-road construction equipment and on-road vehicle trips, fugitive dust emissions from earth working and demolition activities, and VOC emissions from the application of architectural coatings and installation of asphalt pavement. While the exact construction schedule and equipment mix may vary from the current analysis, the criteria air pollutant (CAP) emissions are not expected to be higher than that calculated given the conservative assumptions included in this analysis. The major construction phases included in this analysis are:

- Demolition: involves removing buildings, pavement, or structures.
- Site Preparation: involves clearing vegetation (grubbing and tree/stump removal) and removing stones and other unwanted material or debris prior to grading.
- Grading: involves the cut and fill of land to ensure the proper base and slope for the construction foundation.
- Building Construction: involves the construction of structures and buildings.
- Paving: involves the laying of concrete or asphalt such as in parking lots or roads.
- Architectural Coating: involves the application of coatings to both the interior and exterior of buildings or structures, the painting of parking lot or parking garage striping, associated signage and curbs, and the painting of the walls or other components such as stair railings inside parking structures.

The proposed schedule for constructing the Project is shown in Table 3.3-5: Construction Schedule**.** 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.

Table 3.3-5: Construction Schedule

CalEEMod® Phase Type[1]	Start Date[1]	End Date[1]	Phase Duration[2] (days)
Demolition	2/1/2024	2/1/2025	315
Site Preparation	2/1/2024	2/1/2025	315
Grading	2/1/2025	10/1/2025	208
Building Construction	3/1/2025	11/1/2025	211
Paving	6/1/2025	10/1/2025	105
Architectural Coating	3/1/2025	11/1/2025	211

Notes:
[1] Construction phases and duration are based on Project-specific estimates.
[2] The construction work week was assumed to be 6 days per week.

Construction-related emissions of ROGs, NO_X, PM_{10}, and $PM_{2.5}$ were estimated using CalEEMod. PM emissions are composed of exhaust emissions and fugitive emissions. PM exhaust emissions are typically produced by a combustion engine of on-road vehicles and/or off-road equipment. Fugitive emissions are PM dust suspended in the air by wind and construction-related activities. Default on-site equipment lists in CalEEMod® supplemented with Project-specific material movement inputs (Table 3.3-6: Construction Material Movement) and Project-specific demolition assumptions, 188,265 square feet of demolition/site prep, were used for the various construction phases.

Table 3.3-6: Construction Material Movement

Phase Name	Material Imported[1] (yd^3)	Material Exported[1] (yd^3)
Site Preparation	19,020	19,020
Grading	0	12,850

Notes:
[1] Soil import and export quantities based on Project-specific data.

See Appendix B: Air Quality Technical Report for additional information regarding the construction assumptions used in this analysis. The Project's predicted average daily construction-related emissions are summarized in Table 3.3-7: Average Daily Criteria Air Pollutant Emission Estimates for Project Construction**.**

Fugitive Dust Emissions. Fugitive dust contributes to PM_{10} and $PM_{2.5}$ emissions and is generated by the various construction activities occurring at the Project site including road dust, grading, demolition, and truck loading. PM_{10} and $PM_{2.5}$ emissions from fugitive dust will be controlled by watering the construction site twice daily consistent with BAAQMD's recommendations and the City's standard permit conditions for all exposed surfaces [e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access

roads]. [10]). CalEEMod defaults assume watering the construction site twice a day reduces the fugitive dust emissions by 55 percent.

Road dust is generated by vehicle travel on paved and unpaved roads. Emission factors for vehicle-generated road dust are on a "per mile" basis. In CalEEMod, these road dust emission factors are based on the equations presented in the Paved Roads and Unpaved Roads chapters of USEPA's AP-42 and are then multiplied by the total VMT for Project-related trips. Emissions from vehicle-generated road dust were estimated using CalEEMod and are presented in Appendix B. Fugitive dust emissions from bulldozing equipment (i.e., rubber-tired dozers), grading equipment (i.e., graders, rubber-tired dozers, and scrapers), and demolition activity occur during the Project construction. In addition, truck loading activities would generate fugitive dust emissions.

The Project would implement the City's standard permit conditions, which includes the BAAQMD Basic Construction Control Measures, to control dust at the Project site during all phases of construction.

Standard Permit Condition

These measures would be required to be implemented and would be included 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. Vehicle speeds on unpaved roads shall be limited to 15 mph.
viii. Replant vegetation in disturbed areas as quickly as possible.
ix. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
x. Minimizing idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
xi. Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
xii. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

<u>*Construction Equipment and Worker Vehicle Exhaust*</u>. Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions included: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction

[10] BAAQMD. 2017. CEQA Air Quality Guidelines. May. Available at: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en&rev=cc452f3398704c89ab73785ac4dc844a. Accessed: June 2022.

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 (See the above listed City's Standard Permit Condition).

ROG Emissions. As stated above, for purposes of this analysis, VOC emissions are assumed to be equal to ROG. 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 is largely generated from architectural coating. 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.

As detailed in Table 3.3-7: Average Daily Criteria Air Pollutant Emission Estimates for Project Construction, Project construction emissions would not exceed the BAAQMD thresholds and construction emissions would not result in a potentially significant impact. Therefore, construction air quality impacts would be less than significant.

Table 3.3-7: Average Daily Criteria Air Pollutant Emission Estimates for Project Construction

Scenario	Year	Average Daily Criteria Air Pollutant Emission Estimates[1]			
		VOC[2]	NO_X	Exhaust PM_{10}	Exhaust $PM_{2.5}$
		(lbs/day)			
Unmitigated Project[3]	2024	5.0	50.5	2.2	2.0
	2025	12.4	46.5	1.8	1.7
Mitigated Project[4]	2024	2.0	39.9	0.3	0.3
	2025	10.4	49.8	0.4	0.4
BAAQMD Mass Daily Significance Thresholds[5]		54	54	82	54
Exceeds Threshold for any Year of Construction?		NO	NO	NO	NO

[1] Emissions for project construction were estimated using CalEEMod® (see Appendix B). SO_X and CO emissions were not included since there is no BAAQMD daily significance threshold for these pollutants.

[2] For purposes of this analysis, VOC emissions are assumed to be equal to ROG. VOCs or ROG are hydrocarbons/organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including ROGs and VOCs. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels.

[3] Unmitigated emissions assume watering control consistent with BAAQMD recommendations.

[4] Mitigated construction emissions assume watering control consistent with BAAQMD recommendations and the use of Tier 3 + Level 3 DPF mitigation for construction equipment greater than 50 hp.

[5] BAAQMD Air Quality Significance Thresholds. Available at: https://www.baaqmd.gov/~/media/files/planning-and- research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: June 2022.

Summary. As shown in Table 3.3-7: Average Daily Criteria Air Pollutant Emission Estimates for Project Construction, all criteria pollutant emissions would remain below their respective thresholds in the unmitigated scenario. However, due to cancer risk exceeding the BAAQMD threshold, the Project would

include MM AQ-1 below which comprises Tier 3 + Level 3 Diesel Particulate Filter (DPF) mitigation for construction equipment greater than 50 horse power (hp). This would further reduce construction emissions. 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. Additionally, the Project would implement BAAQMD's Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance thresholds (See the above listed City's Standard Permit Condition). With implementation of the Standard Permit Condition, the proposed Project's construction would not worsen ambient air quality or create additional violations of federal and state standards. Therefore, air quality impacts would be less than significant.

Operational Emissions

Area Source Emissions. Area sources are those emissions that are generally too small to be uniquely identified as point sources and are thus generally aggregated as a group. CalEEMod estimates emissions for the following sources, which are included under the category of "area" sources: landscaping equipment (e.g., lawn mowers), consumer products, and architectural coatings. Criteria air pollutant emissions due to natural gas combustion in buildings could also be considered area sources, but are reported by CalEEMod® in the emissions associated with building energy use (described below). The criteria air pollutant emissions generated by the Project were calculated using CalEEMod defaults and can be viewed in Appendix B.

Energy Source Emissions. Criteria air pollutant emissions are emitted from buildings as a result of activities for which natural gas is typically used as an energy source. Combustion of fossil fuels, such as natural gas, emits criteria air pollutants directly into the atmosphere. Climate Zone 4 was selected based on the California Energy Commission (CEC) forecast climate zone map shown in the CalEEMod® User's Guide. The analysis assumes that the Project's land uses accord to the 2019 Title 24 Standards, as that code cycle became effective on January 1, 2020. To calculate the total building natural gas input for the Project, the air quality specialist, Ramboll, utilized default values provided in CalEEMod®, which are based on the Commercial End-Use Survey (CEUS). Criteria air pollutant emissions from the natural gas consumption were estimated in CalEEMod and can be viewed in Appendix B.

Mobile Source Emissions. 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 Kittelson & Associates, Inc., (2023). The Transportation Analysis prepared for this site forecasts the anticipated trip generation and distribution for the site and assigns Project trips to study intersections.

The Project's predicted maximum daily operational-related emissions are summarized in Table 3.3-8.

Table 3.3-8: Average Daily Criteria Air Pollutant Emission Estimates for Project Operation

Emission Category	Average Daily Criteria Air Pollutant Emission Estimates[1,2]				Annual Criteria Air Pollutant Emission Estimates[1,2]			
	VOC[3]	NO_X	PM_{10}	$PM_{2.5}$	VOC[3]	NO_X	PM_{10}	$PM_{2.5}$
	(lbs/day)				(tons/year)			
Area[4]	0.6	0.0	0.0	0.0	0.1	0.0	0.0	0.0
Energy[4]	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Mobile[5]	-22.0	-31.4	-43.1	-11.0	-4.0	-5.7	-7.9	-2.0
Total	**-21.3**	**-31.4**	**-43.1**	**-11.0**	**-3.9**	**-5.7**	**-7.9**	**-2.0**
BAAQMD Significance Thresholds[6]	**54**	**54**	**82**	**54**	**10**	**10**	**15**	**10**
Exceeds Threshold?	NO	NO	NO	NO	NO	NO	NO	NO

[1] Emissions totals may not add up due to rounding. Emissions shown as zero may be non-zero values; however, they are below a meaningful reporting level for this analysis.
[2] SO_X and CO emissions were not included since there is no BAAQMD daily significance threshold for these pollutants.
[3] For purposes of this analysis, VOC emissions are assumed to be equal to ROG. VOCs or ROG are hydrocarbons/organic gases that are formed solely of hydrogen and carbon. There are several subsets of organic gases including ROGs and VOCs. Both ROGs and VOCs are emitted from the incomplete combustion of hydrocarbons or other carbon-based fuels.
[4] Total area and energy emissions were estimated using CalEEMod ® (see Appendix B).
[5] Total mobile emissions include emissions from on-road vehicles and TRUs. On-road mobile emissions were estimated using CalEEMod ®, EMFAC2021 emission factors, and Project-specific vehicle trip rates and VMT provided by Kittelson & Associates, See Appendix B for details. TRU emissions were estimated using OFFROAD2021 emission factors.
[6] BAAQMD Air Quality Significance Thresholds. Available at https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. Accessed: June 2022.

Total Operational Emissions. As shown in Table 3.3-8: Average Daily Criteria Air Pollutant Emission Estimates for Project Operation, net Project operational emissions would not exceed BAAQMD thresholds. Project operational emissions are negative because they assume buildout of the Project minus the baseline condition, whereby the Project emissions are lower than the existing condition emissions. Additionally, the BAAQMD has set its CEQA significance threshold based on the trigger levels for the federal New Source Review (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. The Project would not exceed BAAQMD air quality standards or contribute substantially to an existing or projected air quality violation and therefore no criteria pollutant health impacts would occur. Project operational emissions would be less than significant.

Cumulative Short-Term Emissions

The San Francisco Bay Area Air Basin is designated nonattainment for O_3, PM_{10}, and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for Federal standards (Table 3.3-8: Average Daily Criteria Air Pollutant Emission Estimates for Project Operation). 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 result in a cumulatively considerable contribution to a significant cumulative impact.[11]

As shown in Table 3.3-8: Average Daily Criteria Air Pollutant Emission Estimates for Project Operation, 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.

AQ-3	***Expose sensitive receptors to substantial pollutant concentrations?*** ***Less Than Significant with Mitigation***

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.

Toxic Air Contaminant Emissions

The Air Quality Technical Report evaluated excess lifetime cancer risk and chronic hazard index (HIC) for off-site receptors from Project construction emissions. In particular, the construction HRA assesses the lifetime cancer risk and HIC associated with DPM emissions from off-road diesel construction equipment and hauling and vendor trucks during construction of the Project. Diesel exhaust, a complex mixture that includes hundreds of individual constituents, is identified by the State of California as a known carcinogen.[12,13] Under California regulatory guidelines, DPM is used as a surrogate measure of exposure for the mixture of chemicals that make up diesel exhaust as a whole. The technical report conservatively assumed that all PM_{10} from diesel fueled equipment and trucks is DPM.

Additionally, the Air Quality Technical Report (Appendix B) evaluated the lifetime cancer risk and HIC resulting from Project operation, which includes DPM emissions associated with Costco warehouse delivery truck travel and idling and transportation refrigeration units (TRU) travel and idling. Detailed

[11] 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).

[12] Cal/EPA, OEHHA. 1998. Findings of the Scientific Review Panel on The Report on Diesel Exhaust, as adopted at the Panel's April 22, 1998, meeting.

[13] Cal/EPA, OEHHA. 2018. OEHHA/ARB Consolidated Table of Approved Risk Assessment Health Values. May. Available at: https://www.arb.ca.gov/toxics/healthval/contable.pdf. Accessed: June 2022.

emission calculations for the construction and operational HRAs are presented in Table 3.3-9: Construction Health Risk Assessment Results, Table 3.3-10: Operational Health Risk Assessment Results, and in Appendix B. There is currently no acute non-cancer toxicity value available for DPM and acute hazard index (HI) from gasoline-fueled vehicle activity is expected to be minimal. Thus, an acute HI from the Project's construction and operation was not estimated. In addition, the Air Quality Technical Report assessed the annual $PM_{2.5}$ concentration impacts associated with construction and operation of the Project in accordance with BAAQMD CEQA Guidelines.

Construction Phase

The cancer risk and chronic hazards in the HRA for the Project construction activities were based on DPM emissions from off-road diesel construction equipment, on-road vendor vehicles, and on-road diesel hauling trucks. Accordingly, the constituents evaluated in the HRA for the construction phase were DPM emissions in diesel exhaust and $PM_{2.5}$ emissions from exhaust, tire wear, and brake wear. DPM emissions are assumed to be equal to exhaust PM_{10} from on- and off-road construction equipment. See Table 3.3-9: Construction Health Risk Assessment Results.

Table 3.3-9: Construction Health Risk Assessment Results

Receptor Type	Unmitigated			Mitigated[1]		
	Maximum Estimated Cancer Risk (in a million)	Maximum Estimated Chronic Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)	Maximum Estimated Cancer Risk (in a million)	Maximum Estimated Chronic Hazard Index	Annual $PM_{2.5}$ Concentration ($\mu g/m^3$)
Resident	30.4	0.02	0.12	6.76	0.00	0.08
Sensitive[2]	1.2	0.00	0.00	0.26	0.00	0.00
Worker	3.4	0.06	0.30	0.64	0.01	0.28
BAAQMD Threshold[3]	10	1	0.30	10	1	0.30
Exceeds Threshold?	**YES**	**NO**	**NO**	**NO**	**NO**	**NO**

1 Mitigated construction emissions conservatively assume the use of Tier 3 + Level 3 DPF mitigation for construction equipment greater than 50 hp.
2 The sensitive receptor type associated with the maximum impact is a school receptor (Prospect High School). Distance to the maximally impacted school receptor measured from site boundary is approximately 315 meters or approximately 1,033 feet.
3 BAAQMD CEQA Thresholds of Significance. Available at: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/tools/ceqa- guidelines-may-2017-thresholds-table-pdf.pdf?la=en. Accessed: June 2022.

Impact AQ-1: Construction activities associated with the proposed Project could expose sensitive receptors near the Project site to a maximum estimated cancer risk of 30.4 (in a million) due to toxic air contaminants (TAC) emissions that could exceed the BAAQMD threshold for annual cancer risk of 10 per million by 20.4 per million.

Mitigation Measure

AQ-1 Prior to the issuance of any demolition, grading, or building permits (whichever occurs first), the project applicant shall submit verification, with equipment verified by a qualified air quality specialist, that verifies the project would achieve a fleet-wide average of a 80 percent reduction or more in diesel particulate matter (DPM) exhaust emissions during construction. Specifically, the Project would achieve this by using:

- All construction equipment larger than 50 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for

particulate matter (PM_{10} and $PM_{2.5}$), if feasible, otherwise:

- If use of Tier 4 equipment is not available or feasible, alternatively use equipment that meets 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 a 80 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination).[14]

The verification documentation shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or the Director's designee prior to the issuance of any demolition, grading, or building permits (whichever occurs earliest).

EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices.[15][16]

Mitigation Measure AQ-1 would reduce the Project's maximum cancer risk to 6.76 per million from 30.4 per million, which would be below the BAAQMD thresholds of 10 in one million, respectively. Non-cancer hazards for DPM would be below the BAAQMD threshold, with a chronic hazard index computed at 0.06 without mitigation, and 0.01 with mitigation. Therefore, chronic hazards would be below the BAAQMD significance threshold of 1.0. As such, implementation of Mitigation Measure AQ-1 would reduce construction-period cancer risk levels to be below the BAAQMD's thresholds and impacts would be considered less than significant in this regard.

Operational Phase

The cancer risk and chronic non-cancer analysis for the Project operation are based on DPM emissions from warehouse delivery trucks and associated transport refrigeration units (TRU) operations, refer to Appendix B. DPM emissions are assumed to be equal to exhaust PM_{10} from the delivery trucks and TRUs. $PM_{2.5}$ concentrations were estimated using engine exhaust from vehicles, brake wear and tire wear, and entrained road dust. See Table 3.3-10: Operational Health Risk Assessment Results.

Table 3.3-10: Operational Health Risk Assessment Results

Receptor Type	Maximum Estimated Cancer Risk (in a million)	Maximum Estimated Chronic Hazard Index	Annual $PM_{2.5}$ Concentration (ug/m^3)
Resident	0.64	0.0002	0.03
Sensitive[1]	0.06	0.00002	0.01
Worker	0.19	0.0003	0.06

[14] To be conservative, this analysis assumed that Tier 3 engines with particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices would be used on-site to model the potential emissions if Tier 4 final equipment is not available.

[15] Ibid.

[16] CARB. Verification Procedure: Stationary. Available at: https://ww2.arb.ca.gov/diesel/verdev/vt/stationary.htm. Accessed: December 2022.

Receptor Type	Maximum Estimated Cancer Risk (in a million)	Maximum Estimated Chronic Hazard Index	Annual $PM_{2.5}$ Concentration (ug/m^3)
BAAQMD Threshold[2]	10	1	0.30
Exceeds Threshold?	**NO**	**NO**	**NO**

Notes:
[1] The sensitive receptor type associated with the maximum impact is a school receptor. Distance to the maximumly impacted school receptor measured from site boundary is approximately 210 meters.
[2] BAAQMD CEQA Thresholds of Significance. Available at: https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/tools/ceqa-guidelines-may-2017-thresholds-table-pdf.pdf?la=en. Accessed: June 2022.

As shown in Table 3.3-10: Operational Health Risk Assessment Results, the operational maximum estimated cancer risk and HIC are both below BAAQMD thresholds for operation.

Cumulative Health Risk Analysis

Consistent with the BAAQMD CEQA guidelines, the combined impacts from off-site and on-site sources were evaluated within the "zone of influence" of the Project. Off-site sources include BAAQMD permitted stationary sources, roadways with over 10,000 vehicles per day, and railways. The cumulative impact was evaluated at the maximally exposed individual (MEI) receptor for Project construction and operations. The MEI is the receptor with the highest incremental cancer risk, chronic HIC, and $PM_{2.5}$ concentration from the Project across all populations and exposure scenarios. Health impacts from all identified sources within 1,000 feet of the Project were evaluated at this single location and added to the results from the Project's impacts.

Impacts from these cumulative sources are combined with Project construction and operational impacts at the off-site Project MEI. A summary of cumulative impacts at the Project MEI is shown in Table 3.3-11: Cumulative Health Risk Assessment Results.

Table 3.3-11: Cumulative Health Risk Assessment Results

Emission Source	Unmitigated			Mitigated[1]		
	Cancer Risk Impact[2] (in one million)	Chronic Non-Cancer Hazard Index[3]	Annual $PM_{2.5}$ Concentration[4] (ug/m^3)	Cancer Risk Impact[2] (in one million)	Chronic Non-Cancer Hazard Index[3]	Annual $PM_{2.5}$ Concentration[4] (ug/m^3)
Project Construction Impacts	30.4	0.06	0.30	6.8	0.01	0.01
Project Operational Impacts	0.1	1.77E-04	0.01	0.1	1.77E-04	0.06
Subtotal, Project Impacts	30.5	0.06	0.32	6.9	0.01	0.08
Existing Stationary Sources[5]	2.71E-03	0.02	0.00	2.71E-03	0.02	0.00
Major Roadways[6]	8.2	0.03	0.56	8.2	0.03	0.56
Major Highways[6]	N/A	N/A	N/A	N/A	N/A	N/A

Emission Source	Unmitigated			Mitigated[1]		
	Cancer Risk Impact[2] (in one million)	Chronic Non-Cancer Hazard Index[3]	Annual $PM_{2.5}$ Concentration[4] (ug/m^3)	Cancer Risk Impact[2] (in one million)	Chronic Non-Cancer Hazard Index[3]	Annual $PM_{2.5}$ Concentration[4] (ug/m^3)
Railways[6]	13.8	0	0.33	8.2	0	0.56
Subtotal, Background Sources	44.4	0.06	0.65	15.1	0.04	0.64
Total Cumulative Impact	0.1	1.77E-04	0.01	0.1	1.77E-04	0.06
BAAQMD Significance Threshold	100	10	0.80	100	10	0.80
Exceeds Threshold?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Notes:

1 Mitigated construction emissions assume the use of Tier 3 + Level 3 DPF mitigation for construction equipment greater than 50 hp (MM AQ-1).

2 Project-related construction and operational cancer risks are reported at the maximally impacted receptor with the highest overall estimate. For both unmitigated and mitigated scenario, the receptor is a residential receptor with ID 4307.

3 Project-related construction and operational chronic non-cancer hazard indices are reported at the maximally impacted receptor with the highest overall estimate. For both unmitigated and mitigated scenario, the receptor is a worker receptor with ID 6119.

4 Project related construction and operational annual PM2.5 concentrations are reported at the receptor with the highest overall estimate. For unmitigated scenario, the receptor is a worker receptor with ID 6120. For the mitigated scenario, the receptor is a worker receptor with ID 6121.

5 Consistent with BAAQMD guidance, Ramboll included all facilities within ~1,000 feet of the proposed Project as per the BAAQMD Stationary Source Screening Analysis Tool. Risk values obtained from BAAQMD's stationary source screening tool have been adjusted using BAAQMD's Distance Multiplier Tool based on the distance between each source and the location of receptor. Although there are sources within 1000 feet of the facility boundary, they are farther than 1000 feet from the location of the receptors in this table. It is also farther than the maximum evaluation distance (984 feet) of the Distance Multiplier Tool. As such, the risk impact from the stationary sources is assumed insignificant.

6 Cancer risk and $PM_{2.5}$ concentration values were determined using BAAQMD's raster tool which reports risks and impacts for major highways, major streets and railways. Impacts were based on the maximum impact of a raster cell located near the maximally exposed receptor.

7 Consistent with BAAQMD HRA guidance, this table considers all other nearby potentially concurrent construction projects up to 1,000 feet away from the Project's sensitive receptors as meaningful risk contributors. There were no other proximal proposed construction projects that met the BAAQMD criteria.

As shown in Table 3.3-11: Cumulative Health Risk Assessment Results, cumulative impacts would not exceed BAAQMD significance thresholds for cancer risk, chronic hazard, or $PM_{2.5}$ concentration with and without mitigation. Additionally, with implementation of MM AQ-1, construction cancer risk would be further reduced. Therefore, impacts would be less than significant.

Carbon Monoxide Hotspots

Mobile-source impacts occur on two basic scales of motion. Regionally, Project-related travel will add to regional trip generation and increase the VMT within the local airshed and the San Francisco Bay Area Air Basin. Locally, Project traffic will be added to the City's roadway system. There is a potential for the formation of microscale CO "hotspots" in the area immediately around points of congested traffic. Because of continued improvement in mobile emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the basin is steadily decreasing.

Projects contributing to adverse traffic impacts may result in the formation of CO hotspots. To verify that the Project would not cause or contribute to a violation of the CO standard, a screening evaluation of the potential for CO hotspots was conducted. The SW San José Costco Warehouse – Trip Generation,

Distribution, and Assignment (Traffic Study) memo by Kittelson[17] evaluated the anticipated trip generation and distribution for the site.

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

The Transportation Analysis prepared for this project forecasts the anticipated trip generation and distribution for the site and assigns Project trips to study intersections. According to the Transportation Analysis, the Project would add less than 500 trips at any of the studied intersections. Therefore, the Project is not expected to increase traffic volumes above BAAQMD thresholds at any of the affected intersections. Therefore, the Project would not increase traffic volumes in 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 the impact would be less than significant.

AQ-4	***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.

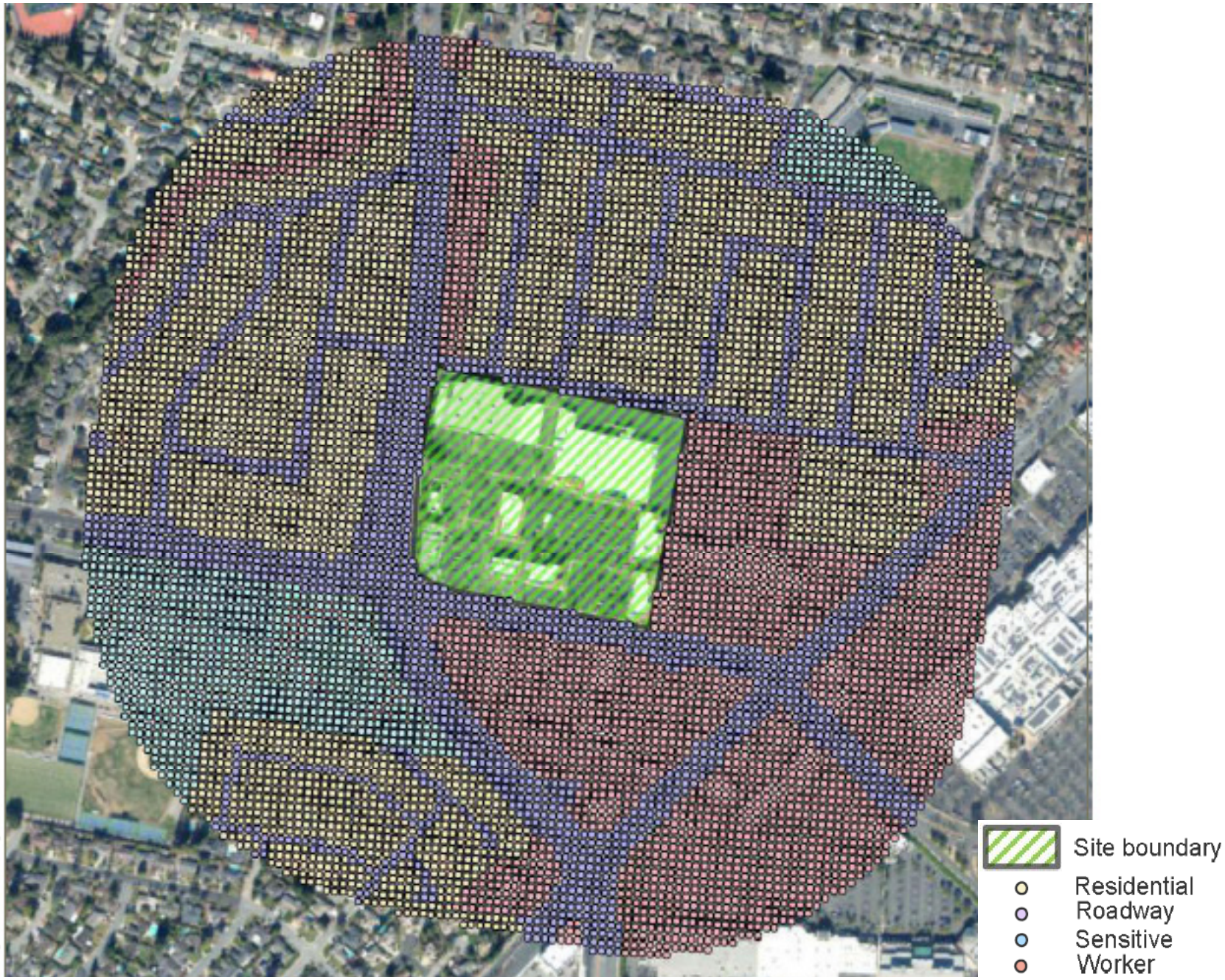
Operational

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

17 Kittelson & Associates, Inc. 2023. SW San Jose Costco Warehouse – Trip Generation, Distribution, and Assignment. March 18.

places general limitations on odorous substances and specific emission limitations on certain odorous compounds.

The Project includes one wholesale warehouse retail center, which is not anticipated to generate odors. Furthermore, none of the above listed odor generating uses are located near the Project site; therefore, site occupants and visitors will not be exposed to significant odors. Impacts would be less than significant.



Source: RAMBOLL, 2022

Figure 3.3-1: Modeled Receptors for Health Risk Assessment

Westgate West Costco
Draft EIR

Not to scale

Kimley»Horn
Expect More. Experience Better.

3.4 BIOLOGICAL RESOURCES

An Arborist Report was prepared by Arborwell (October 2021). The following discussion is based on the Arborist Report (Appendix C) and the California Natural Diversity Database (CNDDB) search completed for the Project on March 24, 2022. Additional background documents used to prepare this report include the Santa Clara Valley Habitat Plan/Natural Community Conservation Plan (SCVHP), General Plan and General Plan EIR.

ENVIRONMENTAL SETTING

CITYWIDE SETTING

The City of San José contains a range of environmental resources across a diverse landscape. The City's natural setting includes hillsides, riparian corridors, lakes, the San Francisco Bay, and adjacent Baylands. As discussed in the Biological Resources Report prepared as part of the General Plan EIR, the City's biological study area is generally defined by the San Francisco Bay to the north, the Diablo Range to the east, and the Santa Cruz Mountains to the west. The City is within the Santa Clara Valley, which is defined by a series of creeks and rivers, waterways, and five watersheds.

PROJECT VICINITY

The Project site is located within an urbanized area in the City of San José. The Project site is currently developed with a shopping center comprising nine buildings totaling approximately 251,519 square feet**.** The Project site is surrounded by developed land use types including residential, commercial, and school uses. There is existing landscaping along the site boundary and surface parking areas. The nearest waterway is Saratoga Creek, located approximately 1,500 feet west of the Project site (USFWS, 2022).

Natural Communities and Habitats

Eight main habitat types are present within the City limits of San José. These include developed, agricultural, grasslands, riparian forest and scrub, chaparral and coastal scrub, oak woodland, wetland, and aquatic/open water. Several habitats found within the City limits are considered to be sensitive habitats by State and federal agencies, such as U.S. Army Corps of Engineers, the Regional Water Quality Control Board, the US Fish and Wildlife Service (USFWS), and the California Department of Fish and Wildlife (CDFW). These include wetland and aquatic habitat, stream and riparian habitat, serpentine habitat, and oak woodland habitat. In addition, sensitive habitats tracked by the CDFW's California Natural Diversity Database (CNDDB) that occur within the City limits include Northern Coastal Salt Marsh, Serpentine Bunchgrass Grassland, and Sycamore Alluvial Woodland.

Approximately 68 percent of the area within the City limits and 80 percent of the area within the City's Urban Growth Boundary (UGB) are occupied by developed urban and suburban land uses. Developed habitat types differ widely in the amount and types of plant species that they support. Some areas are fully developed areas barren of vegetation, such as portions of industrial or commercial sites, completely paved, and high-density urban housing. In general, the developed land use type provides low habitat value for regionally occurring species. Developed or landscaped habitats typically support relatively common wildlife species that are tolerant of periodic human disturbance. Some of the most abundant species in developed habitats, such as the European starling, rock pigeon, house sparrow, Virginia opossum, house mouse, eastern gray squirrel, fox squirrel, Norway rat, and black rat are non-native species that are well adapted to the cover, nesting/denning, and foraging conditions provided by developed areas. In addition, a number of native species have adapted to these conditions. Native bird species commonly found in

developed habitats in San José include the house finch, northern mockingbird, Anna's hummingbird, and California towhee. Native mammals such as the deer mouse, raccoon, and striped skunk utilize these developed areas as well.

The General Plan classifies the Project site and the immediate vicinity as developed land. The Project area is heavily disturbed and characterized by commercial development with associated roadways, sidewalks, driveways, outbuildings and mature landscaping. Human-altered landscapes that contain large amounts of paved surfaces and/or landscaped gardens with ornamental and/or weedy species are generally considered "developed." Existing trees and landscaping would be expected to support some of the common species listed above.

Movement Corridors

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

The Project site itself is not a movement corridor, and it does not provide the functions and values of a habitat corridor because it is entirely developed with urban uses and is not a linkage between two habitat areas. Further, the Project site is not located adjacent to identified riparian corridors within the City, such as Coyote Creek and the Guadalupe River, which could serve as movement corridors for aquatic species.

TREES

The Project site contains 272 trees, including 171 trees that are ordinance-size trees (38 inches in circumference or more at 4 ½ feet above ground). The most common species include sycamore (*Platanus occidentalis*) (24 percent), European olive (*Olea europaea*) (11 percent), and Callery pear (*Pyrus calleryana*) (10 percent). These species are not native to California. California native species on site consist of crabapple (*Malus spp.*) and coast redwood (*Sequoia sempervirens*). These native species comprise only 1 percent of the total on-site population. Table 3.4-1: On-Site Tree Species below lists all species and their contribution to species diversity on the project site.

Table 3.4-1: On-Site Tree Species

Common Name	Botanical Name	# of Trees	Percent Total
Sycamore	*Platanus occidentalis*	66	24.3
European olive	*Olea europaea*	30	11.0
Callery pear	*Pyrus calleryana*	26	9.6
Italian stone pine	*Pinus pinea*	24	8.8
Southern magnolia	*Magnolia grandiflora*	23	8.5
African Sumac	*Rhus lancea*	20	7.4
Evergreen pear	*Pyrus kawakamii*	17	6.3

Common Name	Botanical Name	# of Trees	Percent Total
Water gum	*Tristaniopsis laurina*	12	4.4
Eastern redbud	*Cercis canadensis*	8	2.9
Chinese elm	*Ulmus parvifolia*	8	2.9
Canary Island date palm	*Phoenix canariensis*	6	2.2
Chinese Pistache	*Pistacia chinensis*	6	2.2
California Pepper	*Schinus molle*	5	1.8
Raywood Ash	*Fraxinus oxycarpa 'Raywood'*	4	1.5
Flowering Cherry	*Prunus avium*	3	1.1
Strawberry Tree	*Arbutus unedo*	2	0.7
Crabapple	*Malus spp.*	2	0.7
Silver Dollar Eucalyptus	*Eucalpytus cinera*	2	0.7
Corkscrew willow	*Salix matsudana*	2	0.7
Podocarpus	*Podocarpus gracilior*	2	0.7
Linden	*Tillia cordata*	1	0.4
Black willow	*Salix nigra*	1	0.4
Mayten	*Maytenus boaria*	1	0.4
Coast redwood	*Sequoia sempervirens*	1	0.4
	TOTAL	**272**	**100.0%**

Source: Arborwell, 2021.

SPECIAL STATUS PLANTS

The Project site is located in an urban commercial area that has been graded and developed. No natural plant communities are present within the Project site. Of the species of special status plants that occur within the Santa Clara Valley, no special status plant species would occur within the Project site due to low quality habitat and the extent of existing development. According to a search of the CNDDB conducted on March 24, 2022, no special status plant species are mapped as having the potential to occur in the Project area. Additionally, the highly developed and regularly disturbed Project site is not conducive to the growth of special status plant species. Thus, special status plant species would not be anticipated to occur within the Project site.

SPECIAL STATUS ANIMALS

A Project site specific search of the CNDDB conducted on March 24, 2022 indicated that one special status animal species has the potential to occur within the Project site. The American peregrine falcon is a fully protected species under the California Fish and Game Code and is mapped by the CNDDB as having the potential to occur anywhere within the San José West United States Geological Survey (USGS) Quadrangle, which includes the Project site. No American peregrine falcons are recorded as having occurred within the Project site and the quadrangle-wide mapping is a result of a monitored nest box having been installed on a high rise building in 2006. However, given the high mobility of the species, American peregrine falcons are presumed extant for the entire quadrangle that includes the Project site. Though the Project site does not provide ideal habitat for the species due to consistent human disturbance, trees on site could be occupied by passing individuals and the existing buildings could provide suitable nesting habitat for the American peregrine falcon (CDFW, 2022).

JURISDICTIONAL WATERS

No jurisdictional waters or wetlands occur on the Project site and the Project is not expected to impact

the bed or bank of any jurisdictional waters. The nearest waterway is Saratoga Creek, located approximately 1,500 feet west of the Project site beyond the Lawrence Expressway and residential development (USFWS, 2022).

REGULATORY FRAMEWORK

FEDERAL AND STATE OF CALIFORNIA

Threatened and Endangered Species

State and federal "endangered species" legislation has provided the CDFW and the USFWS with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Species listed as threatened or endangered under provisions of the state and federal Endangered Species Acts, candidate species for such listing, state species of special concern, and some plants listed as endangered by the California Native Plant Society are collectively referred to as "species of special status." Permits may be required from both the CDFW and USFWS if activities associated with a proposed project will result in the take of a listed species. To "take" a listed species, as defined by the state of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species (California Fish and Game Code, Section 86). "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species (16 USC, Section 1532(19), 50 CFR, Section 17.3). Furthermore, the CDFW and the USFWS are responding agencies under the California Environmental Quality Act (CEQA). Both agencies review CEQA documents in order to determine the adequacy of their treatment of endangered species issues and to make project-specific recommendations for their conservation.

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.

Wetlands and Other "Jurisdictional Waters"

Section 404 of the federal Clean Water Act (CWA) regulates the discharge of dredged or fill material into "navigable waters" (33 U.S.C. §1344), which the CWA defines as "the waters of the United States, including the territorial seas" (33 U.S.C. §1362(7)). The CWA does not provide a definition for waters of the U.S., and that has been the subject of considerable debate since the Act's passage in 1972. A variety of regulatory definitions have been promulgated by the two federal agencies responsible for implementing the CWA, the Environmental Protection Agency (EPA) and United States Army Corps of Engineers (USACE). These definitions have been interpreted, and in some cases, invalidated, by federal courts.

In 2015, the EPA and USACE jointly issued the Clean Water Rule (CWR), providing a synthesized definition of waters of the U.S. based on statute, science, and federal court decisions to date. Subsequent litigation delayed implementation of the CWR. However, in August 2018, the CWR was enjoined in 22 states including California.

On September 12, 2019 the EPA and USACE repealed the 2015 CWR. The repeal became effective 60 days after the September publication of the appeal in the Federal Register on August 28, 2015. As a result, the definition of waters of the U.S. has reverted to the definition established by the CWA and subsequent court cases (*United States* v. *Riverside Bayview Homes*, *Solid Waste Agency of Northern Cook County* v. *U.S. Army Corps of Engineers*, and *Rapanos* v. *United States*).

The current definition of waters of the U.S. includes the following:

> (1) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
>
> (2) All interstate waters, including interstate wetlands;
>
> (3) The territorial seas;
>
> (4) All impoundments of waters otherwise identified as waters of the United States under this section;
>
> (5) All tributaries, as defined in paragraph (c)(3) of this section, of waters identified in paragraphs (a)(1) through (3) of this section;
>
> (6) All waters adjacent to a water identified in paragraphs (a)(1) through (5) of this section, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters;
>
> (7) All waters in paragraphs (a)(7)(i) through (v) of this section where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1) through (3) of this section. The waters identified in each of paragraphs (a)(7)(i) through (v) of this section are similarly situated and shall be combined, for purposes of a significant nexus analysis, in the watershed that drains to the nearest water identified in paragraphs (a)(1) paragraph (a)(6) of this section when performing a significant nexus analysis. If waters identified in this paragraph are also an adjacent water under paragraph (a)(6), they are an adjacent water and no case-specific significant nexus analysis is required.
>
> > (i) Prairie potholes. Prairie potholes are a complex of glacially formed wetlands, usually occurring in depressions that lack permanent natural outlets, located in the upper Midwest.
> >
> > (ii) Carolina bays and Delmarva bays. Carolina bays and Delmarva bays are ponded, depressional wetlands that occur along the Atlantic coastal plain.
> >
> > (iii) Pocosins. Pocosins are evergreen shrub and tree dominated wetlands found predominantly along the Central Atlantic coastal plain.
> >
> > (iv) Western vernal pools. Western vernal pools are seasonal wetlands located in parts of California and associated with topographic depression, soils with poor drainage, mild, wet winters and hot, dry summers.
> >
> > (v) Texas coastal prairie wetlands. Texas coastal prairie wetlands are freshwater wetlands that occur as a mosaic of depressions, ridges, intermound flats, and mima mound wetlands located along the Texas Gulf Coast.
>
> (8) All waters located within the 100- year floodplain of a water identified in paragraphs (a)(1) through (3) of this section and all waters located within 4,000 feet of the high tide line or ordinary high water mark of a water identified in paragraphs (a)(1) through (5) of this section where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1) through (3) of this section. For waters determined to have a significant nexus, the entire water is a water of the United States if a portion is located within the 100-year floodplain of a water identified in paragraphs (a)(1) through (3) of this section or within 4,000 feet of the high tide line or ordinary high water mark. Waters identified in this paragraph shall not be combined with waters identified in paragraph (a)(6) of this section when performing a significant nexus analysis. If waters identified in this paragraph are also an adjacent water under paragraph

(a)(6), they are an adjacent water and no case-specific significant nexus analysis is required.

The following cannot be classified as waters of the U.S. under the current rule:

(b) The following are not ‘‘waters of the United States’’ even where they otherwise meet the terms of paragraphs (a)(4) through (8) of this section.

(1) Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act.

(2) Prior converted cropland. Notwithstanding the determination of an area’s status as prior converted cropland by any other Federal agency, for the purposes of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with EPA.

(3) The following ditches:

(i) Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.

(ii) Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.

(iii) Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1) through (3) of this section.

(4) The following features:

(i) Artificially irrigated areas that would revert to dry land should application of water to that area cease;

(ii) Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds;

(iii) Artificial reflecting pools or swimming pools created in dry land;

(iv) Small ornamental waters created in dry land;

(v) Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water;

(vi) Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways; and

(vii) Puddles.

(5) Groundwater, including groundwater drained through subsurface drainage systems.

(6) Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.

(7) Wastewater recycling structures constructed in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

All activities that involve the discharge of dredge or fill material into waters of the U.S. are subject to Section 404 permit requirements of the USACE. Such permits are typically issued on the condition that

the applicant agrees to provide mitigation that result in no net loss of wetland functions or values. No permit can be issued until the appropriate Regional Water Quality Control Board (RWQCB) issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

Under the Porter-Cologne Water Quality Control Act of 1969, the State Water Resources Control Board has regulatory authority to protect the water quality of all surface water and groundwater in the State of California ("Waters of the State"). Nine RWQCBs oversee water quality at the local and regional level. The RWQCB for a given region regulates discharges of fill or pollutants into Waters of the State through the issuance of various permits and orders. Discharges into Waters of the State that are also Waters of the U.S. require a Section 401 Water Quality Certification from the RWQCB as a prerequisite to obtaining certain federal permits, such as a Section 404 Clean Water Act permit. Discharges into all Waters of the State, even those that are not also Waters of the U.S., require Waste Discharge Requirements (WDRs), or waivers of WDRs, from the RWQCB. The RWQCB also administers the Construction Storm Water Program and the federal National Pollution Discharge Elimination System (NPDES) program. Projects that disturb one or more acres of soil must obtain a Construction General Permit under the Construction Storm Water Program. A prerequisite for this permit is the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer. Projects that discharge wastewater, storm water, or other pollutants into a Water of the U.S. may require a NPDES permit. CDFW has jurisdiction over the bed and bank of natural drainages and lakes according to provisions of Section 1601 and 1602 of the California Fish and Game Code. Activities that may substantially modify such waters through the diversion or obstruction of their natural flow, change or use of any material from their bed or bank, or the deposition of debris require a Notification of Lake or Streambed Alteration. If CDFW determines that the activity may adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be prepared. Such an agreement typically stipulates that certain measures will be implemented to protect the habitat values of the lake or drainage in question.

REGIONAL

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, USFWS, and CDFW. The SCVHCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Project site is located within the boundaries of the SCVHCP and is designated Urban- Suburban which comprises of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures.

CITY OF SAN JOSÉ

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 the City's Department of Transportation (DOT) in consultation with the City Arborist.

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.

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 ER-6.5: Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.

Policy ER-6.7: Include barriers to animal movement within new development and, when possible, within existing development, to prevent movement of animals (e.g., pets and wildlife) between developed areas and natural habitat areas where such barriers will help to protect sensitive species.

Policy ER-6.8: Design and construct development to avoid changes in drainage patterns across adjacent natural areas and for adjacent native trees, such as oaks.

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.

Policy MS-21.7: Manage infrastructure to ensure that the placement and maintenance of street trees, streetlights, signs and other infrastructure assets are integrated. Give priority to tree placement in designing or modifying streets.

Policy MS-21.8: For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals:

- Avoid conflicts with nearby power lines.
- Avoid potential conflicts between tree roots and developed areas.
- Avoid use of invasive, non-native trees.
- Remove existing invasive, non-native trees.
- Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species.
- Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Policy IN-1.11: Locate and design utilities to avoid or minimize impacts to environmentally sensitive areas and habitats.

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

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a biological resources impact is considered significant if the Project would:

1. 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;
2. 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;
3. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means;
4. 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;
5. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or

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

BIO-1	***Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*** ***Less Than Significant With Mitigation***

Construction

The American peregrine falcon is mapped by the CNDDB as having the potential to occur on the Project site. Falcons could use mature trees and isolated stands of vegetation on or near the site for foraging and buildings in the area for nesting. The Project would demolish existing structures and remove approximately 115 existing trees. Some existing trees on site would be preserved, and removed trees would be replaced according to City tree replacement policy. A new building would also be constructed on-site. Site disturbance from construction activities would be intensive and could disturb falcons and other migratory birds should any be using the site, which would result in a significant impact prior to mitigation if such birds are present. Implementation of **Mitigation Measure BIO-1** would require Project construction to be scheduled to avoid the nesting or, should construction be required during the nesting season, pre-construction surveys and the implementation of voidance measures should birds be found. Implementation of **Mitigation Measure BIO-1** would avoid and minimize Project impacts to birds by avoiding construction activities during the nesting season, thereby avoiding the potential to disturb active nests, and by requiring avoidance measures should active nests be present during construction activities. Therefore, after consideration of Mitigation Measure BIO-1, impacts to special status species as a result of construction would be less than significant.

Operation

Once the Project is constructed and operational, the function of the Costco building would not be expected to adversely affect American peregrine falcon or other migratory bird activity on-site, because the Project would function similarly to the existing commercial uses. Replanted trees and landscaping would also provide new opportunities for foraging once these areas are established. Therefore, operational impacts to special status species would be less than significant.

Impact BIO-1: Construction activities on the Project site could potentially result in disturbance of the American peregrine falcon, nesting raptors, or other migratory birds.

MM BIO-1 Preconstruction Bird Surveys

- **Avoidance:** Prior to the issuance of any demolition, grading, tree removal or building permits (whichever occurs first), the Project applicant shall schedule demolition and construction activities to avoid the nesting season, if feasible. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive).
- **Nesting Bird Surveys:** If the start of construction activities is 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 construction. This survey shall be completed no more than 14 days prior to the start of demolition

and construction activities. 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 qualified 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 buffer shall remain in place until the ornithologist 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**: If the start of construction activities is scheduled to occur between September 1st and January 31st (inclusive) and pre-construction survey are required, prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the qualified 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.

BIO-2 ***Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?***

No Impact

Riparian habitat and sensitive natural communities, including wetlands, are absent from the Project site. The nearest riparian habitat is located along Saratoga Creek approximately 1,500 feet west of the Project site (USFWS, 2022). Given that the Project site is separated from Saratoga Creek and its associated riparian habitat by the Lawrence Expressway and existing commercial and residential development, the Project would not result in any direct impacts to the creek or the associated riparian habitat. Therefore, no impact to riparian habitat would occur.

BIO-3 ***Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

No Impact

The Project site is located within an existing urban environment, developed with a shopping center, and contains no wetlands, Waters of the U.S., or Waters of the State. There are no sensitive or natural habitats on the Project site. The nearest waterway is Saratoga Creek, located approximately 1,500 feet west of the Project site beyond the Lawrence Expressway and residential development (USFWS, 2022). Therefore, there would be no impact.

BIO-4 ***Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

Less Than Significant with Mitigation

There are no migratory wildlife corridors on or near the Project site, and no waterways that could support migratory fish species. There are existing trees on site that could be used by migratory birds for nesting or by raptors for foraging. In conformance with the MBTA and General Plan Policy ER-5.2, the Project would implement **Mitigation Measure BIO-1** identified above to avoid impacts to nesting migratory birds and raptors. The Project, with the incorporation of this mitigation measure, would result in a less than significant impact on nesting/foraging migratory birds and raptors.

BIO-5 ***Would the Project 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 site Project is located in an urban area and includes 272 existing trees on site (Appendix C).

Table 3.4-2: Proposed Tree Removals and Required Replacement Ratios provides a summary of proposed removals and associated replacement requirements. Appendix C, Arborist Report, provides a full inventory of trees on-site and Figures 2-4 and 2-5 indicate which trees are anticipated to remain on-site.

Table 3.4-2: Proposed Tree Removals and Required Replacement Ratios

Circumference Category	Proposed Removals	Replacement Requirement (X:1)	Replacement Trees Required (15-gal trees)
Less than 19 inches	2	1:1	2
19 to 38 inches, non-Native	40	2:1	80
19 to 38 inches, Native	0	3:1	0
38 inches or more, non-Native	72	4:1	288
38 inches or more, Native	1	5:1	5
Total Removals	**115**	**Total Replacement**	**375**[18]

Of the 272 existing trees within the Project site, 115 trees would be removed upon Project implementation. Three on-site trees are native species and all three existing native trees will be protected and kept on-site. Of the 115 trees to be removed, 81 are ordinance-size trees. [19]

[18] 371 15-gallon trees, or equivalent.

[19] Net change in trees = 352 (272 existing trees – 115 trees removed + 199 trees planted) - 272 existing trees

Since 115 trees onsite would be removed, the Project would be required to replant a total of 375 15-gallon replacement trees to fully satisfy the City's Tree Replacement Ratio. In compliance with the tree removal policy as described in the Standard Permit Condition below, the Project proposes to plant a total of 208 24-inch box trees on-site, the equivalent of 416 15-gallon trees. See Table 3.4-3: City of San José Tree Replacement Ratios for tree replacement requirement details. All plantings would be native or drought tolerant species. Implementation of the standard permit condition below would result in a net increase of trees on the Project site and ensure that the impact from the removal of the 115 on-site trees would be a less than significant impact.

Standard Permit Condition

Trees removed for the Project shall be replaced at ratios required by the City, as stated in Table 3.4-3: City of San José Tree Replacement Ratios below, as amended:

Table 3.4-3: City of San José Tree Replacement Ratios

Circumference of Tree to be removed	Replacement Ratios Based on 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 measured at 54 inches above natural grade 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 replacement tree = two 15-gallon replacement trees
Single Family and Two-dwelling properties may replace trees at a ratio of 1:1.

115 trees on site would be removed and 157 existing trees would remain. Of the proposed tree removals, two trees would be replaced at a 1:1 ratio, 40 trees would be replaced at a 2:1 ratio, no trees would be replaced at a 3:1 ratio, 72 trees would be replaced at a 4:1 ratio, and the remaining tree would be replaced at a 5:1 ratio. The total number and size of replacement trees required to be planted is 375 15-gallon trees. The proposed Project would plant 210 24-inch box trees throughout the Project site, which would be equivalent to 3416 15-gallon replacement trees. Therefore, the Project's replacement tree count meets the City requirement and no additional fee would be required to be paid if the Project is developed consistent with the current proposal. Moreover, the City's standard condition of approval presented below would ensure that even if there were insufficient area on the Project site to accommodate the required replacement trees, impacts would remain less than significant.

- If there is insufficient area on the Project site to accommodate the required replacement trees, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee. Changes to an approved landscape plan requires the issuance of a Permit Adjustment or Permit Amendment:
    - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the Project site.
    - Pay Off-Site Tree Replacement Fee(s) to the City prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternatives sites.

BIO-6	***Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*** ***Less than Significant***

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

3.5 CULTURAL RESOURCES

This section describes the potential impacts of the proposed Project related to cultural resources. This section is based in part on a California Historical Resources Information System (CHRIS) search conducted for the Project site. The archaeological literature review may discuss locations of specific archaeological sites and is confidential. For this reason, it is not included in this document or as a publicly accessible appendix. Qualified personnel, however, may request to review a copy of the report from the Department of Planning, Building and Code Enforcement located at 200 East Santa Clara Street, 3rd Floor, by appointment during normal business hours, through the Lead Agency contact. This section also incorporates information from Department of Parks and Recreation (DPR) form 523A, which was completed for two buildings located on-site that are over 45 years old and will be demolished by the Project (Appendix D).

ENVIRONMENTAL SETTING

ARCHAEOLOGICAL RESOURCES

The Project site is located in the City of San José West Valley Planning Area, which is identified as being archaeologically sensitive, with recorded archaeological sites present within the Planning Area. The sites of Spanish adobes are present within two Corridors and two State Landmarks are recorded in the Saratoga Avenue Corridors, which are potentially eligible for the California Register of the National Register. Review of the City of San José General Plan EIR revealed no archaeological or cultural resources previously identified on the Project site. However, the Project site is identified as an area of "high sensitivity at depth" for paleontological resources (General Plan EIR, Figure 3.11-1). The CHRIS search for the Project site also identified the Project site as having a moderate potential for Native American archaeological resources and a moderate to high potential for historic-period archaeological resources.

HISTORIC RESOURCES

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 José Historic District or Conservation area (General Plan EIR, Figure 3.11-3). The Project vicinity is characterized by commercial use buildings. Buildings within the Project area do not include architectural styles, designs or methods of construction determined to have historical value.

The 19.8-acre Project site is currently developed with nine commercial tenant spaces in two buildings. The existing buildings were built in the 1970s. Given the age of the buildings, a CHRIS records search was conducted on June 14, 2022. The records search included a search of 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. The OHP BERD lists no recorded buildings or structures within or adjacent to the Project site. In addition, the Northwest Information Center (NWIC) base maps show no recorded buildings or structures within or adjacent to the Project site. Further, DPR form 523A was completed for the two existing buildings that will be demolished (5365 Prospect Road and 5281-5289 Prospect Road). The result of each DPR form shows that the buildings are ineligible for National Register, California Register, or Local Designation through survey evaluation. As such, the City has determined that the existing buildings would not qualify as a historic resource at the local, State, or National level.

REGULATORY FRAMEWORK

FEDERAL REGULATIONS

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's most comprehensive list of historic resources and includes historic resources significant in American history, architecture, archeology, engineering and culture, at the local, State and National level. The NRHP is administered by the National Park Service and includes buildings, structures, sites, objects, and districts. Historic properties are nominated to the NRHP by the State Historic Preservation Officer (SHPO) of the state in which the property is located. Any person or agency can propose a nomination, but a nomination must be processed through SHPO.

The NRHP identifies four possible context types or criteria, at least one of which must be applicable at the National, State, or local level. These criteria are:

Criterion A: Property is associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B: Property is associated with the lives of persons significant in our past.

Criterion C: Property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

Criterion D: Property has yielded, or is likely to yield, information important to prehistory or history.

Secretary of the Interior's Standards for the Treatment of Historic Properties

The 1995 Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) outlines specific standards and guidelines for the preservation, rehabilitation, restoration, and reconstruction of historic properties. Each set of standards provides specific recommendations for the proper treatment of specific building materials, as well as parts of building construction. CEQA references these standards relative to consideration of the significance of Project impacts, or lack thereof, on historic resources. The Standards are also referenced in the Envision San José 2040 General Plan and the General Plan EIR.

STATE OF CALIFORNIA

California Register of Historical Resources

The California Register of Historical Resources (CRHR) serves as a guide to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change (Pub. Res. Code [PRC] § 5024.1(a)), and it is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. A historical resource is any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or which is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural history of California (14 California Code of Regulations [CCR]). The criteria in which to establish significance of a property for listing on the CRHR is like the NRHP but with a greater emphasis on local and state significance.

The context types or criteria to be used when establishing the significance of a property for listing on the CRHR are very similar, with emphasis on local and State significance. They are:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; or
2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or is likely to yield, information important to prehistory or history of the local area, California, or the nation.

CITY OF SAN JOSÉ

City of San José Historic Resources

The City of San José Historic Resources Inventory classifies a property's status as one or more of the following categories defined in the Historic Resources Inventory itself, the City of San José Historic Preservation Ordinance, and the 2040 General Plan, and the inventory classifications of the local Historic Resources Inventory.

- **City Landmark Site/Structure** (CLS, defined in the City of San José Historic Preservation Ordinance): An individual historic site or structure locally designated by the City Council as a City Landmark under Municipal Code Section 13.48.
- **Candidate City Landmark** (CCL, defined in the City of San José Historic Preservation Ordinance): An individual site or structure found to be eligible for City Landmark status by meeting the criteria under Municipal Code Section 13.48 based on an evaluation or survey work.
- **City Landmark District** (CLD, defined in the City of San José Historic Preservation Ordinance): A historic district locally designated by the City Council as a City Landmark District under Municipal Code Section 13.48.
- **Candidate City Landmark District** A grouping of structures found to be eligible for City Landmark District status by meeting the criteria under Municipal Code Section 13.48 based on an evaluation or survey work.
- **National Register Site/Structure** (NRS, defined in the City of San José Historic Preservation Ordinance): A structure that has been listed on the NRHP by the State HPO.
- **National Register Historic District** (NRD, defined in the City of San José Historic Preservation Ordinance): A grouping of structures that has been listed on the NRHP by the State HPO.
- **Eligible for National Register (Individually)** (ENR, defined in the City of San José Historic Preservation Ordinance): A structure that has been found to be eligible for listing on the NRHP, but has not yet been listed on the NRHP by the State HPO.
- **Eligible for National Register Historic District** (ENRD, defined in the City of San José Historic Preservation Ordinance): A grouping of structures that has been found to be eligible for listing on the NRHP, but has not yet been listed on the NRHP by the State HPO.

- **State Landmark** (SL, defined in the City of San José Historic Preservation Ordinance): Buildings, structures, sites, or places that have been determined to have statewide historical significance by the State Historical Resources Commission and the Director of California State Parks.
- **California Register Site/Structure** (CR, defined in the City of San José Historic Preservation Ordinance): A structure or site that has been listed on the CRHR.
- **Eligible for California Register (Individually)** (ECR, defined in the City of San José Historic Preservation Ordinance): A structure or site that is eligible for listing the CRHR, but has not yet been listed on the CRHR.
- **Eligible for California Register District** (ECRD, defined in the City of San José Historic Preservation Ordinance): A grouping of structures or sites that is eligible for listing on the CRHR, but has not yet been listed on the CRHR.
- **City Conservation Area** (CNS, defined in the City of San José Historic Preservation Ordinance): A historic area designated by the City Council as a Conservation Area under Municipal Code Section 13.48.
- **Contributing Site/Structure** (CS, a Classification of the Historic Resources Inventory): A site or structure that contributes to a theme, a geographical area, a property type, or to the historic fabric of the community and in some cases to a certain neighborhood.
- **Non-Contributing Site/Structure** (NCS, a Classification of the Historic Resources Inventory): A site or structure within a designated or eligible historic area that does not qualify as a Contributing Site/Structure.
- **Structure of Merit** (SM, defined in the San José 2040 General Plan): An important historic property or feature of lesser significance, and that does not qualify as a City Landmark or for the California or National Registers but attempts should be made for preservation to the extent feasible under the 2040 General Plan goals and policies.
- **Identified Site/Structure** (IS, a Classification on the Historic Resources Inventory): A potential historic property that could qualify under one or more of the classifications above pending further evaluation and survey work.

A historic resource defined as a City Landmark Site/Structure, Candidate City Landmark Site/Structure, City Landmark Historic District, and/or Candidate City Landmark Historic District, including Contributing Site/Structure within a City Landmark District or Candidate City Landmark District or City Landmark Site/Structure is considered a historical resource under CEQA. A Candidate City Landmark or Candidate City Landmark District is considered a historical resource under CEQA because it meets the criteria for local designation under the Historic Preservation Ordinance. An Identified Site/Structure may also be a historical resource under CEQA if a historic resource evaluation presents a preponderance of evidence that the identified property meets federal, state and/or local designation criteria. Conservation Areas and Structures of Merit are not considered historical resources under CEQA.

Chapter 13.48 of the San José Municipal Code is designed to promote the public peace, health, safety and welfare through the preservation of landmarks and districts and thereby stabilize neighborhoods and areas of the city; enhance, preserve and increase property values; carry out the goals and policies of the City's general plan, increase cultural, economic and aesthetic benefits to the city and its residents;

preserve, continue and encourage the development of the city to reflect its historical, architectural, cultural, and aesthetic value or tradition; protect and enhance the city's cultural and aesthetic heritage; and promote and encourage continued private ownership and utilization of such structures.

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

1. An individual structure or portion thereof;
2. An integrated group of structures on a single lot;
3. A site, or portion thereof; or
4. Any combination thereof (Section 13.48.020 C).

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

1. Identification or association with persons, eras or events that have contributed to local,regional, state or national history, heritage or culture in a distinctive, significant or important way;
2. Identification as, or association with, a distinctive, significant or important work or vestige:
    a. Of an architectural style, design or method of construction;
    b. Of a master architect, builder, artist or craftsman;
    c. Of high artistic merit;
    d. The totality of which comprises a distinctive, significant or important work or vestigewhose component parts may lack the same attributes;
    e. That has yielded or is substantially likely to yield information of value about history, architecture, engineering, culture or aesthetics, or that provides for existing and future generations an example of the physical surroundings in which past generations lived or worked; or
    f. That the construction materials or engineering methods used in the proposed landmarkare unusual or significant of uniquely effective.
3. The factor of age alone does not necessarily confer a special historical, architectural, cultural, aesthetic, or engineering significance, value or interest upon a structure or site, but it mayhave such effect if a more distinctive, significant or important example thereof no longerexists (Section 13.48.020 A).

The City of San José's Municipal Code Section 13.48.110 (H) sets forth factors that may be considered to determine whether a property qualifies as a local landmark (including a historic district), as outlined below:

Prior to nominating a potentially historic property for designation as a city landmark and/or recommending approval or modified approval of a proposed designation as a city landmark, the Historic Landmarks Commission shall find that said proposed landmark has special historical, architectural, cultural, aesthetic, or engineering interest or value of an historical nature, and that its designation as a landmark conforms with the goals and policies of the general plan. In making such findings, the

Commission may consider the following factors, among other relevant factors, with respect to the proposed landmark:

1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture;
2. Its location as a site of a significant historic event;
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history;
4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José;
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;
6. Its embodiment of distinguishing characteristics of an architectural type or specimen;
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José; and
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation, of which is unique.

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

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 cultural resources and are applicable to the Project.

Vibration

Policy EC-2.3: Require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 inches/second (in/sec) PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. For reference, a jackhammer has a PPV of 0.09 in/sec at a distance of 25 feet. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.

Landmarks and Districts

Policy LU-13.1: Preserve the integrity and fabric of candidate or designated Historic Districts.

Policy LU-13.2: Preserve candidate or designated landmark buildings, structures and historic objects, with first priority given to preserving and rehabilitating them for their historic use, second to preserving and rehabilitating them for a new use, or third to rehabilitation and relocation on-site. If the City concurs that no other option is feasible, candidate or designated landmark structures should be rehabilitated and relocated to a new site in an appropriate setting.

Policy LU-13.3: For landmark structures located within new development areas, incorporate the landmark structures within the new development as a means to create a sense of place, contribute to a vibrant economy, provide a connection to the past, and make more attractive employment, shopping, and residential areas.

Policy LU-13.4: Require public and private development projects to conform to the adopted City Council Policy on the Preservation of Historic Landmarks.

Policy LU-13.6: Ensure modifications to candidate or designated landmark buildings or structures conform to the Secretary of the Interior's Standards for Treatment of Historic Properties and/or appropriate State of California requirements regarding historic buildings and/or structures, including the California Historical Building Code.

Policy LU-13.7: Design new development, alterations, and rehabilitation/remodels within a designated or candidate Historic District to be compatible with the character of the Historic District and conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties, appropriate State of California requirements regarding historic buildings and/or structures (including the California Historic Building Code) and to applicable historic design guidelines adopted by the City Council.

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

Historic Structures of Lesser Significance

Policy LU-14.1: Preserve the integrity and enhance the fabric of areas or neighborhoods with a cohesive historic character as a means to maintain a connection between the various structures in the area.

Policy LU-14.3: Discourage demolition of any building or structure listed on or eligible for the Historic Resources Inventory as a Structure of Merit by pursuing the alternatives of rehabilitation, re-use on the subject site, and/or relocation of the resource.

Policy LU-14.6: Consider preservation of Structures of Merit and Contributing Structures in Conservation Areas as a key consideration in the development review process.

Archaeology and Paleontology

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.

City Council Policy on Preservation of City Landmarks

San José City Council adopted a policy on the preservation of historic landmarks on December 8, 1998 (amended May 23, 2006). The intent of the policy is that candidate or designated landmark structures, sites, or districts be preserved wherever possible. Proposals to alter such resources must include a thorough and comprehensive evaluation of the historic and architectural significance and the economic and structural feasibility of preservation and/or adaptive reuse. Every effort to incorporate candidate or designated landmark structures into future plans for the project should be made.

This policy is included for informational purposes only as it is not applicable to the proposed Project, because there are no historic structures on-site.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a cultural resources impact is considered significant if the Project would:

1. Cause a substantial adverse change in the significance of a historical resource, pursuant to in §15064.5;
2. Cause a substantial adverse change in the significance of an archaeological resource, pursuant to §15064.5;
3. Disturb any human remains, including those interred outside of formal cemeteries.

The definition of "historical resources" is provided by CEQA Guidelines § 15064.5(a). The following is an abbreviated and excerpted summary of this definition:

1. A resource listed in, or determined eligible by the State Historical Resources Commission, for listing in, the CRHR.
2. A resource included in a local register of historical resources or identified as significant in an historical resource survey shall be presumed historically significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the CRHR.

Under CEQA, a structure need not be listed on a national, state, or local register to qualify as a significant resource. A structure is considered a resource under CEQA if it is found to be *eligible* for inclusion on a

national, state, or local register. The following impact analysis evaluates the Project's potential to result in cultural resource impacts.

CUL-1 ***Would the proposed Project, cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?***

Less Than Significant

The Project site is currently developed with nine existing commercial tenant spaces in two buildings constructed in the 1970s. A resource is considered to be historically significant by the City of San José if it is listed or meets the criteria for listing on the NRHP, CRHR, or as a Candidate City Landmark on the City's HRI. The CHRIS search for the Project did not identify any of the on-site or adjacent buildings as historic resources. Further, the DPR form 523 prepared for each building shows that the buildings are ineligible for National Register, California Register, or Local Designation through survey evaluation; see Appendix D. Therefore, Project implementation would not have the potential to impact historic resources.

CUL-2 ***Would the proposed Project, cause a substantial adverse change in the significance of an archaeological resource pursuant to in §15064.5?***

Less Than Significant

No known prehistoric and historic archeological resources are located within developed areas or areas planned for redevelopment on the Project site, though resources are known to exist elsewhere within the West Valley Planning Area. Previously unknown unrecorded archeological resources could be discovered during the ground disturbing construction operations. As discussed in the Environmental Setting section above, the General Plan EIR did not identify any previously recorded archeological resources in the Project site. However, the General Plan did indicate that the Project site is within an area of high archeological sensitivity at depth.

The General Plan EIR concluded that future development and redevelopment allowed under the proposed General Plan, especially construction activities, could result in direct or indirect impacts to both prehistoric and historic archaeological resources. The General Plan includes policies [Policy ER-10.1, Policy ER-10.2, Policy ER-10.3] that require the provision of studies to identify possible archaeological resources on specific development sites and the incorporation of measures to avoid or limit possible disturbance of resources if they are accidentally encountered during construction. In the event that archaeological resources (including human remains) are encountered during excavation and construction, the Project would implement the following 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 a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations

regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

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.

Following implementation of the Standard Permit Conditions, the Project would result in less than significant impacts to archaeological resources.

CUL-3 ***Would the proposed Project, disturb any human remains, including those interred outside of formal cemeteries?***

Less Than Significant

Based on review of the General Plan EIR, there are no known prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the Project site. Additionally, the CHRIS search conducted for the project site did not identify any marked or un-marked human interments within or in the immediate vicinity of the Project site. However, there is the potential for unmarked, previously unknown Native American or other graves to be present and 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 if these resources would be a significant impact. Therefore the City, would require the Project to comply will all applicable regulatory programs and laws pertaining to subsurface cultural resources including the following Standard Permit Conditions for avoiding and reducing impacts if human remains are encountered.

Standard Permit Conditions

The Project applicant shall implement the following measures during construction:

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 their authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

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

With implementation of the Standard Permit Conditions, a less than significant impcat would occur.

3.6 ENERGY

An Energy Assessment has been prepared by Ramboll US Consulting, Inc. (September 2023) to address potential impacts to Energy associated with implementation of the proposed Project. The following discussion is based on the Energy Assessment and the report is included as Appendix E of this EIR.

ENVIRONMENTAL SETTING

Electric Supply

The production of electricity requires the combustion, consumption, or conversion of other energy resources, including water, wind, oil, natural gas, coal, solar, geothermal, and nuclear. Of the electricity generated within the state in 2020, 48.4 percent was generated by natural gas-fired power plants, 15.4 percent by solar, 11.2 percent by hydroelectric, 8.5 percent by nuclear power plants, 7.2 percent by wind, and a remaining 9.3 percent by other renewables. [20]

For Santa Clara County, Pacific Gas and Electric Company (PG&E) is the primary supplier of electricity to businesses and residents of the area. PG&E's 70,000 -square -mile service area covers both Northern and Central California. By the end of 2020, about 30.6 percent of the energy delivered to PG&E's customers came from eligible renewable energy-related projects.[21]

Californians consumed 279,510 gigawatt hours (GWh) of electricity in 2020.[22] Of this total, Santa Clara County consumed 16,436 GWh.

Transportation Fuel Supply

The transportation sector is a major end use of energy in California, accounting for approximately 39.3% of total state-wide energy consumption in 2019, the most recent year for which data is available. [23] In addition, energy is consumed in connection with construction and maintenance of transportation infrastructure, such as streets, highways, freeways, rail lines, and airport runways. California's 28.4 million vehicles consume more than 12.9 billion gallons of gasoline and more than 3 billion gallons of diesel each year. [24]

Most petroleum fuel refined in California is for use in on-road motor vehicles and is refined within California to meet state-specific formulations required by the California Air Resources Board (CARB). The major categories of petroleum fuels are gasoline and diesel for passenger vehicles, transit, and rail

[20]California Energy Commission. 2020. 2020 Total System Electric Generation in Gigawatt Hours. Available online at: https://www.energy.ca.gov/data-reports/energy-almanac/california-electricity-data/2020-total-system-electric-generation. Accessed: May 2022.

[21] Pacific Gas and Electric Company. 2021. Corporate Responsibility and Sustainability Report 2021. Executive Summary. Available online at: https://www.pgecorp.com/corp_responsibility/reports/2021/assets/PGE_CRSR_2021_Executive_Summary.pdf. Accessed: May 2022.

[22]A watt hour is a unit of energy equivalent to one watt of power expended for one hour. For example, a typical light bulb is 60 watts, meaning that if it is left on for one hour, 60-watt hours have been used. One kilowatt equals 1,000 watts. The consumption of electrical energy by homes and businesses is usually measured in kilowatt hours (kWh). Some large businesses and institutions also use megawatt hours (MWh), where one MWh equals 1,000 kWh. One gigawatt equals one thousand (1,000) megawatts, or one million (1,000,000) kilowatts. The energy output of large power plants over long periods of time, or the energy consumption of jurisdictions, can be expressed in gigawatt hours (GWh).

[23]U.S. Energy Information Administration. 2020. California State Profile and Energy Estimates: California Energy Consumption by End-Use Sector, 2019. Available online at: http://www.eia.gov/state/?sid=CA#tabs-2. Accessed: May 2022.

[24]CARB. EMFAC2021. Emissions Inventory - State-wide for Calendar Year 2020. Available online at: https://arb.ca.gov/emfac/.

vehicles; and fuel oil for industry and emergency electrical power generation. Other liquid fuels include kerosene, jet fuel, and residual fuel oil for marine vessels. Other transportation fuel sources are alternative fuels, such as methanol and denatured ethanol (alcohol mixtures that contain no less than 70 percent alcohol), natural gas (compressed or liquefied), liquefied petroleum gas (LPG), hydrogen, and fuels derived from biological materials (i.e., biomass).

REGULATORY FRAMEWORK

FEDERAL REGULATIONS

Energy Policy and Conservation Act

The Energy Policy and Conservation Act of 1975 was established in response to the oil crisis of 1973, which increased oil prices due to a shortage of reserves. The Act requires that all vehicles sold in the U.S. meet certain fuel economy goals, known as the Corporate Average Fuel Economy standards. The National Highway Traffic Safety Administration (NHTSA) of the U.S. Department of Transportation (DOT) administers the Corporate Average Fuel Economy program, and the U.S. Environmental Protection Agency (EPA) provides the fuel economy data.

In April 2010, the EPA and NHTSA issued a final rulemaking establishing new federal fuel economy standards for model years 2012 to 2016 passenger cars and light-duty trucks. For model year 2012, the fuel economy standards for passenger cars, light trucks, and combined cars and trucks were 33.3 miles per gallon (mpg), 25.4 mpg, and 29.7 mpg, respectively.[25] These standards increase progressively up to 37.8 mpg, 28.8 mpg, and 34.1, respectively, for model year 2016. In subsequent rulemakings, the agencies extended the national program of fuel economy standards to passenger vehicles and light-duty trucks of model years 2017-2025, culminating in fuel economy of 54.5 mpg by model year 2025,[26] as well as to medium- and heavy-duty vehicles of model years 2014-2018, including large pickup trucks and vans, semi-trucks, and all types and sizes of work trucks and buses. [27]

In August 2016, the EPA and NHTSA adopted the next phase (Phase 2) of the fuel economy and GHG standards for medium- and heavy-duty trucks, which apply to vehicles with model year 2018 and later.[28] In response to the EPA's adoption of the Phase 2 standards, CARB staff brought a proposed California Phase 2 program before its Board in 2017, and the Board approved the program in March 2018.[29]

[25]United States Environmental Protection Agency (EPA) and United States Department of Transportation (DOT). 2010. *Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards*. Final Rule. 75 Fed. Reg. 25324-25728.

[26]United States Environmental Protection Agency (EPA) and United States Department of Transportation (DOT). 2012. *2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards*; Final Rule. 77 Fed. Reg. 62623.

[27]United States Environmental Protection Agency (EPA) and United States Department of Transportation (DOT). 2011. *Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles.* 76 Fed. Reg. 57106.

[28]USEPA. Available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-greenhouse-gas-emissions-and-fuel-efficiency. Accessed: May 2022.

[29]CARB. CA Phase 2 GHG webpage: https://ww2.arb.ca.gov/our-work/programs/greenhouse-gas-standards-medium-and-heavy-duty-engines-and-vehicles/phase2. Accessed: May 2022.

In 2018, the EPA and NHTSA proposed to amend certain existing Corporate Average Fuel Economy standards for passenger cars and light trucks and establish new standards, covering model years 2021-2026. Compared to maintaining the post-2020 standards now in place, the proposal would increase U.S. fuel consumption.[30]

In 2019, the EPA and NHTSA announced the One National Program Rule, which allows the federal government to set the standard for uniform fuel economy and greenhouse gas emissions of automobiles and light-duty trucks. This rule pre-empts state and local programs from setting the national standard, which includes California's GHG and ZEV programs.[31]

On Day One of the Biden Administration, the President signed Executive Order 13990[32], which directed NHTSA and EPA to immediately review and consider suspending or rescinding the SAFE I Rule. On April 28, 2021, EPA published a notice regarding reconsideration of a prior action that withdrew a waiver of pre-emption for California's zero emission vehicle mandate and greenhouse gas emission standards. On May 12, 2021, the NHTSA published a notice of proposed rulemaking, proposing to repeal key portions of the SAFE Rule Part I. A virtual public hearing for EPA's Notice of Reconsideration of SAFE I was held on June 2, 2021. The NHTSA finalized the Corporate Average Fuel Economy Pre-emption rulemaking to withdraw its portions of the SAFE I Rule on December 21, 2021.[33] On March 9, 2022, USEPA reinstated California's authority under the Clean Air Act to implement its own GHG emission standards and ZEV sales mandate and entirely rescinded the SAFE Rule (Part One).

In December 2021, EPA finalized revised national greenhouse gas emissions standards for passenger cars and light trucks for Model Years 2023-2026.[34] These standards are the strongest vehicle emissions standards established for the light-duty vehicle sector and will result in avoiding more than 3 billion tons of GHG emissions through 2050.

Energy Policy Act of 2005 and Energy Independence and Security Act of 2007

The Energy Policy Act of 2005 seeks to reduce reliance on non-renewable energy resources and provide incentives to reduce current demand on these resources. For example, under the Energy Policy Act, consumers and businesses can attain federal tax credits for purchasing fuel-efficient appliances and products. Because driving fuel-efficient vehicles and installing energy-efficient appliances can provide many benefits, such as lower energy bills, increased indoor comfort, and reduced air pollution, businesses are eligible for tax credits for buying hybrid vehicles, building energy-efficient buildings, and improving the energy efficiency of commercial buildings. Additionally, tax credits are given for the installation of qualified fuel cells, stationary microturbine power plants, and solar power equipment.

[30] Federal Register. 2018. *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule for Model Years 2021-2026 Passenger Cars and Light Trucks*. Available at: https://www.federalregister.gov/documents/2018/08/24/2018-16820/the-safer-affordable-fuel-efficient-safe-vehicles-rule-for-model-years-2021-2026-passenger-cars-and. Accessed: May 2022.

[31] EPA. 2019. *Trump Administration Announces One National Program Rule on Federal Preemption of State Fuel Economy Standards*. Available at: https://www.epa.gov/newsreleases/trump-administration-announces-one-national-program-rule-federal-preemption-state-fuel. Accessed: May 2022.

[32] Executive Office of the President. Executive Order 13990. 2021. Available at: https://www.federalregister.gov/documents/2021/01/25/2021-01765/protecting-public-health-and-the-environment-and-restoring-science-to-tackle-the-climate-crisis. Accessed: May 2022.

[33] NHTSA. Available at: https://www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy. Accessed: May 2022.

[34] United States Environmental Protection Agency. 2021. Regulations for Greenhouse Gas Emissions from Passenger Cars and Trucks. Available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-passenger-cars-and. Accessed: May 2022.

The Energy Policy Act of 2005 also established the first renewable fuel volume mandate in the United States. The original Renewable Fuel Standard program required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012. Under the Energy Independence and Security Act of 2007, the Renewable Fuel Standard program was expanded to include diesel and to increase the volume of renewable fuel required to be blended into transportation fuel from 9 billion gallons in 2008 to 36 billion gallons by 2022.

American Recovery and Reinvestment Act

The American Recovery and Reinvestment Act of 2009 was passed in response to the economic crisis of the late 2000s, with the primary purpose of maintaining existing jobs and creating new jobs. Among the secondary objectives of the American Recovery and Reinvestment Act was investment in "green" energy programs, including funding the following through grants, loans, or other mechanisms: private companies developing renewable energy technologies; local and state governments implementing energy efficiency and clean energy programs; research in renewable energy, biofuels, and carbon capture; and development of high efficiency or electric vehicles. [35]

Intermodal Surface Transportation Efficiency Act

The Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 promotes the development of intermodal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. The ISTEA contains factors that metropolitan planning organizations (MPO) are to address in developing transportation plans and programs, including some energy-related factors. To meet the ISTEA requirements, MPOs have adopted explicit policies defining the social, economic, energy, and environmental values that guide transportation decisions in their respective metropolitan areas. The planning process for specific projects then addresses these policies. Another requirement of the ISTEA is to consider the consistency of transportation planning with federal, state, and local energy goals. Through this requirement, energy consumption is expected to be a decision criterion, along with cost and other values to determine the best transportation solution.

Transportation Equity Act for the 21st Century

The Transportation Equity Act for the 21st Century ("TEA-21") was signed into law in 1998 and builds upon the initiatives established in the ISTEA legislation discussed above. TEA 21 authorizes highway, highway safety, transit, and other efficient surface transportation programs. TEA 21 continues the program structure established for highways and transit under ISTEA, such as flexibility in the use of funds, emphasis on measures to improve the environment, and focus on a strong planning process as the foundation of good transportation decisions. TEA 21 also provides for investment in research and its application to maximize the performance of the transportation system through, for example, deployment of Intelligent Transportation Systems, to help improve operations and management of transportation systems and vehicle safety.

STATE OF CALIFORNIA

AB 32 and SB 32 (State-wide GHG Reductions with Energy Co-Benefits

The California Global Warming Solutions Act of 2006 (AB 32) was signed into law in September 2006. [36] The law instructed CARB to develop and enforce regulations for the reporting and verification of state-wide GHG emissions. The bulk of GHG emissions in California is carbon dioxide that results from fossil fuel

[35]United States Environmental Protection Agency (EPA). 2009. Recovery: EPA Gets Involved. Available at: https://archive.epa.gov/recovery/web/html/. Accessed: May 2022.

[36]CARB. Assembly Bill 32 Overview. 2006a. Available at: http://www.arb.ca.gov/cc/ab32/ab32.htm. Accessed: May 2022.

consumption. Therefore, a reduction in GHG emissions typically translates into reduced fuel and increased energy efficiency. The bill directed CARB to set a state-wide GHG emission limit based on 1990 levels, to be achieved by 2020.

AB 32 requires CARB to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective GHG reductions. In December 2008, CARB adopted its Climate Change Scoping Plan: A Framework for Change (Scoping Plan), which included the state's strategies for achieving AB 32's reduction targets. These strategies are implemented with additional rules and regulations of relevance to energy analysis, such as the Advanced Clean Cars Program, the low carbon fuel standard (LCFS), Title 24 building efficiency standards, and the Renewable Portfolio Standard (RPS). These are discussed further below.

Enacted in 2016, Senate Bill (SB) 32 (Pavley, 2016) codifies a 2030 GHG emissions reduction goal and requires CARB to ensure that state-wide GHG emissions are reduced to 40 percent below 1990 levels by 2030. Similar to AB 32, a reduction in GHG emissions typically corresponds with a reduction in energy usage as the bulk of GHGs result from the combustion of fossil fuel.

SB 350 (Clean Energy and Pollution Reduction Act of 2015

The Clean Energy and Pollution Reduction Act of 2015 (SB 350) increases California's renewable electricity procurement goal from 33 percent by 2020 to 50 percent by 2030. This bill requires the State Energy Resources Conservation and Development Commission to establish annual targets for state-wide energy efficiency savings and demand reduction that will achieve a cumulative doubling of state-wide energy efficiency savings in electricity and natural gas final end uses of retail customers by January 1, 2030.

SB 605 – Short Lived Climate Pollutants (SLCP)

Short-lived climate pollutants (i.e., black carbon, fluorinated gases, and methane) are powerful climate forcers that remain in the atmosphere for a much shorter period of time than longer-lived climate pollutants. Their relative potency, when measured in terms of how they heat the atmosphere, can be tens, hundreds, or even thousands of times greater than that of CO_2. The impacts of short-lived climate pollutants are especially strong over the short term. Reducing these emissions can make an immediate beneficial impact on climate change. Governor Brown signed SB 605 on September 21, 2014, directing CARB to develop a Short-Lived Climate Pollutant Strategy by January 1, 2016. On May 7, 2015, CARB released a concept paper for reducing emissions of these substances. In September 2015, CARB released a draft of its Short-Lived Climate Pollutant Strategy. Several updates to the draft have been made since September 2015, with the most current version dated March 2017. The Strategy aims for a 40 percent reduction in methane and HFC emissions below 2013 levels by 2030 and a 50 percent reduction in anthropogenic emissions of black carbon below 2013 levels by 2030.

2020 Integrated Energy Policy Report Update

The 2020 Integrated Energy Policy Report (IEPR) Update provides an assessment of major energy trends and issues for a variety of energy sectors, as well as policy recommendations. Prepared by the California Energy Commission (CEC), this report details the key energy issues facing California and develops potential strategies to address these issues. The 2020 IEPR Update includes a discussion of several strategies to reduce climate change impacts and lessen energy consumption and recommendations for each topic. Examples include a discussion of California's transportation future and the transition to zero-emission vehicles, the potential of microgrids to contribute to a clean and resilient energy system, and California's energy demand outlook updated to reflect the global pandemic. The assessments and forecasted energy demand within this report will be used by the CEC to develop future energy policies.

Title 24 Building Energy Efficiency Standards

The California Green Building Standards Code, as specified in Title 24, Part 11 of the California Code of Regulations, commonly referred to as CalGreen Building Standards (CalGreen), establishes voluntary and mandatory standards to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality. The provisions of this code apply to the planning, design, operation, construction, replacement, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such building structures throughout California. Examples of CalGreen provisions include reducing indoor water use, moisture sensing irrigation systems for landscaped areas, construction waste diversion goals, and energy system inspections. CalGreen is periodically amended; the most recent 2019 standards became effective on January 1, 2020.

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations, were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods for building features such as space conditioning, water heating, lighting, and whole envelope. The 2005, 2008, and 2013 updates to the efficiency standards included provisions such as cool roofs on commercial buildings, increased use of skylights, and higher efficiency lighting, HVAC, and water heating systems. Additionally, some standards focused on larger energy-saving concepts such as reducing loads at peak periods and seasons and improving the quality of such energy-saving installations. Past updates to the Title 24 standards have proven very effective in reducing building energy use, with the 2013 update estimated to reduce energy consumption in residential buildings by 25 percent and energy consumption in commercial buildings by 30 percent, relative to the 2008 standards.[37] The 2016 updates included additional high efficiency lighting requirements, high performance attic and walls, and higher efficiency water and space heaters. The 2016 standards were expected to reduce residential electricity consumption by 28 percent and non-residential electricity by 5 percent.[38] The CEC has developed and adopted 2019 standards, which went into effect on January 1, 2020.

The 2019 Title 24 standards are the currently applicable building energy efficiency standards and became effective on January 1, 2020.[39] The 2019 updates include a requirement for solar photovoltaic systems for new homes, requirements for newly constructed healthcare facilities, additional high efficiency lighting requirements, high performance attic and walls, higher efficiency water and space heaters, and high efficiency air filters. Relative to the 2016 standards, the 2019 standards are expected to reduce high-rise residential and non-residential electricity consumption by approximately 10.7 percent and natural gas

37CEC. 2012. Energy Commission Approves More Efficient Buildings for California's Future. Available at: https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/C17.pdf. Accessed: May 2022.

38CEC. 2015. 2016 Building Energy Efficiency Standards Adoption Hearing. Available at: https://web.archive.org/web/20190602115405/http://www.energy.ca.gov/title24/2016standards/rulemaking/documents/2015-06-10_hearing/2015-06-10_Adoption_Hearing_Presentation.pdf. Accessed: May 2022.

39CEC. 2019. California's Energy Efficiency Standards for Residential and Nonresidential Buildings. Available online at: https://www.energy.ca.gov/title24/2019standards/. Accessed: May 2022.

consumption by 1 percent and require new low-rise residential buildings to achieve zero net electricity consumption using a combination of building efficiency and on-site renewable electricity generation.[40]

The California Public Utilities Commission, CEC, and CARB also have a shared, established goal of achieving Zero Net Energy (ZNE) for new construction in California. The key policy timelines include: (1) all new residential construction in California will be ZNE by 2020, and (2) all new commercial construction in California will be ZNE by 2030. The ZNE goal generally means that new buildings must use a combination of improved efficiency and renewable energy generation to meet 100 percent of their annual energy need, as specifically defined by the CEC:

> "A ZNE Code Building is one where the value of the energy produced by on-site renewable energy resources is equal to the value of the energy consumed annually by the building, at the level of a single 'project' seeking development entitlements and building code permits, measured using the [CEC]'s Time Dependent Valuation (TDV) metric. A ZNE Code Building meets an Energy Use Intensity value designated in the Building Energy Efficiency Standards by building type and climate zone that reflect best practices for highly efficient buildings."[41]

While the adopted 2019 Title 24 standards do not achieve the 2020 Zero Net Energy goal, they do move the State further along the path to achieving this goal. The CEC has more recently focused on grid harmonization strategies (GHS) to bring maximum benefits to the grid, environment, and occupants. These strategy benefits would include the reduction of GHG emissions.[42]

In December 2021, the California Building Standards Commission approved the 2022 Energy Code for inclusion in the California Building Standards Code. The Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, strengthens ventilation standards, and more. Buildings whose permit applications are applied for or after January 1, 2023, must comply with the 2022 Energy Code.

Renewables Portfolio Standard

SB 1078 (2002) requires retail sellers of electricity, including investor-owned utilities and community choice aggregators, to obtain at least 20 percent of their energy supply from renewable sources by 2017. SB 107 (2006) changed that target date to 2010. In November 2008, then-Governor Schwarzenegger signed Executive Order S-14-08, which expanded the state's RPS to 33 percent renewable power by 2020. In April 2011, then-Governor Brown signed SB 2X, which legislated the prior Executive Order S-14-08 renewable standard. SB 350 (2015) set an additional RPS goal of 50 percent renewables by 2030. And, SB 100 (2018) accelerated and extended again the RPS – requiring achievement of a 50 percent RPS by 2026 and a 60 percent RPS by 2030. SB 100 also established a State policy goal to achieve 100 percent carbon-free electricity by 2045.

40CEC. 2018. 2019 Title 24 Impact Analysis. June. Available at: https://web.archive.org/web/20190601203553/https://www.energy.ca.gov/title24/2019standards/post_adoption/documents/2019_Impact_Analysis_Final_Report_2018-06-29.pdf. Accessed: May 2022.

41CEC, 2015 Integrated Energy Policy Report (2015), p. 41.

42CEC. 2018. The 2019 Building Energy Efficiency Standards ZNE Strategy. September 11. Available at: https://www.cesa.org/wp-content/uploads/CESA-webinar-slides-9.11.2018.pdf. Accessed: May 2022.

MOBILE SOURCE REGULATIONS

SB 743 (Transportation Analysis under CEQA)

Public Resources Code Section 21099(c)(1), as codified through enactment of SB 743, was enacted with the intent to change the focus of transportation analyses conducted under the California Environmental Quality Act (CEQA). SB 743 reflects a legislative policy to balance the needs of congestion management with state-wide goals related to infill development, promotion of public health through active transportation, and reduction of GHG emissions. As finalized in December 2018, amendments to the State CEQA Guidelines adopted in furtherance of SB 743 establish vehicle miles traveled (VMT), in lieu of level of service, as the new metric for transportation analysis. Implementation of SB 743 is anticipated to improve the efficiency of transportation fuels consumption.

SB 375 (Land Use Planning)

SB 375, the Sustainable Communities and Climate Protection Act of 2008, supports the State's climate action goals to reduce GHG emissions through coordinated transportation and land use planning. SB 375 required CARB to establish GHG emission reduction targets (Regional Targets) for each metropolitan planning region. In 2011, CARB adopted Regional Targets of 7% for 2020 and 15% for 2035 for the area under the jurisdiction of Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG). These targets were in place through September 30, 2018. In March 2018, CARB approved updated Regional Targets of 10% for 2020 and 19% for 2035 for MTC/ABAG, which will be applied by MTC/ABAG in future planning cycles.

SB 375 requires MPOs, including MTC/ABAG, to incorporate a "sustainable communities strategy" (SCS) in their regional transportation plans (RTPs) that will achieve the GHG emission Reduction Targets set by CARB, primarily by reducing VMT from light-duty vehicles through development of more compact, complete, and efficient communities. On October 21, 2021, the Metropolitan Transportation Commission and the Executive Board of the Association of Bay Area Governments jointly adopted Plan Bay Area 2050[43], the most recently prepared Regional Transportation Plan and SCS, to fulfill this requirement.

Clean Cars

In January 2012, CARB approved the Advanced Clean Cars Program, which established an emissions control program for cars and light-duty trucks (such as SUVs, pickup trucks, and minivans) of model years 2017-2025. When the program is fully implemented, new vehicles would emit 75% less smog-forming pollutants than the average new car sold today, and greenhouse gas emissions would be reduced by nearly 35%. This Program would help reduce fossil fuel usage for internal combustion engine powered vehicles.

In August 2022, CARB approved the Advanced Clean Cars II Regulations which established a year-by-year roadmap so that, by 2035, 100% of new cars and light trucks sold in California will be 'zero-emission vehicles'—defined as zero tailpipe emission vehicles and plug-in hybrid electric vehicles. The regulation codifies the light-duty vehicle goals set out in California Governor Newsom's Executive Order N-79-20.

Commercial Motor Vehicle Idling Regulation

In July 2004, CARB initially adopted an Airborne Toxic Control Measure (ATCM) to limit idling of diesel-fueled commercial motor vehicles (idling ATCM) and subsequently amended it in October 2005, October 2009, and December 2013. This ATCM is set forth in Title 13, California Code of Regulations, Section 2485,

[43]MTC/ABAG. 2021. Final Plan Bay Area 2050. Available at: https://www.planbayarea.org/finalplan2050. Accessed: May 2022.

and requires, among other things, that drivers of diesel-fueled commercial motor vehicles with gross vehicle weight ratings greater than 10,000 pounds, including buses and sleeper berth equipped trucks, not idle the vehicle's primary diesel engine longer than five minutes at any location. This anti-idling regulation helps to reduce fuel consumption by reducing engine usage. The ATCM also requires owners and motor carriers that own or dispatch these vehicles to ensure compliance with the ATCM requirements. The regulation consists of new engine and in-use truck requirements and emission performance requirements for technologies used as alternatives to idling the truck's main engine. Under the new engine requirements, 2008 and newer model year heavy-duty diesel engines need to be equipped with a non-programmable engine shutdown system that automatically shuts down the engine after five minutes of idling or optionally meet a stringent idling emission standard for oxides of nitrogen.

In-Use Off-Road Diesel-Fueled Fleets Regulation

In May 2008, CARB approved the In-Use Off-Road Diesel-Fueled Fleets Regulation (OffRoad Regulation), which was later amended in December 2009, July 2010, and December 2011. The overall purpose of the Off-Road Regulation is to reduce emissions of oxides of nitrogen (NO_X) and particulate matter (PM) from offroad diesel vehicles operating within California. The regulation applies to all self-propelled off-road diesel vehicles 25 horsepower (hp) or greater used in California and most two-engine vehicles. The Off-Road Regulation:

- Imposes limits on idling (i.e., fleets must limit unnecessary idling to 5 minutes), requires a written idling policy, and requires a disclosure when selling vehicles;
- Requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System, DOORS) and labelled;
- Restricts the adding of older vehicles into fleets starting on January 1, 2014; and
- Requires fleets to reduce their emissions by retiring, replacing, or repowering older engines, or installing Verified Diesel Emission Control Strategies (VDECS) (i.e., exhaust retrofits).
- The anti-idling component of this Off-Road Regulation helps to reduce fuel consumption by reducing engine usage.

Tractor-Trailer Greenhouse Gas Regulation

CARB's Tractor-Trailer Greenhouse Gas regulation reduces the energy consumption of large trucks. CARB developed this regulation to make heavy-duty tractors more fuel-efficient. Fuel efficiency is improved by requiring the use of aerodynamic tractors and trailers that are also equipped with low rolling resistance tires. The tractors and trailers subject to this regulation must either use EPA's SmartWay (SmartWay) certified tractors and trailers or retrofit their existing fleet with SmartWay verified technologies. The SmartWay certification process is part of their broader voluntary program called the SmartWay Transport Partnership Program. The regulation applies primarily to owners of 53-foot or longer box-type trailers, and owners of the heavy-duty tractors that pull them on California highways. These owners are responsible for replacing or retrofitting their affected vehicles with compliant aerodynamic technologies and low rolling resistance tires. All owners regardless of where their vehicle is registered must comply with the regulation when they operate their affected vehicles on California highways. Besides the owners of these vehicles, drivers, motor carriers, California--based brokers and California-based shippers that operate or use them also share in the responsibility for compliance with the regulation.

Zero Emission Vehicles

Zero emission vehicles (ZEVs) include hydrogen fuel cell electric vehicles and plug-in electric vehicles, such as battery electric vehicles and plug-in hybrid electric vehicles.

In 2012, Governor Brown issued Executive Order (EO) B-16-2012, which calls for the increased penetration of ZEVs into California's vehicle fleet in order to help California achieve a reduction of GHG emissions from the transportation sector equaling 80 percent less than 1990 levels by 2050. In furtherance of that state-wide target for the transportation sector, the EO also calls upon CARB, the CEC and the California Public Utilities Commission to establish benchmarks that will: (1) allow over 1.5 million ZEVs to be on California roadways by 2025, and (2) provide the State's residents with easy access to ZEV infrastructure. EO B-16-2012 specifically directed California to "encourage the development and success of zero-emission vehicles to protect the environment, stimulate economic growth, and improve the quality of life in the State."[44]

In 2018, Governor Brown also issued EO B-48-18, which launched an eight-year initiative to accelerate the sales of ZEVs through a mix of rebate programs and infrastructure improvements. The EO also sets a new target of five million ZEVs in California by 2030 and includes funding for multiple state agencies to increase EV charging infrastructure and provide purchase rebates/incentives.

In July 2020, CARB prepared an Assessment of CARB's Zero-Emission Vehicles Programs Per Senate Bill 498. In this report, CARB staff reviews its programs that affect the adoption of light, medium, and heavy-duty ZEVs, including identifying each program's goals and status in meeting those goals, performing a cost-benefit analysis where data are available, and comparing CARB's ZEV programs with those of other jurisdictions. Additionally, pursuant to SB 498, CARB provides policy recommendations for increasing the use of ZEVs in the State, as well as recommendations for vehicle fleet operators to increase the use of ZEVs.[45]

The California Zero-Emission Vehicle Market Development Strategy was published in February 2021.[46] This strategy was prepared to meet the targets identified by Governor Newsom in Executive Order N-79-20, which include the following zero-emission vehicle targets for California:

- 100 percent of in-state sales of new passenger cars and light-duty trucks will be zero-emission by 2035,
- 100 percent zero-emission medium and heavy-duty vehicles in the state by 2045 where feasible and by 2035 for drayage trucks, and
- 100 percent zero-emission off-road vehicles and equipment operations by 2035, where feasible.

A document prioritizing near-term actions for the next year was prepared in August 2021 called the ZEV Pillar Priorities.[47] This annual implementation document identifies the near-term actions to create market opportunity, remove barriers, and further collective understanding.

[44]Executive Order B-16-2012. Available at: https://www.ca.gov/archive/gov39/2012/03/23/news17472/. Accessed: May 2022.

[45]CARB. 2020. Assessment of CARB's Zero-Emission Vehicles Programs Per Senate Bill 498. Available at: https://ww3.arb.ca.gov/programs/zev/SB-498-Report-072320.pdf. Accessed: May 2022.

[46]CARB. 2021. California Zero-Emission Vehicle Market Development Strategy. Available at: https://static.business.ca.gov/wp-content/uploads/2021/02/ZEV_Strategy_Feb2021.pdf. Accessed: May 2022.

[47]CARB. 2021. ZEV Pillar Priorities. Available at: https://static.business.ca.gov/wp-content/uploads/2021/08/ZEVPillarPriority.pdf. Accessed: May 2022.

In June 2020, CARB approved the Advanced Clean Trucks regulation, which has requirements for manufacturer ZEV sales and a one-time reporting requirement for large entities and fleets.[48] The Advanced Clean Truck Regulation is part of a holistic approach to accelerate a large-scale transition of zero-emission medium- and heavy-duty vehicles from Class 2b to Class 8. Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines are required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales need to be 55 percent of Class 2b – 3 truck sales, 75 percent of Class 4 – 8 straight truck sales, and 40 percent of truck tractor sales. Large employers including retailers, manufacturers, brokers, and others are required to report information about shipments and shuttle services. Fleet owners, with 50 or more trucks, are required to report about their existing fleet operations. This information helps to identify future strategies to ensure that fleets purchase available zero-emission trucks and place them in service where suitable to meet their needs.

LOCAL PROGRAMS

Climate Smart San José

Climate Smart San José is San José's pledge to honor and uphold the Paris Agreement in lieu of Federal action. San José's plan uses the best data available to chart an economy-wide strategy that is aligned with the decarbonization goals of the Paris Agreement. The Plan focuses on three pillars and nine key strategies:

- Pillar 1: A sustainable and climate smart city
- Strategy 1.1: Transition to a renewable energy future
- Strategy 1.2: Embrace our Californian climate
- Pillar 2: A vibrant city of connected and focused growth
- Strategy 2.1: Densify our city to accommodate our future neighbors
- Strategy 2.2: Make homes efficient and affordable for our families
- Strategy 2.3: Create clean, personalized mobility choices
- Strategy 2.4: Develop integrated, accessible public transport infrastructure
- Pillar 3: An economically inclusive city of opportunity
- Strategy 3.1: Create local jobs in our city to reduce vehicle miles traveled (VMT)
- Strategy 3.2: Improve our commercial building stock
- Strategy 3.3: Make commercial goods movement clean and efficient

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

[48]CARB. 2020. Advanced Clean Trucks. Available at: https://ww2.arb.ca.gov/our-work/programs/advanced-clean-trucks. Accessed: May 2022.

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 requires electric vehicle-readiness and EV equipment installation. Additionally, in October 2019, the 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 that exceed the standards required by the State. These two ordinances apply to new construction as of January 1, 2020.

San José Clean Energy

San José Clean Energy is an energy provider for the City of San José and provides community programs relating to the City's energy supply. San José Clean Energy provides three options for electricity to its commercial customers that vary in their renewable energy content. GreenValue is the most basic option that uses 40 percent renewable energy and involves the lowest total cost. GreenSource uses 60 percent renewable energy and has a higher cost than GreenValue. Finally, TotalGreen is 100 percent renewable but incurs the highest cost. San José Clean Energy allows businesses to opt in and out of these electricity procurement methods.

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-2.11	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-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-18.5 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-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.

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 PR-6.4 Consistent with the Green Vision, complete San José's trail network and where feasible develop interconnected trails with bike lanes to facilitate bicycle commuting and recreational uses.

Policy LU-5.4 Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections, and including secure and convenient bike storage.

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.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

The analysis provided in this report evaluates the significance of the Project's energy use in reference to the following questions from Section VI, Energy, of Appendix G of the CEQA Guidelines:

1. Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
2. Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

While no quantitative thresholds related to energy are included in the CEQA Guidelines, Part I of Appendix F of the CEQA Guidelines states as follows:

> "The goal of conserving energy implies the wise and efficient use of energy. The means of achieving this goal include:
>
> 1. decreasing overall per capita energy consumption,
>
> 2. decreasing reliance on fossil fuels such as coal, natural gas and oil, and
>
> 3. increasing reliance on renewable energy resources."

Appendix F of the CEQA Guidelines states that an Environmental Impact Report (EIR) should include a discussion of the potential energy impacts of a project, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy. For purposes of this analysis, impacts to energy resources will be considered to be significant if the project would result in the wasteful, inefficient or unnecessary consumption of fuel or energy, and conversely if the project would not incorporate renewable energy or energy efficiency measures into building design, equipment use, transportation or other project features.

To determine whether a project would result in the wasteful, inefficient or unnecessary consumption of fuel or energy, and conversely whether the project would fail to incorporate renewable energy or energy efficiency measures into building design, equipment use, transportation or other project features, Appendix F of the CEQA Guidelines identifies six categories of potential energy-related environmental impacts:

1. The project's energy requirements and its energy use efficiencies by amount and fuel type for each stage of the project including construction, operation, maintenance and/or removal. If appropriate, the energy intensiveness of materials may be discussed.
2. The effects of the project on local and regional energy supplies and on requirements for additional capacity.
3. The effects of the project on peak and base period demands for electricity and other forms of energy.
4. The degree to which the project complies with existing energy standards.
5. The effects of the project on energy resources.
6. The project's projected transportation energy use requirements and its overall use of efficient transportation alternatives.

This section, relative to Threshold 1, assesses the Project's electricity, natural gas, and fossil fuel consumption during construction and operation by way of the six questions above. This section, relative to Threshold 2, evaluates the Project for consistency with applicable plans related to renewable energy and energy efficiency (see Appendix E).

METHODOLOGY

Construction

Project construction is planned to begin in 2024, with full buildout expected in 2025. Construction of the Project is not anticipated to require natural gas fuel. As such, natural gas related to construction of the Project is not discussed further.

Construction of the Project requires the use of transportation fuel, including gasoline and diesel use in construction equipment, material transport and delivery via vendor trucks, and construction worker vehicles. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction, while VMT associated with the transportation of construction materials and construction worker commutes would also result in fuel consumption. Heavy-duty construction equipment associated with construction activities would use diesel fuel. Construction workers would

travel to and from the project site throughout the duration of construction; this analysis assumed that construction workers would primarily use gasoline-powered passenger vehicles.

Heavy-duty construction equipment of various types would be used during each phase of construction. Methodology consistent with CalEEMod® was used to estimate construction equipment usage, and results are included in Appendix F (Greenhouse Gas Emissions Technical Report) and Appendix B (Air Quality Technical Report) for the Project. Fuel consumption from construction equipment was estimated by converting the total carbon dioxide (CO_2) emissions from each construction phase to gallons using conversion factors for CO_2 to gallons of diesel. The estimated diesel fuel usage from off-road construction sources, which totals 163,416 gallons of diesel over the course of the project construction period, is shown in **Table 3.6-1: Construction Off-Road Equipment Fuel Consumption**.

Table 3.6-1: Construction Off-Road Equipment Fuel Consumption

Calendar Year	CO_2 Emissions[1] (MT/yr)	Diesel Consumption[2] (gallons/yr)
2024	968	94,804
2025	1,038	101,668

[1] Offroad emissions estimated using CalEEMod® guidance as presented in the CalEEMod® User's Guide, Available at: www.caleemod.com. Accessed: June 2022.

[2] The conversion factor for diesel is 10.21 kg CO_2/gallon per The Climate Registry, 2021. Available at: https://www.theclimateregistry.org/wp-content/uploads/2021/05/2021-Default-Emission-Factor-Document.pdf. Accessed: June 2022.

Fuel consumption from worker, vendor, and hauling trips are estimated by converting the total CO_2 emissions from each construction phase to gallons using conversion factors for CO_2 to gallons of gasoline or diesel. Worker vehicles are assumed to include light-duty automobiles and trucks, vendor vehicles are assumed to include an equal mix of medium-heavy-duty trucks and heavy-heavy-duty trucks, and hauling vehicles are assumed to include heavy-heavy-duty trucks. Estimated fuel usage, which totals 26,813 gallons of gasoline and 36,989 gallons of diesel over the course of the project construction period, is shown in Table 3.6-2: Construction On-Road Fuel Consumption.

Table 3.6-2: Construction On-Road Fuel Consumption

Calendar Year	Gasoline Consumption[1,2] (gallons/yr)	Diesel Consumption[1,2] (gallons/yr)
2024	3,117	13,867
2025	23,695	23,121

[1] Onroad CO_2 emissions are calculated using emission factors from EMFAC2017 based on fleet wide totals, including worker, vendor, and hauling trips. Worker vehicles are assumed to include light duty automobiles and trucks (50% LDA, 25% LDT1, 25% LDT2). Vendor vehicles are assumed to include medium heavy-duty trucks and heavy heavy-duty trucks (50% MHDT, 50% HHDT). Hauling vehicles are assumed to include heavy heavy-duty trucks (100% HHDT). Onroad CO_2 emissions can be referenced in the CalEEMod® output.

[2] CO_2 emissions for worker, vendor, and hauling trips were split based on gasoline or diesel fuel consumption. The fuel consumption breakdown was derived using fuel consumption in Santa Clara County using EMFAC2021.

[3] The conversion factors for gasoline and diesel are 8.78 kg CO_2/gallon and 10.21 kg CO_2/gallon, respectively, per The Climate Registry, 2021. Available at: https://www.theclimateregistry.org/wp- content/uploads/2021/05/2021-Default-Emission-Factor-Document.pdf. Accessed: June 2022.

Operation

Electricity

Operation of the Project will result in electricity demand for the warehouse and parking lot. The annual electricity usage for each land use is presented in **Table 3.6-3: Electricity Consumption**. The total

electricity use for the Project incorporates 2019 Title 24 standards.

Table 3.6-3: Electricity Consumption

Land Use	Electricity Demand (kWh/yr)[1]
Discount Club	1,725,340
Other Non-Asphalt Surfaces	0
Parking Lot	118,309
Buildout	1,843,649
[1] Buildout electricity demand is obtained from CalEEMod® outputs.	

Natural Gas

The Project will require natural gas, mainly for building heating and hot water. Natural gas is estimated using CalEEMod® defaults based on averages for the climate zone for the warehouse. The annual natural gas usage is presented in **Table 3.6-4: Natural Gas Consumption**. Estimates for the project are conservative because they assume the project would be built to existing Title 24, Part 6 standards, even though subsequent, more energy-efficient iterations of the code will apply.

Table 3.6-4: Natural Gas Consumption

Land Use	Natural Gas Demand
Discount Club	388,576
Other Non-Asphalt Surfaces	0
Parking Lot	0
Buildout	**388,576**
[1] Buildout natural gas demand is obtained from CalEEMod® outputs.	

Fuel Usage

Gasoline fuel consumption for Project operation is shown in **Table 3.6-5: Operational Gasoline Consumption**. Operational gasoline fuel usage occurs due to employee trips when commuting to work at the warehouse and warehouse member trips when visiting the warehouse and is calculated based on employee and member VMT. Gasoline fuel consumption for the Project is calculated by dividing the gasoline vehicle VMT and gasoline-powered VMT for plug-in hybrid electric vehicles by the respective average fuel efficiency of these vehicles in Santa Clara County from the EMFAC2021 database for calendar year 2025.

Table 3.6-5: Operational Gasoline Consumption

Mobile Source Activity	Annual VMT[1] (miles/yr)	Gasoline Consumption[2] (gallons/yr)
Gasoline Vehicles	-397,496	-15,355
Plug-in Hybrid Electric Vehicles[3]	-4,703	-160
[1] Vehicle miles travelled are based on data provided by Kittelson & Associates, 2023 and CalEEMod® default values. [2] Gasoline consumption is calculated by assuming an average fuel efficiency and the reported VMT. The portion of the VMT that is gasoline vehicles is determined using the project-specific fleet mix. [3] The VMT from plug-in hybrid electric vehicles accounts for combustion vehicle miles traveled, also known as cVMT. [4] The average fuel efficiency is obtained from EMFAC2021 for Santa Clara County based on the fuel consumption and vehicle miles travelled for 2025.		

Diesel fuel consumption for Project operation is shown in **Table 3.6-6: Operational Diesel Consumption**. Operational diesel fuel usage would occur due to warehouse delivery truck trips to the site as well as warehouse employee and member trips. Warehouse employee and member vehicle fuel consumption is based on VMT as discussed above. Warehouse delivery truck fuel consumption is based on total VMT and operating hours for transportation refrigeration units (TRUs). Diesel fuel consumption for the diesel vehicles associated with the Project is calculated by dividing total diesel VMT by the average fuel efficiency of diesel vehicles in Santa Clara County from the EMFAC2021 database for calendar year 2025. Diesel fuel consumption for the TRU activity for the Project is calculated by dividing the total TRU activity in hours per year by the TRU fuel consumption rate in Santa Clara County from the OFFROAD2021 database for calendar year 2025.

Table 3.6-6: Operational Diesel Consumption

Mobile Source Activity	Annual Diesel- Related Activity[1]	Diesel Consumption[2] (gallons/yr)
Transportation Refrigeration Units (TRUs) (hours per year)	2,185	1,434
Diesel Vehicles (VMT per year)	183,189	23,457

[1] Diesel VMT are based on data provided by Kittelson & Associates, 2023 and CalEEMod® default values. TRU Cycle Duration is based on 4 hours of loading/unloading time plus the duration of the on-site and off- site transit. Assumptions based on Table II.G.1 of CARB Proposed Amendments to the Airborne Toxic Control Measure for In-Use Diesel-Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets, and Facilities Where TRUs Operate. Available at: https://ww2.arb.ca.gov/sites/default/files/barcu/board/rulemaking/tru2021/appi.pdf. Accessed: June 2022.
[2] Diesel consumption for diesel vehicles is calculated by assuming an average fuel efficiency and the reported VMT. The portion of the VMT that is diesel vehicles is determined using the project-specific fleet mix. TRU diesel consumption is calculated based on OFFROAD2021 fuel consumption rate and the annual operation.
[3] The average vehicle fuel efficiency is obtained from EMFAC2021 for Santa Clara County based on the fuel consumption and vehicle miles travelled for 2025.
[4] TRU fuel consumption rate is obtained from the OFFROAD2021 emissions output for Calendar Year 2025, Transportation Refrigeration Unit - Instate Trailer and Transportation Refrigeration Unit - Out-Of- State Trailer in Santa Clara County.

Electricity consumption from electric vehicles and plug-in hybrid electric vehicles for Project operation is shown in **Table 3.6-7: Operational Electricity Consumption from Electric Vehicles Miles Traveled**. Operational transportation-related electricity usage occurs due to employee trips when commuting to work at the warehouse and warehouse member trips when visiting the warehouse and is calculated based on employee and member VMT. Electricity consumption for the Project is calculated by dividing total electric-powered VMT by the average energy efficiency of electric vehicles and plug-in hybrid electric vehicles in Santa Clara County from the EMFAC2021 database for calendar year 2025.

Table 3.6-7: Operational Electricity Consumption from Electric Vehicles Miles Traveled

Mobile Source Activity	Annual VMT[1] (miles/yr)	Electricity Consumption[2] (kWh/yr)
Electric Vehicles	-27,807	-10,939
Plug-in Hybrid Electric Vehicles[3]	-5,080	-1,534

[1] Vehicle miles travelled are based on data provided by Kittelson & Associates, 2023 and CalEEMod® default values.
[2] Electricity consumption from electric miles driven is calculated by assuming an average energy economy and the reported VMT. The portion of the VMT that is electric-powered is determined using the project-specific fleet mix.
[3] The VMT from plug-in hybrid electric vehicles accounts for electric vehicle miles traveled, also known as eVMT.
[4] The average fuel efficiency is obtained from EMFAC2021 for Santa Clara County based on the energy consumption and electric vehicle miles travelled for 2025

ENRGY-1 ***Would the proposed Project 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

Construction of the proposed project would result in electricity and fuel usage as shown in **Table 3.6-8: Construction Energy Resource Summary.** There are no unusual project characteristics or construction processes that would require the use of equipment that would be more energy intensive than equipment used for comparable activities, or equipment that would not conform to current emissions standards (and related fuel efficiencies).

Table 3.6-8: Construction Energy Resource Summary

Energy Resource	Maximum Annual Construction	City of San José		California	
		Annual Consumption	Project's Construction Contribution[6](%)	Annual Consumption	Project's Construction Contribution[6](%)
Gasoline (gallons)[2,3]	23,695	186,418,253	0.013%	15,001,682,188	0.00016%
Diesel (gallons)[4,5]	124,789	57,993,653	0.215%	1,014,382,248,530	0.00001%

[1] Offroad and onroad emissions are calculated using methodology consistent with CalEEMod® version 2020.4.0. Offroad emission factors are from OFFROAD whereas onroad emission factors are from EMFAC2017. See Tables 4-1 and 4-2 for detailed fuel consumption of the Off-Road Equipment and On-Road Vehicles categories, respectively.
[2] Gasoline data for the City of San José are obtained using the VMT from the City of San José in 2019 from Table A-1 of the City of San José's 2019 Inventory of Community- wide Greenhouse Gas Emissions https://www.sanjoseca.gov/home/showpublisheddocument/72119/637556292242730000 and the average fuel efficiency.
[3] Gasoline data for the State of California is obtained from EMFAC2021 for calendar year 2025.
[4] Diesel data for the City of San José are obtained using the diesel fuel use from the City of San José in 2019 from Table A-1 and the scaling factors in Table A-4 of the City of San José's 2019 Inventory of Community-wide Greenhouse Gas Emissions https://www.sanjoseca.gov/home/showpublisheddocument/72119/637556292242730000 and the average fuel efficiency.
[5] Diesel data for the State of California is obtained from EMFAC2021 and OFFROAD2021 for calendar year 2025.
[6] The project's construction contribution was calculated based on the maximum annual construction energy consumption.

Fuel consumption during the construction year of 2025 was estimated using EMFAC2021 for Santa Clara County and California State-wide. The Project's fuel consumption during construction is discussed in the Methodology section above. Relative to total electricity and fuel comparison citywide, Project construction would use approximately 0.013 percent of gasoline and 0.215 percent of diesel fuel over the duration of construction. In comparison to State-wide usage, construction of the Project would equate to approximately 0.00016 percent of gasoline usage and less than 0.00001 percent of diesel fuel usage.

Project construction would require use of on-road trucks for soil hauling and deliveries, and off-road equipment such as excavators, tractors/loaders/backhoes, forklifts, and graders. As such, 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, the construction activities would comply with state requirements designed to minimize idling and associated emissions, which also minimizes use of fuel. Specifically, idling of commercial vehicles and off-road equipment would be limited to five minutes in accordance with the Commercial Motor Vehicle Idling Regulation and the Off-Road Regulation, and the trucks used would be compliant with the requirements of the Tractor-Trailer Greenhouse Gas Regulation.

The proposed Project's base energy consumption compared to regional and state-wide energy consumption is discussed above. The electricity demand associated with construction of the Project will be supplied by existing on-site power poles when available. In the event of an emergency or during a power outage, the use of generator sets is permissible, which are comprised of a generator and diesel engine used to produce power off-grid. Relatively negligible impacts to energy demand are expected as a result of construction activities.

CEQA Guidelines Appendix G and Appendix F criteria require a project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A 0.18 percent increase in construction fuel demand is not anticipated to trigger the need for additional capacity. Fuel consumption is based on a conservative construction phasing and conservative estimates for annual construction fuel consumption. Additionally, use of construction fuel would cease once the Project is operational. As such, Project construction would have a nominal effect on the local and regional energy supplies. Therefore, construction fuel consumption associated with the Project would not be inefficient, wasteful, or unnecessary. The Project would not substantially affect existing energy or fuel supplies or resources and new capacity would not be required. Impacts would be less than significant.

Operation

Operation of the Project would result in electricity, natural gas, gasoline, and diesel fuel usage, as shown in **Table 3.6-9: Operation Energy Resource Summary**. There are no unusual project characteristics that would require diesel consumption that would be more energy intensive than is used for comparable activities, or equipment that would not conform to current emissions standards (and related fuel efficiencies).

Table 3.6-9: Operation Energy Resource Summary

Energy Resource	Operation[1]	City of San José		California	
		Consumption	Project's Contribution (%)[8]	Consumption	Project's Contribution (%)[8]
Electricity (kWh/yr)[2,3]	1,831,175	5,730,011,002	0.032%	279,510,007,246	0.001%
Natural Gas (kBtu/yr)[4,5]	388,576	18,277,856,648	0.002%	1,232,858,294,229	0.000%
Gasoline (gallons/yr)[6]	-15,514	186,418,253	-0.008%	15,001,682,188	0.000%
Diesel (gallons/yr)[7]	23,457	57,993,653	0.040%	1,014,382,248,530	0.00001%

[1] Project data are based on CalEEMod® output.
[2] Electricity data for the City of San José in 2019 from Table A-1 of the City of San José's 2019 Inventory of Community-wide Greenhouse Gas Emissions https://www.sanjoseca.gov/home/showpublisheddocument/72119/637556292242730000. Accessed: June 2022.
[3] Electricity data for the State is obtained for all counties in 2020 from http://www.ecdms.energy.ca.gov/elecbycounty.aspx. Accessed: June 2022.
[4] Natural gas data for the City of San José in 2019 from Table A-1 of the City of San José's 2019 Inventory of Community-wide Greenhouse Gas Emissions https://www.sanjoseca.gov/home/showpublisheddocument/72119/637556292242730000. Accessed: June 2022.
[5] Natural gas data for the State is obtained for all counties in 2020 from http://www.ecdms.energy.ca.gov/gasbycounty.aspx. Accessed: June 2022.
[6] Gasoline data for Santa Clara County and the State of California are obtained from EMFAC2021 for calendar year 2025.
[7] Diesel data for Santa Clara County and the State of California are obtained from EMFAC2021 and OFFROAD2021 for calendar year 2025.
[8] The project's construction contribution was calculated based on the maximum annual operational energy consumption.

Over the lifetime of the project, the fuel efficiency of the vehicles being used for Project operation is expected to improve. The amount of fuel consumption from vehicular trips to and from the project site during operation would correspondingly decrease over time as vehicles become more efficient. Numerous regulations have been adopted that encourage, and require, increased fuel efficiency. For example, CARB

has adopted an approach to passenger vehicles that combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of standards. The approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emissions vehicles in California. As such, operation of the Project is expected to use decreasing amounts of fuel over time, due to advances in fuel economy.

Electricity

The Project's electricity demand during operation is discussed in Methodology section above. For comparison, based on 2019 consumption, operation of the Project would equate to 0.037 percent of the total electricity demand citywide and 0.001 percent of the total electricity demand state-wide. Therefore, the Project is not expected to have an impact on the local utility.

In 2020, total in-state electricity consumption was 279,510 GWh. The CEC estimates that state-wide energy demand will increase to 333,784 GWh in 2030. The Project's anticipated electricity usage of 1,831,175 kilowatt hours (kWh)/year is approximately 0.001 percent of the state-wide demand in 2020. Given that the state is growing annually, the anticipated state-wide energy demand for the Project operational build-out year of 2025 will likely be greater than that in 2020, and thus the project's relative percentage contribution to the state-wide energy demand would be even less.

The Project's electricity use projections also represent a small percentage of regional estimates for PG&E. The CEC estimates that PG&E energy demand will increase to about 120,700 GWh in 2025. The project's anticipated electricity usage of 1,831,175 kWh/year is approximately 0.002 percent of the projected PG&E planning area demand in 2025.

Further, the Project will enroll in PG&E's Solar Choice Program, includes sustainability features per the California Title 24 energy requirements, and would implement the following energy efficiency best practices:

- Parking lot light standards will be designed to provide even light distribution and utilize LED fixtures.
- Parking lot and exterior lights will be controlled by a photo sensor and time clock.
- Lighting will be controlled by the overall project energy management system.
- HVAC units planned for the Project are high efficiency direct ducted units.
- Commissioning of mechanical systems will occur to check that the HVAC systems are performing as designed.
- HVAC comfort systems will be controlled by a computerized building management system to maximize efficiency.
- Energy efficient Transformers (i.e., Square D Type EE transformers) will be used.
- Reclaim tanks are used to capture heat released by refrigeration equipment to heat domestic water in lieu of venting heat to the outside.

Overall, the Project's projected electricity demand is consistent with, and a small percentage of, state and regional projections. With compliance with local electricity programs and Project design requirements, the Project's projected electricity use would not be inefficient or wasteful and incorporates renewable energy where practical. Therefore, the Project is not anticipated to have an impact on the local utility and will not require additional generation capacity beyond more general state-wide expansion.

Natural Gas

The Project's natural gas demand during operation is described in Methodology operations section above. For comparison, operation of the Project would equate to 0.002 percent of the 2019 total natural gas demand citywide and 0.00003 percent of the 2020 total natural gas demand state-wide.

Overall, the Project's natural gas consumption is a small percentage of state and regional consumption. With compliance with Project design requirements, the Project's projected natural gas use would not be inefficient or wasteful. Therefore, the Project is not expected to have an impact on the local natural gas resources.

Fuel Usage

The Project's fuel usage during operation is discussed in Methodology operations section above. As discussed in that section, the Project is expected to result in a reduction of gasoline consumption due to mobile net VMT. Project operational diesel consumption is approximately 23,457 gallons/year, which is 0.04% of the total diesel that would be used citywide in 2025. Operation of the Project would result in about 0.000002% of the total diesel that would be used state-wide each year.

There are no unusual project characteristics that would require the use of gasoline and diesel that would be more energy intensive than is used for comparable activities such as the existing shopping center activity, or equipment that would not conform to current emissions standards (and related fuel efficiencies). In addition, the Project will be located in a central location and will allow customers to have multiple needs served in one trip, including but not limited to: eye exams, purchase of household goods and groceries, and tire service.

Summary

Based on the above analysis of each of the environmental impact factors identified in CEQA Guidelines Appendix F, the potential for the Project to result in wasteful, inefficient, or unnecessary consumption of fuel or energy, and conversely to fail to incorporate energy efficiency measures into equipment use, transportation or other project features is less than significant. Further the Project includes several renewable energy and sustainability features.

ENERGY-2 ***Would the proposed Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?***

Less than Significant

The proposed Project would comply with any applicable state plans for renewable energy or energy efficiency to the extent required by law. Further, the Project would be consistent with the renewable energy and energy efficiency provisions of the City of San José General Plan. This plan is described in more detail in the Regulatory Framework Section, located within this chapter, and the relevant provisions of each plan are listed in Appendix E. The Project has been evaluated for consistency with the relevant provisions and has been concluded to be consistent; the assessment for individual local plan measures is found in Appendix E. Additionally the Project has been evaluated for consistency with state plans and has been concluded to be consistent; the assessment for state plan measures is found in Appendix E. As such, Project impacts are less than significant.

3.7 GEOLOGY AND SOILS

This section describes the potential impacts of the proposed Project related to geology and soils-related risks. Discussion is based, in part, on the findings of the Phase I Environmental Site Assessment (Phase I ESA)(Kleinfelder, 2021a) and the Limited Phase II Environmental Site Assessment (Phase II ESA)(Kleinfelder, 2021b) prepared for the Project. Additionally, a Vapor Intrusion Assessment Report was prepared by Converse Consultants (Converse Consultants, 2022). These reports are included as Appendix G1, G2, and G3 to this EIR.

ENVIRONMENTAL SETTING

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 mainly Holocene age continental deposits of unconsolidated to semi-consolidated alluvium and include some marine deposits near the coast.

The Project site lies at an elevation of approximately 250 feet above mean sea level (Kleinfelder, 2021a) and is predominantly flat. Soils underlying the Project site are primarily Urban Land-Still complex and Urban Land-Stevens Creek complex soils (USDA-NRCS, 2022).

SEISMICITY AND SEISMIC HAZARDS

The City 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, according to the California Department of Conservation (CDOC) Alquist-Priolo mapping data, the Project site 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. According to the CDOC Alquist-Priolo mapping data, the nearest fault to the Project site is the Hayward Fault (Southeast Extension) which is located approximately 11.4 miles to the northeast along the foothills of the San José Foothills. Additionally, as shown in Figure 3.6-1 of the General Plan EIR, the Project site is not located within a designated Landslide Zone or Liquefaction Zone.

PALEONTOLOGICAL RESOURCES

Paleontological resources include fossils – the remains or traces of once-living organisms preserved in sediments or sedimentary rocks – and the geologic context in which they occur. By convention, paleontological resources do not include human remains, artifacts (objects created by humans), or other evidence of past human activities which are the subjects of the field of archaeology.

No paleontological resources are known to exist on the Project site. However, the Project site is identified as an area of "high sensitivity at depth" for paleontological resources (General Plan EIR, Figure 3.11-1). Paleontological sensitivity is defined as the potential for a geologic unit to produce scientifically significant fossils. This is determined by rock type, past history of the rock unit in producing significant fossils, and

fossil localities that are recorded from that unit. Potentially sensitive areas for the presence of paleontological resources within the City are based on the underlying geologic formation. Areas with the highest sensitivity are those where geologic formations known to contain fossils are found close to the ground surface.

REGUALTORY FRAMEWORK

FEDERAL REGULATIONS

No federal plans, policies, regulations, or laws related to geology and soils are applicable to the Project.

STATE OF CALIFORNIA

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 every three years; the current version at the time of writing this EIR is the 2022 Building Standards Code. Building permits for individual projects within the Plan Area will be reviewed to ensure compliance with the CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that

unauthorized removal, excavation, destruction, injury, or defacement of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Seismic Hazards Mapping Act

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

CITY OF SAN JOSÉ

City of San José Envision San José 2040 General Plan

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

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

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

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

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

Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks, and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one acre or more, adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 1 and April 30.

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

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.

City of San José Municipal Code

Title 24 of the San José Municipal Code includes the current California Building, Plumbing, Mechanical, Electrical, Existing Building, and Historical Building Codes. Requirements for building safety and earthquake hazard reduction are also addressed in Chapter 17.40 (Dangerous Buildings) and Chapter 17.10 (Geologic Hazards Regulations) of the Municipal Code. Requirements for grading, excavation, and erosion control are included in Chapter 17.04 (Building Code, Part 6 Excavation and Grading). In accordance with the Municipal Code, the Director of Public Works must issue a Certificate of Geologic Hazard Clearance prior to the issuance of grading and building permits within defined geologic hazard zones, including State Seismic Hazard Zones for Liquefaction.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a geology and soils impact is considered significant if the Project would:

1. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
    a) 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;
    b) Strong seismic ground shaking;
    c) Seismic-related ground failure, including liquefaction; or
    d) Landslides.
2. Result in substantial soil erosion or the loss of topsoil;
3. 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;
4. 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;
5. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water; or
6. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

GEO-1A ***Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?***

Less Than Significant

As discussed in the Environmental Setting section above, 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. 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.

GEO-1B ***Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?***

Less than Significant

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 CBC, 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 as anticipated by the standards, which establish building safety standards. Further, 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. As such impacts related to strong seismic ground shaking 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.

GEO-1C ***Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?***

Less than Significant

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 not located in or nearby a State seismic hazard zone specific to liquefaction. As such, all structures and foundations requiring building permits would still be required to meet CBC requirements to withstand ground shaking, minimizing potential impacts resulting from liquefaction. Therefore, there would be a less than significant impact.

GEO-1D	***Would the proposed Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?***
	Less than Significant

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, as shown in Figure 3.6-1 in the General Plan EIR, the Project site is not located in or nearby a State seismic hazard zone specific to landslides. Therefore, there would be a less than significant impact.

GEO-2	***Would the proposed Project result in substantial soil erosion or the loss of topsoil?***
	Less than Significant

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. Further, the proposed Project would be required to 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.

GEO-3 ***Would the proposed Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

Less than Significant

As discussed above, based on General Plan EIR Exhibit 3.6-1, the Project site is not located in or nearby a State seismic hazard zone specific to landslides or liquefaction. However, all structures and foundations requiring building permits would still be required to meet CBC requirements to withstand ground shaking, minimizing potential impacts resulting from liquefaction. Therefore, there would be a less than significant impact.

GEO-4 ***Would the proposed Project 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

The proposed Project would not be located on expansive soils (CGS, 2022) and would be required to be in conformance with the CBC, City regulations, and other applicable standards. Refer to response Impact Statement Geo-1B 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.

GEO-5 ***Would the proposed Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?***

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.

GEO-6 ***Would the proposed Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

Less Than Significant

The Project site has been previously graded and developed and does not support or contain any unique geologic features. There are no known paleontological resources on site. 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. However, the potential still exists for inadvertent discovery of paleontological resources during ground-disturbing activities. The General Plan EIR concluded that with

implementation of existing regulations and adopted General Plan policies, new development within San José would have a less than significant impact on 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 PBCE or Director's designee shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment. Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The Project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of PBCE or Director's designee.

3.8 GREENHOUSE GAS EMISSIONS

A Greenhouse Gas (GHG) Assessment has been prepared by Ramboll US Consulting, Inc. (September 2023) to address potential impacts to GHG emissions associated with implementation of the proposed Project. The following discussion is based on the GHG Assessment, which includes a quantitative analysis and an analysis of the GHGRS checklist. The report is included as Appendix F of this EIR.

ENVIRONMENTAL SETTING

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

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

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants (TACs), that 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).

REGULATORY FRAMEWORK

FEDERAL AND STATE

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.

Clean Air Act

In April 2007, in Massachusetts v. EPA, the U.S. Supreme Court directed the Administrator of the U.S. Environmental Protection Agency (USEPA) to determine whether GHG emissions from new motor vehicles cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. In making these decisions, the USEPA Administrator was directed to follow the language of Section 202(a) of the Clean Air Act (CAA). In December 2009, the Administrator signed a final rule with two distinct findings regarding GHGs under Section 202(a) of the CAA:

- Elevated concentrations of GHGs—CO_2, CH_4, N_2O, HFCs, perfluorocarbons (PFCs), and sulfur hexafluoride (SF6)—in the atmosphere threaten the public health and welfare of current and future generations. This is referred to as the "endangerment finding."
- The combined emissions of GHGs— CO_2, CH_4, N_2O, and HFCs—from new motor vehicles and new motor vehicle engines contribute to the GHG air pollution that endangers public health and welfare. This is referred to as the "cause or contribute finding."

These two findings were necessary to establish the foundation for regulation of GHGs from new motor vehicles as air pollutants under the CAA.

Energy Independence and Security Act

The Energy Independence and Security Act of 2007 (EISA) facilitates the reduction of national GHG emissions by requiring the following:

- 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.

Additional provisions of EISA address energy savings in government and public institutions, promote research for alternative energy, additional research in carbon capture, international energy programs, and the creation of "green jobs."

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 (carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride) 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 *Massachusetts v. EPA* decision discussed above, in 2007, President Bush directed the USEPA, the Department of Transportation (USDOT), and the Department of Energy (DOE) to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the National Highway Traffic Safety Administration (NHTSA) issued a final rule regulating fuel efficiency for and GHG emissions from cars and light-duty trucks for model year 2011; and, in 2010, the USEPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, President Obama issued a memorandum directing the same federal agencies to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the USEPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model year 2017–2025 light-duty vehicles. The proposed standards are projected to achieve 163 grams/mile of CO_2 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.

In August 2017, the USEPA asked for additional information and data relevant to assessing whether the GHG emissions standards for model years 2022-2025 remain appropriate. In early 2018, the USEPA Administrator announced that the midterm evaluation for the GHG emissions standards for cars and light-duty trucks for model years 2022-2025 was completed and stated his determination that the current standards should be revised in light of recent data. Subsequently, in 2018, the USEPA and NHTSA proposed to amend certain existing Corporate Average Fuel Economy (CAFE) standards and tailpipe carbon dioxide emissions standards for passenger cars and light trucks and establish new standards, covering model years 2021-2026. Compared to maintaining the post-2020 standards now in place, the pending proposal would increase U.S. fuel consumption.[49] California and other states have announced their intent to challenge federal actions that would delay or eliminate GHG reductions. In April 2020, NHTSA and EPA amended the CAFE and GHG emissions standards for passenger cars and light trucks and established new less stringent standards, covering model years 2021 through 2026.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the USEPA 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.

In August 2016, the USEPA 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 of sizes of buses and work trucks. The final standards are expected to lower carbon dioxide emissions by approximately 1.1 billion MT and reduce oil consumption by up to two billion barrels over the lifetime of the vehicles sold under the program.[50]

[49] Federal Register. 2018. The Safer Affordable Fuel-Efficient (SAFE) Vehicles Final Rule for Model Years 2021-2026 Passenger Cars and Light Trucks. Available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/safer-affordable-fuel-efficient-safe-vehicles-final-rule. Accessed: May 2022.

[50] USEPA and NHTSA, 2016. Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium and Heavy-Duty Engines and Vehicles – Phase 2. Available at: https://www.gpo.gov/fdsys/pkg/FR-2016-10-25/pdf/2016-21203.pdf. Accessed: January 2022.

On September 27, 2019, the USEPA and NHTSA published the SAFE Rule (Part One).[51] The SAFE Rule (Part One) went into effect in November 2019, and revoked California's authority to set its own GHGs standards and set zero emission vehicle mandates in California. The SAFE Rule (Part One) freezes new zero emission vehicles (ZEV) sales at model year 2020 levels for year 2021 and beyond, and will likely result in a lower number of future ZEVs and a corresponding greater number of future gasoline internal combustion engine vehicles. In response to the USEPA's adoption of the SAFE Rule (Part One), CARB has issued guidance regarding the adjustment of vehicle emissions factors to account for the rule's implications on criteria air pollutant and greenhouse gas emissions.[52,53] The SAFE Rule is subject to ongoing litigation and on February 8, 2021 the D.C. Circuit Court of Appeals granted the Biden Administration's motion to stay litigation over Part 1 of the SAFE Rule. On April 22 and April 28, 2021, respectively, NHTSA and USEPA formally announced their intent to reconsider the Safe Rule (Part One). [54,55] A virtual public hearing for EPA's Notice of Reconsideration of SAFE I was held on June 2, 2021. The NHTSA finalized the Corporate Average Fuel Economy Pre-emption rulemaking to withdraw its portions of the SAFE I Rule on December 21, 2021.[56] On March 9, 2022, USEPA reinstated California's authority under the Clean Air Act to implement its own GHG emission standards and ZEV sales mandate and entirely rescinded the SAFE Rule (Part One).

In December 2021, the USEPA finalized federal GHG emissions standards for passenger cars and light trucks for Model Years 2023 through 2026. These standards are the strongest vehicle emissions standards ever established for the light-duty vehicle sector and are based on sound science and grounded in a rigorous assessment of current and future technologies. The updated standards will result in avoiding more than 3 billion tons of GHG emissions through 2050.[57]

Paris Climate Agreement

The Paris Agreement was negotiated within the United Nations Framework Convention on Climate Change in 2015 to reduce GHG emissions internationally. The goal of the Paris Agreement was to keep the global temperature rise this century to below 2 degrees Celsius above pre-industrial standards, with efforts to limit temperature increase even further to 1.5 degrees Celsius. The Paris Agreement became effective on November 4, 2016. As of October 5, 2016, 155 of 197 parties had ratified the Paris Agreement. On January

[51] USEPA and NHTSA. 2019. Federal Register, Vol. 84, No. 188, The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program. September 27. Available at: https://www.govinfo.gov/content/pkg/FR-2019-09-27/pdf/2019-20672.pdf. Accessed: January 2022.

[52] CARB. 2019. EMFAC Off-Model Adjustment Factors to Account for the SAFE Vehicle Rule Part One. November 20. Available at: https://ww3.arb.ca.gov/msei/emfac_off_model_adjustment_factors_final_draft.pdf. Accessed: January 2022.

[53] CARB. 2020. EMFAC Off-Model Adjustment Factors for Carbon Dioxide Emissions to Account for the SAFE Vehicles Rule Part One and the Final SAFE Rule. June 26. Available at: https://ww3.arb.ca.gov/msei/emfac_off_model_co2_adjustment_factors_06262020-final.pdf. Accessed: May 2022.

[54] NHTSA. 2021. NHTSA Advances Biden-Harris Administration's Climate & Jobs Goals. April 22. Available at: https://www.nhtsa.gov/press-releases/nhtsa-advances-biden-harris-administrations-climate-jobs-goals. Accessed: May 2022.

[55] USEPA. 2021. Federal Register, Vol. 86, No. 80, California State Motor Vehicle Pollution Control Standards; Advanced Clean Car Program; Reconsideration of a previous Withdrawal of a Waiver of Preemption; Opportunity for Public Hearing and Public Comment. April 28. Available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/notice-reconsideration-previous-withdrawal-waiver. Accessed: May 2022.

[56] NHTSA. Available at: https://www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy. Accessed: May 2022.

[57] USEPA. 2021. Final Rule to Revise Existing National GHG Emissions Standards for Passenger Cars and Light Trucks Through Model Year 2026. Available at: https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-revise-existing-national-ghg-emissions. Accessed: May 2022.

20, 2021, President Biden signed an Executive Order formally rejoining the United States to the Paris Agreement.[58]

Executive Order 14008

On January 27, 2021, President Biden issued an Executive Order on Tackling the Climate Crisis at Home and Abroad (Executive Order 14008). Part I of the Order highlights putting the climate crisis at the center of United States foreign policy and national security. Addressing the climate crisis will require significant short-term global reductions in GHG emissions and net-zero global emissions by mid-century or sooner. The United States will pursue green recovery efforts and initiatives to advance the clean energy transition.

Part II of the Order relays the government-wide approach to the climate crisis, which involves reducing climate pollution in every sector of the economy, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure. A National Climate Task Force was established to focus on addressing the climate crisis through key federal actions to reduce climate change impacts. A 100% carbon pollution-free electricity sector is targeted by no later than 2035 and a net-zero emissions economy is to be achieved by no later than 2050. Offshore wind is aimed to be doubled by 2030. Opportunities for federal funding of clean energy technology and infrastructure shall be identified. Federal permitting decisions need to consider the effects of GHG emissions and climate change.

California Air Resources Board

The California Air Resources Board (CARB) is responsible for the coordination and oversight of State and local air pollution control programs in California. Various statewide and local initiatives to reduce California's contribution to GHG emissions have raised awareness about climate change and its potential for severe long-term adverse environmental, social, and economic effects. California is a significant emitter of CO_2e in the world and produced 440 million gross metric tons of CO_2e in 2015. In the state, the transportation sector is the largest emitter of GHGs, followed by industrial operations such as manufacturing and oil and gas extraction.

The State of California legislature has enacted a series of bills that constitute the most aggressive program to reduce GHGs of any state in the nation. Some legislation, such as the landmark AB 32 California Global Warming Solutions Act of 2006, was specifically enacted to address GHG emissions. Other legislation, such as Title 24 building efficiency standards and Title 20 appliance energy standards, were originally adopted for other purposes such as energy and water conservation, but also provide GHG reductions. This section describes the major laws and regulations related to GHG emissions reduction.

Assembly Bill 1493

AB 1493 (also known as the Pavley Bill) required 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

[58] White House Briefing Room. 2021. *Paris Climate Agreement.* January 20. Available at: https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/paris-climate-agreement/. Accessed: May 2022.

require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016. When fully phased in, the near-term standards will result in a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards will result in a reduction of about 30 percent.

Senate Bills 1078 and Senate Bill X1-2

SB 1078 required California to generate 20 percent of its electricity from renewable energy by 2017. This goal was accelerated with SB 107, which changed the due date to 2010 instead of 2017. On November 17, 2008, Executive Order S-14-08 established a Renewable Portfolio Standard target for California requiring that all retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. Executive Order S-21-09 also directed CARB to adopt a regulation by July 31, 2010, requiring the state's load serving entities to meet a 33 percent renewable energy target by 2020. CARB approved the Renewable Electricity Standard on September 23, 2010 by Resolution 10-23. SB X1-2 codified the 33 percent by 2020 goal.

Executive Order S-3-05

Executive Order S-3-05 was issued on June 1, 2005, which established the following GHG emissions reduction targets:

- By 2010, reduce greenhouse gas emissions to 2000 levels.
- By 2020, reduce greenhouse gas emissions to 1990 levels.
- By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

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.

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.

Executive Order S-01-07

Issued on January 18, 2007, Executive Order S-01-07 mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. The executive order established a Low Carbon Fuel Standard (LCFS) and directed the Secretary for

Environmental Protection to coordinate the actions of the California Energy Commission, CARB, the University of California, and other agencies to develop and propose protocols for measuring the "life-cycle carbon intensity" of transportation fuels. CARB adopted the LCFS on April 23, 2009.

CARB Scoping Plan

The 2022 Scoping Plan Update assesses progress towards achieving the Senate Bill 32 2030 target and lays out a path to achieve carbon neutrality no later than 2045. This plan update was approved by the Board in December 2022.[59] The 2022 Scoping Plan outlines a sector-by-sector roadmap for California to achieve carbon neutrality by 2045 or earlier. It aims to reduce anthropogenic emissions to 85% below 1990 levels by 2045 using technically feasible and cost-effective solutions. The 2022 Scoping Plan focuses on electrification of transportation, homes and buildings, and phasing out fossil fuels. In hard-to-electrify sectors, new solutions such as renewable hydrogen and biomethane are leveraged to achieve emissions reductions.

CARB's 2022 Scoping Plan Update outlines a number of actions for the Scoping Plan Scenario in Table 2-1. The list below represents the actions which are most relevant to the project:

- GHG Emissions Reductions Relative to the SB 32 Target - 40% below 1990 levels by 2030
- Smart Growth / Vehicle Miles Traveled (VMT) - VMT per capita reduced 25% below 2019 levels by 2030, and 30% below 2019 levels by 2045
- Light-duty Vehicle (LDV) Zero Emission Vehicles (ZEVs) - 100% of LDV sales are ZEV by 2035
- Truck ZEVs - 100% of medium-duty (MDV)/HDV sales are ZEV by 2040 (AB 74 University of California Institute of Transportation Studies [ITS] report)
- Freight and Passenger Rail - 100% of passenger and other locomotive sales are ZEV by 2030; 100% of line haul locomotive sales are ZEV by 2035; Line haul and passenger rail rely primarily on hydrogen fuel cell technology, and others primarily utilize electricity.
- New Residential and Commercial Buildings - All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030.
- Construction Equipment - 25% of energy demand electrified by 2030 and 75% electrified by 2045.
- Low Carbon Fuels for Transportation - Biomass supply is used to produce conventional and advanced biofuels, as well as hydrogen.
- Low Carbon Fuels for Buildings and Industry - In 2030s biomethane blended in pipeline; Renewable hydrogen blended in fossil gas pipeline at 7% energy (~20% by volume), ramping up between 2030 and 2040.
- Non-combustion Methane Emissions - Moderate adoption of enteric strategies by 2030; Divert 75% of organic waste from landfills by 2025.

In addition to the previous focus areas, the 2022 Scoping Plan developed a table of priority GHG reduction strategies that can be utilized by local governments. This is Table 1 in Appendix D of the 2022 Scoping

[59] CARB. 2022. Final 2022 Scoping Plan Update and Appendices. December. Available at: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents. Accessed: May 2023.

Plan.[60] When discussing this table, the 2022 Scoping Plan notes:

"To assist local jurisdictions with developing local climate plans, measures, policies, and actions aligned with the State's climate goals, Table 1 presents a non-exhaustive list of impactful GHG reduction strategies that can be implemented by local governments. The strategies in Table 1 are not applicable to all local jurisdictions, nor are they the only strategies that local governments can adopt, but they represent the core strategies that most jurisdictions in California can implement to reduce GHG emissions regardless of whether they have developed a CEQA-qualified CAP. Reaching the outcomes of these priority GHG reduction strategies requires a locally appropriate, comprehensive adoption of policies in support of these objectives. When developing local climate plans, measures, policies, and actions, local jurisdictions should incorporate the recommendations described in Table 1 to the extent appropriate to ensure alignment with State climate goals.

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 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.

Executive Order S-13-08

Issued on November 14, 2008, Executive Order S-13-08 facilitated the California Natural Resources Agency development of the 2009 California Climate Adaptation Strategy. Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

Executive Order S-14-08

Issued on November 17, 2008, Executive Order S-14-08 expands the state's Renewable Energy Standard to 33 percent renewable power by 2020. Additionally, Executive Order S-21-09 (signed on September 15, 2009) directs CARB to adopt regulations requiring 33 percent of electricity sold in the state come from renewable energy by 2020. CARB adopted the Renewable Electricity Standard on September 23, 2010, which requires 33 percent renewable energy by 2020 for most publicly owned electricity retailers.

Executive Order S-21-09

Issued on July 17, 2009, Executive Order S-21-09 directs CARB to adopt regulations to increase California's Renewable Portfolio Standard (RPS) to 33 percent by 2020. This builds upon SB 1078 (2002), which established the California RPS program, requiring 20 percent renewable energy by 2017, and SB 107 (2006), which advanced the 20 percent deadline to 2010, a goal which was expanded to 33 percent by 2020 in the 2005 Energy Action Plan II.

SB 350 (Clean Energy and Pollution Reduction Act of 2015).

Signed into law on October 7, 2015, SB 350 implements the goals of Executive Order B-30-15. The objectives of SB 350 are to increase the procurement of electricity from renewable sources from 33

[60] CARB. 2022. Final 2022 Scoping Plan Update and Appendices. December. Available at: https://ww2.arb.ca.gov/our-work/programs/ab-32-climate-change-scoping-plan/2022-scoping-plan-documents. Accessed: January 2023.

percent to 50 percent (with interim targets of 40 percent by 2024, and 45 percent by 2027) and to double the energy efficiency savings in electricity and natural gas end uses of retail customers through energy efficiency and conservation. SB 350 also reorganizes the Independent System Operator to develop more regional electricity transmission markets and improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

Executive Order B-30-15

Issued on April 29, 2015, Executive Order B-30-15 established a California GHG reduction target of 40 percent below 1990 levels by 2030 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of million metric tons of CO_2e ($MMTCO_2e$). The 2030 target acts as an interim goal on the way to achieving reductions of 80 percent below 1990 levels by 2050, a goal set by Executive Order S-3-05. The executive order also requires the state's climate adaptation plan to be updated every three years and for the state to continue its climate change research program, among other provisions. With the enactment of SB 32 in 2016, the Legislature codified the goal of reducing GHG emissions by 2030 to 40 percent below 1990 levels.

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.

AB 398 (Market-Based Compliance Mechanisms).

Signed on July 25, 2017, AB 398 extended the duration of the Cap-and-Trade program from 2020 to 2030. AB 398 required CARB to update the Scoping Plan and for all GHG rules and regulations adopted by the State. It also designated CARB as the statewide regulatory body responsible for ensuring that California meets its statewide carbon pollution reduction targets, while retaining local air districts' responsibility and authority to curb toxic air contaminants and criteria pollutants from local sources that severely impact public health. AB 398 also decreased free carbon allowances over 40 percent by 2030 and prioritized Cap-and-Trade spending to various programs including reducing diesel emissions in impacted communities.

SB 150 (Regional Transportation Plans).

Signed on October 10, 2017, SB 150 aligns local and regional GHG reduction targets with State targets (i.e., 40 percent below their 1990 levels by 2030). SB 150 creates a process to include communities in discussions on how to monitor their regions' progress on meeting these goals. The bill also requires the CARB to regularly report on that progress, as well as on the successes and the challenges regions experience associated with achieving their targets. SB 150 provides for accounting of climate change efforts and GHG reductions and identify effective reduction strategies.

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.

Executive Order B-55-18

Issued on September 10, 2018, Executive Order B-55-18 establishes a goal to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter. This goal is in addition to the existing statewide targets of reducing GHG emissions. The executive order

requires CARB to work with relevant state agencies to develop a framework for implementing this goal. It also requires CARB to update the Scoping Plan to identify and recommend measures to achieve carbon neutrality. The executive order also requires state agencies to develop sequestration targets in the Natural and Working Lands Climate Change Implementation Plan.

CALIFORNIA REGULATIONS AND BUILDING CODES

California has a long history of adopting regulations to improve energy efficiency in new and remodeled buildings. These regulations have kept California's energy consumption relatively flat, even with rapid population growth. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption for electricity and heat and therefore decreases operational GHG emissions.

Title 20 Appliance Efficiency Regulations

The appliance efficiency regulations (California Code of Regulations [CCR] Title 20, Sections 1601-1608) include standards for new appliances. Twenty-three categories of appliances are included in the scope of these regulations. These standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances.

Title 24 Building Energy Efficiency Standards

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (CCR Title 24, Part 6) were first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The 2016 Building Energy Efficiency Standards approved on January 19, 2016 went into effect on January 1, 2017. The 2019 Building Energy Efficiency Standards were adopted on May 9, 2018 and took effect on January 1, 2020. Under the 2019 standards, residential dwellings are required to use approximately 53 percent less energy and nonresidential buildings are required to use approximately 30 percent less energy than buildings under the 2016 standards.

Title 24 California Green Building Standards Code

The California Green Building Standards Code (CCR Title 24, Part 11 code), commonly referred to as CALGreen, is a statewide mandatory construction code developed and adopted by the California Building Standards Commission and the Department of Housing and Community Development. The CALGreen standards require new residential and nonresidential buildings to comply with mandatory measures under the topics of planning and design, energy efficiency, water efficiency/conservation, material conservation and resource efficiency, and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt that encourage or require additional measures in the five green building topics. The latest CALGreen Code took effect on January 1, 2020 (2019 CALGreen). The 2019 CALGreen standards will continue to improve upon the existing standards for new construction of, and additions and alterations to, residential and nonresidential buildings. The new 2019 CALGreen standards require residential buildings to be solar ready through solar panels (refer to Section 110.10 in the 2019 Building Energy Efficiency Standards for more details).

REGIONAL

Bay Area Air Quality Management District Thresholds

The BAAQMD is the regional agency with jurisdiction over the nine-county region located in the Basin. The Association of Bay Area Governments (ABAG), Metropolitan Transportation Commission (MTC), county transportation agencies, cities and counties, and various nongovernmental organizations also join

in the efforts to improve air quality through a variety of programs. These programs include the adoption of regulations and policies, as well as implementation of extensive education and public outreach programs.

Under CEQA, the BAAQMD is a commenting responsible agency on air quality within its jurisdiction or impacting its jurisdiction. The BAAQMD reviews projects to ensure that they would: (1) support the primary goals of the latest Air Quality Plan; (2) include applicable control measures from the Air Quality Plan; and (3) not disrupt or hinder implementation of any Air Quality Plan control measures.

On April 20, 2022, the BAAQMD Board of Directors adopted the *CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans* (Guidance). In its Guidance, the District recommends thresholds for determining whether a proposed project will have a significant impact on climate change. Under the Guidance, the District establishes that if a project would contribute its "fair share" of what will be required to achieve the long-term climate goals in California, then a reviewing agency can find that the impact will not be significant because the Project will help to solve the problem of global climate change.

Clean Air Plan

Air quality plans developed to meet federal requirements are referred to as State Implementation Plans. The federal and state Clean Air Acts require plans to be developed for areas designated as nonattainment (with the exception of areas designated as nonattainment for the state PM_{10} standard). The 2017 Clean Air Plan: Spare the Air, Cool the Climate was adopted on April 19, 2019, by the BAAQMD.

The 2017 Clean Air Plan provides a regional strategy to protect public health and protect the climate. To protect public health, the plan describes how the BAAQMD will continue progress toward attaining all state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 Clean Air Plan defines a vision for transitioning the region to a post-carbon economy needed to achieve ambitious greenhouse gas (GHG) reduction targets for 2030 and 2050, and provides a regional climate protection strategy that will put the Bay Area on a pathway to achieve those GHG reduction targets.

The 2017 Clean Air Plan includes a wide range of control measures designed to decrease emissions of the air pollutants that are most harmful to Bay Area residents, such as particulate matter, ozone, and toxic air contaminants; to reduce emissions of methane and other "super-GHGs" that are potent climate pollutants in the near-term; and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

LOCAL

City of San José Municipal Code

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

- Green Building 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)

City of San José General Plan

The General Plan includes a GHG Reduction Strategy that is designed to help the City sustain its natural resources, grow efficiently, and meet California goals for GHG emissions reduction. Multiple policies and actions in the General Plan have GHG implications, including those targeting land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The policies also include 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 State CEQA Guidelines Section 15183.5(b) (BAAQMD Threshold B).

The General Plan includes the following GHG reduction policies, which are 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 – 1.4: Foster awareness of 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-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.

Policy MS – 2.6: Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.

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

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

Policy MS – 5.6: Enhance the construction and demolition debris recycling program to increase diversion from the building sector.

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

Policy CD-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.

Policy CD-5.1: Design areas to promote pedestrian and bicycle movements and to facilitate interaction between community members and to strengthen the sense of community.

Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections; and including secure and convenient bike storage.

Policy TR-2.18: Provide bicycle storage facilities as identified in the Bicycle Master Plan.

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 32 has established an interim statewide greenhouse gas reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (EO B-55-18). SB 32 expands upon AB 32, the Global Warming Solutions Act of 2006, and requires a reduction in greenhouse gas emissions of at least 40 percent below the 1990 levels by 2030.

The 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA because it serves as a qualified Climate Action Plan for the City of San José. The 2030 GHGRS identifies major General Plan strategies and polices to be implemented by development projects 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.

Compliance with the mandatory measures required by the City would ensure an individual project's consistency with the 2030 GHGRS.

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards.

Climate Smart San José

Climate Smart San José was developed by the City to reduce air pollution, save water, and create a healthier community. The plan contains nine strategies to reduce carbon emissions consistent with the Paris Climate Agreement. These strategies include use of renewable energy, densification of neighborhoods, electrification and sharing of vehicle fleets, investments in public infrastructure, creating local jobs, and improving building energy-efficiency.

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

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

The analysis provided in this EIR evaluates the significance of the Project's GHG emissions by reference to the following questions from Section VIII, Greenhouse Gas Emissions, of Appendix G of the CEQA Guidelines. For the purposes of this EIR, a greenhouse gas impact is considered significant if the Project would:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment
2. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases

BAAQMD Guidance

In the BAAQMD's 2022 *CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans* (Guidance), BAAQMD has analyzed what will be required of new land use development projects to achieve California's long-term climate goal of carbon neutrality by 2045. The District found that a new land use development project being built today needs to meet the standards in either Threshold A or Threshold B to do its "fair share" of implementing the goal of carbon neutrality by 2045:

A. Projects must include, at a minimum, the following project design elements:
    1. Buildings
        a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
        b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
    2. Transportation
        a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate

Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor's Office of Planning and Research's Technical Advisory on Evaluating Transportation Impacts in CEQA:

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

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

iii. Retail projects: no net increase in existing VMT

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

B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

If a project is consistent with either BAAQMD Threshold A or Threshold B, then it will contribute its portion of what is necessary to achieve California's long-term climate goals—its "fair share"—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. If the project is not consistent with either Threshold A or Threshold B, then it should be found to result in a significant climate impact because it could hinder California's efforts to address climate change. A project does not need to demonstrate consistency with Threshold A and Threshold B; rather, consistency with one of these thresholds is sufficient to demonstrate a less than significant climate impact.

BAAQMD does not have an adopted threshold of significance for construction-related GHG emissions and does not require the quantification of construction GHG emissions. However, the BAAQMD does recommend that the Lead Agency should make a determination on the significance of these construction generated GHG emission impacts in relation to meeting AB 32 GHG reduction goals, as required by the Public Resources Code, Section 21082.2. The Lead Agency is encouraged to incorporate best management practices to reduce GHG emissions during construction, as feasible and applicable.[61]

EVALUATION METHODOLOGY

This analysis evaluates Project consistency with CEQA with the 2030 San José GHGRS, which is identified as the local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b) (BAAQMD Threshold B).[62] Project conformance with the 2030 San José GHGRS is addressed by evaluating consistency with measures presented in the Compliance Checklist (Tables A and B) in Attachment A of the 2030 San José GHGRS. As such, the applicable threshold of significance for the proposed Project's construction and operational GHG emissions is consistency with the 2030 San José GHGRS.

GHG-1	***Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***
	Less Than Significant

[61] BAAQMD.

[62] City of San José. 2022. 2030 Greenhouse Gas Strategy & Addendum. Available at: https://www.sanjoseca.gov/your-government/departments-offices/planning-building-code-enforcement/planning-division/environmental-planning/environmental-review/active-eirs/2030-ghgrs-addendum. Accessed: June 2022.

Short-Term Construction Greenhouse Gas Emissions

As discussed above, neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions. Further, the 2030 San José GHGRS Compliance Checklist does not include specific measures for construction-related GHG emissions. As discussed below, the Project would be consistent with the applicable 2030 San José GHGRS Compliance Checklist measures and impacts would be less than significant in this regard.

However, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The Project construction emissions were run with CalEEMod to generate the annual emissions. Project construction would result in GHG emissions due to the on-site equipment and emissions from construction workers' personal vehicle travelling to and from the Project construction site. When running CalEEMod, twice daily watering was included for fugitive dust control during construction per BAAQMD CEQA Guidelines.

For informational purposes, the Project GHG construction emissions were calculated to be 2,677 $MTCO_2e$ for the total construction period. When amortized over a period of 30 years, the emission estimates for the Project construction are 89 MT CO_2e/yr.[63] The amortized construction emissions are included in the annualized long-term GHG estimations below. While the exact construction schedule and equipment mix may vary from the current analysis, the GHG emissions are not expected to be higher than that calculated given the conservative assumptions included in this analysis.

Long-Term Operational Greenhouse Gas Emissions

GHG emissions would result from both direct and indirect emissions. Direct GHG emissions are associated with on-road mobile sources that are generated from workers, vendors, and haul trucks travelling to and from the Project site. These GHG emissions include running and starting exhaust emissions. Energy usage within buildings (e.g., electricity and natural gas) is another direct emission that occurs through the combustion of any type of fuel that emits CO_2 and other GHGs directly into the atmosphere. GHGs are also emitted indirectly during the generation of electricity from fossil fuels. Municipal Solid Waste (MSW) is another type of indirect emission that is analyzed by CalEEMod. MSW is the amount of material that is disposed of by landfilling, recycling, or composting. For informational purposes, the Project GHG operational emissions were calculated to be -8,410 MT CO_2e per year. Project operational emissions are negative because they assume buildout of the Project minus the existing condition, whereby the Project emissions are lower than the existing condition emissions. The GHG emissions at buildout are 807 MT CO_2e per year. Emissions from the baseline/existing conditions are 9,129 MT CO_2e/year. This will result in a net decrease in emissions as compared to the baseline conditions. Operational emissions estimates generated through CalEEMod for each of these sources can be found in Appendix F.

As discussed above, the City of San José 2030 GHGRS is a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b) and therefore is the BAAQMD threshold for the City of San José (Option B in the Thresholds for Land Use Project discussed in the Evaluation Methodology section above). The GHGRS outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the interim target year 2030. As discussed in Impact Statement GHG-2 below, the proposed development would be consistent with the 2030 GHG Reduction Strategy. The proposed Project would include enrollment in PG&E Solar Choice, which provides the ability to purchase

[63] This approach to one-time construction and vegetation change GHG emissions is based on the GHG Threshold Working Group Meeting #13 Minutes from August 26, 2009. Available at: http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-13/ghg-meeting-13-minutes.pdf. Accessed: January 2022.

up to 100% of demanded electricity from a universal solar program generated within California. Additionally, the proposed project would exceed construction and demolition waste diversion requirements to help the City achieve the Zero Waste Goal and implement water conservation measures on-site. The Project also includes pedestrian improvements along the Lawrence Expressway and Graves Avenue and would integrate Green Building goals and policies such as reducing impervious structures creating new pervious landscaping areas, and installing bioretention basins to help filter stormwater. Therefore, the Project would be consistent with a qualified local GHG reduction plan under CEQA Guidelines section 15183.5. Therefore, the Project would have a less than significant GHG emissions impact.

Condition of Approval

Proof of Enrollment in PG&E Solar Choice. Prior to issuance of any Certificate of Occupancy for the project, the occupant shall provide to the Director of the Department of Planning, Building, and Code Enforcement (PBCE), or Director's designee, proof of enrollment in the PG&E Solar Choice Program assumed in the approved environmental clearance for the project in accordance with the California Environmental Quality Act (CEQA). If the occupant, or any future occupant, is not implementing the PG&E Solar Choice Program, the occupant shall provide the City evidence that it is securing electricity from a similarly sustainable source.

Summary

The City of San José's 2030 GHG Reduction Strategy contains a Compliance Checklist with actions for individual development projects. Individual projects are tasked with reviewing the GHG Reduction Strategy Compliance Checklist to assess the Project. The GHGRS includes two checklists 1) General Plan Policy Compliance, and 2) Greenhouse Gas Reduction Strategies. The General Plan Policy Compliance includes measures that cover the following areas: Consistency with the Land Use/Transportation Diagram, implementation of Green Building Measures, Pedestrian, Bicycle & Transit Site Design Measures, and Water Conservation and Urban Forestry Measures. The checklist also includes GHG reductions strategies which cover similar areas as the first checklist. Proposed development projects that are consistent with the GHGRS as determined through the use of the Compliance Checklist may rely on the GHGRS for the cumulative impacts analysis of GHG emissions.

As shown in the GHG Compliance Checklist in Appendix F and discussed below, the Project is consistent with the City of San José's GHG Reduction Strategy. Some key measures that the project has committed to include PG&E's "Solar Choice" program (see Section 4.1.3), high efficiency water fixtures, 80 percent waste diversion, employee transit incentives, and encouragement of employee carpooling.

Construction emissions would result in temporary increases (a total of 21 months) of GHG emissions but these increases would not interfere with the implementation the City of San José 2030 GHGRS. Operational emissions are expected to result in a net decrease in GHG emissions when compared to the baseline conditions. As discussed below, the Project would not conflict with the City of San José 2030 GHGRS. Therefore, Project impact is determined to be less than significant.

GHG-2 ***Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

Less Than Significant

Statewide Emissions Reduction Targets

The 2022 Scoping Plan Update has priority GHG reduction strategies that are the focus for the state to achieve its statewide emission reduction targets. The three main priorities areas are "Transportation Electrification", "VMT Reduction", and "Building Decarbonization". These measures represent the core strategies that local jurisdictions in California can implement to reduce GHGs in alignment with State goals.

The Project will serve the needs of consumers in California and provide an effective and efficient means to shop at the warehouse while doing other shopping and dining in the Westgate West shopping mall. The Project's emissions sources are regulated (and are foreseeably expected to continue to be regulated in the future) in furtherance of the State's environmental policy objectives and the Project will continue to meet those regulations to continually improve and reduce GHG emissions. Costco has a focus on sustainability, with specific measures being implemented to manage energy use across its warehouses. Costco's warehouse designs are consistent with the requirements of Leadership in Energy and Environmental Design, an internationally accepted benchmark for green building design and construction. Costco continues to improve the design and construction of its buildings, as technological advancements in these areas and building materials improve. Improved engineering and design has resulted in the use of less materials, such as columns and I-beams, while providing more strength. Costco prefers full metal buildings in order to use the maximum amount of recycled material.

As shown in the Greenhouse Gas Emissions Assessment (Appendix F), the Project would be consistent with applicable California Scoping Plan strategies for the reduction of GHG emissions. Consistency with the 2022 CARB Scoping Plan is not required for compliance and the analysis provided in Appendix F is discussed for informational purposes.

Metropolitan Transportation Commission/Association of Bay Area Governments (MTC/ABAG)

The Project will be consistent with the state's GHG reduction goals and strategies as discussed in the MTC/ABAG's Plan Bay Area 2050[64] (the current RTP/SCS for the region), which contains four elements:

1. Housing Element– key implementation actions include providing financial resources and technical assistance through the Regional Housing Technical Assistance and Priority Development Area planning programs;
2. Economy Element – new workforce actions aimed at supporting the plan's ambitious transportation, housing, and resilience infrastructure goals as well as enhanced collaboration on regional and megaregional economic needs with labor, business, and education partners, among others, moving forward;
3. Transportation Element – implementing the recommendations of the Blue Ribbon Transit Recovery Task Force, the Fare Coordination and Integration Study, and the Regional Active Transportation Plan; and

[64]MTC/ABAG. Plan Bay Area 2050. Available at: https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf. Accessed: May 2022.

4. Environment Element - evaluating and establishing clear roles and responsibilities for sea level rise adaptation planning, funding, and implementation, in collaboration with key partners.

The RTP is based on an analysis that considers the entire nine-county San Francisco Bay Area and includes all projects involving changes in regional growth and land use in Santa Clara County, as well as the countywide vehicle traffic projections. Cumulative GHG emissions analyzed in the RTP were compared to regional GHG thresholds and analyzed under statewide plans and regulations. The RTP achieves GHG emissions reduction targets from mobile sources from 2005 levels by implementing a mix of commute trip reduction strategies, transportation demand management, and clean vehicle initiatives.

As shown in the Greenhouse Gas Emissions Assessment (Appendix F), the Project would be consistent with applicable MTC/AMBAG Regional Transportation Plan/Sustainable Communities Strategy for the reduction of GHG emissions. Consistency with the applicable strategies is not required for compliance and the analysis provided in Appendix F is discussed for informational purposes.

City of San José GHG Reduction Strategy

The Project's consistency with BAAQMD guidance was evaluated with respect to Threshold B, which requires projects to be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b). The 2030 San José GHGRS isa local GHG reduction strategy that fulfills these criteria. The City of San José's 2030 GHG Reduction Strategy contains a Compliance Checklist with actions for individual development projects. Individual projects are tasked with reviewing the GHG Reduction Strategy Compliance Checklist to assess the Project.

Proposed development projects that are consistent with the GHG Reduction Strategy as determined through the use of the Compliance Checklist may rely on the GHG Reduction Strategy for the impacts analysis of GHG emissions.

As shown in the GHG Compliance Checklist in Appendix F, the Project is consistent with the City of San José's GHG Reduction Strategy.

Summary

The Project will not conflict with the MTC/ABAG's RTP/SCS or statewide emission reduction targets and is consistent with the City of San José's GHG Reduction Strategy. Therefore, the Project's GHG emissions will be less than significant.

3.9 HAZARDS AND HAZARDOUS MATERIALS

A Phase I Environmental Site Assessment (Phase I ESA) (Kleinfelder, 2021a) and a Phase II Environmental Site Assessment (Phase II ESA)(Kleinfelder, 2021b) were prepared to address potential impacts concerning hazards and hazardous Materials associated with Project implementation. Subsequent to the Phase II ESA, Converse Consultants prepared a Vapor Intrusion Assessment Report (VIAR) (Converse, 2022) and a recommendation of No Further Environmental Action letter (Converse, 2022 & 2023). Kleinfelder provided a Response to Converse Consultants Updated Recommendation Letter (Kleinfelder, 2023) and Converse updated the letter (Converse, 2022 & 2023). The following discussion is based on the Phase I, Phase II, VIAR, and Converse and Kleinfelder letters. The full reports and letters are included as Appendix G1, G1a, G1b, G1c, G2, G3, G4 and G5 of this EIR.

ENVIRONMENTAL SETTING

The Project site is located within an urban area and is predominantly surrounded by commercial uses. Based on a review of historic aerial imagery, the Project site was primarily occupied by orchards and agricultural structures from 1939 to 1968. By 1968, the eastern portion of the Site was developed with the existing commercial building. By 1974, the western portion of the Site was developed with the existing commercial structure. These structures were expanded to the existing configuration by 1998. Tenants of the Project site have included Builders Emporium (circa 1973-1986) and Orchard Supply Hardware (OSH) (circa 1991-2018) in the western commercial building; Firestone (circa 1977-1985) and Midas Muffler (circa 1985-2012) in the southwest portion of the eastern commercial building; Payless Drugs (1966-1991), Longs Drugs (circa 1992-2009), Albertsons (circa 1968), CVS (circa 2009-2011), Ethan Allen (circa 1991-2023), and Smart and Final (circa 2000-present) in the eastern portion of the eastern commercial building.

The Project site vicinity was similarly used for agricultural purposes from 1939 to 1963. By 1963, the road north of the Project site was paved and the properties further to north were developed with residential buildings. By 1998, the Project vicinity was developed and has been in its current layout since 2016.

ONSITE SOURCES OF CONTAMINATION

Kleinfelder Phase I Environmental Site Assessment (July 2021)

A Phase I ESA was conducted for the Project site in July 2021. The Phase I ESA found the previous Midas Muffler use on the Project site to be both a historical recognized environmental condition (HREC) and a recognized environmental condition (REC). No other HRECs or RECs were found on-site but the potential for residual pesticide and total petroleum hydrocarbons (TPH) concentrations in soil excavated for construction was recognized. The Phase I ESA recommended that a Phase II ESA be conducted at the former Midas facility to assess the presence of volatile organic vapors in the subsurface and a soil management plan be prepared prior to construction activities due to the documented presence of residual pesticide from agricultural use and TPH concentrations at the former Midas facility.

2019 SOIL SCREENING REPORTS SUMMARY

As cited in the Phase I ESA, prior to the investigation of the Project, three soil screening reports were conducted by Converse Consultants to evaluate the presence of Organochlorine Pesticides (OCPs) and metals in the site's soil; see Appendix G1a, G1b, and G1c. The reports concluded that the concentration

of OCPs and the maximum concentration of all detected metals are less than their respective health-risk based DTSC and/or EPA screening levels. All reported metals and OCP concentrations are also less than their respective hazardous waste disposal threshold values.

Kleinfelder Phase II Environmental Site Assessment (December 2021)

Based on recommendations from the Phase I ESA, a Phase II ESA was completed for the Project site in December 2021. The Phase II ESA found that TPH and volatile organic compounds (VOCs) were present in sampled soil at concentrations below regulatory agency-issued human health risk-based screening levels for the respective analytes. Other than arsenic, metals results for the analyzed soil samples were below regulatory agency-issued human health risk-based screening levels for soil at residential and commercial/industrial properties, and reported arsenic concentrations are thought to represent ambient background. However, reported tetrachloroethylene (PCE) concentrations exceed two of PCE's commercial/industrial soil vapor screening levels. The Phase II ESA found that this suggests vapor intrusion into the existing building (as well as a new building constructed at the location) may be a health concern.

Converse Vapor Intrusion Assessment Report (June 2022)

Since the Phase II ESA identified PCE concentrations in excess of commercial environmental screening levels (ESLs) within the Project site, a VIAR was prepared to evaluate the health risk to Project occupants from vapor intrusion. The VIAR found that nine VOCs were detected in soil vapor samples and considered to be chemicals of concern (COCs). Of these COCs, only two (benzene and chloroform) were reported at concentrations exceeding the residential ESL, but not the commercial ESL. However, after accounting for benzene and chloroform concentrations present in the ambient air, the VIAR concluded that the levels of these compounds that may be resulting from vapor intrusion are less than their residential and commercial ESL values. Neither PCE or TCE were reported in any of the indoor or outdoor air samples. The VIAR concluded that neither the VOC previously reported to be of concern (PCE) nor benzene or chloroform appear to be impacting the indoor air and do not pose a significant risk to the health of future Project occupants.

Converse Recommendation of No Further Environmental Action Letter (September 2022, updated January 2023)

This letter was prepared to summarize hazards report findings for the Project site to date and present the findings of a January 2023 sampling event. The January 2023 sampling event detected TCE in one outdoor air sample, but none of the indoor air samples, and PCE was detected in one outdoor and two indoor air samples. However, all detected PCE and TCE concentrations were less than their respective residential and commercial ESL. Accordingly, the letter concluded that VOCs previously reported in the soil vapor beneath the Project site do not pose a significant vapor intrusion risk to the health of current or future Project occupants.[65] Moreover, the letter stated that the PCE and TCE findings are considered to be representative of a worst-case exposure scenario for vapor intrusion due to the minimal ventilation of the vacant buildings, and core holes in the slab of the Midas building that might be presenting major pathways. It is assumed that the potential for impacts from vapor intrusion in a future new occupied

[65] In February 2023, Kleinfelder conducted a formal review of the Converse Recommendation of No Further Environmental Action Letter and confirmed that the Converse letter correctly characterized PCE and TCE levels present in Converse's May 2022 and January 2023 air samplings.

building will be lower, as it is anticipated to be ventilated and to have a less porous slab.

OFF-SITE SOURCES OF CONTAMINATION

Three off-site facilities were analyzed by the Phase I ESA for potential impacts to the Project site though none were found to be RECs. West Valley Cleaners, Youmis Alteration & Cleaners, and Westgate classic carwash located at 5211 Prospect Road, 18478 Prospect Road, and 18560 Prospect Road respectively were the facilities analyzed but found not to be RECs with potential impact the Project site.

AIRPORTS

The Norman Y. Mineta San José International Airport is located approximately six miles northeast 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. The maximum allowable height above ground for the Project site is 65 feet per the City of San José Municipal Code zoning district requirements. The proposed Costco building would be within the allowable height and FAA notification would not be required.

WILDLAND FIRE HAZARDS

The Project site is not located within a Very-High Fire Hazard Severity Zone designated by the California Department of Forestry and Fire Protection (CAL FIRE) (CAL FIRE, 2008 and CAL FIRE, 2007)

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.

REGULATORY FRAMEWORK

FEDERAL AND STATE OF CALIFORNIA

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 (CalEPA) 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 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

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

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) is a framework established by the EPA for the management of hazardous waste materials including generation, transportation, treatment, storage, and disposal. Any facility associated with hazardous material is required to follow the applicable regulations.

CITY OF SAN JOSÉ

City of San José General Plan

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

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-7.3: Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.

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

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a hazards impact is considered significant if the Project would:

1. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
2. 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?
3. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
4. 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?
5. 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?
6. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
7. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

HAZ-1	***Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***
	Less Than Significant

The Project requires the demolition of existing buildings. Though no asbestos is known to occur within the existing buildings, there is a potential for asbestos to be present due to the age of the building. All materials and substances would be subject to applicable health and safety requirements. Implementation of the Standard Permit Conditions listed below 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.

Operation of the proposed Costco building would include use of limited hazardous materials and substances such as cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. These materials would be used and stored in small quantities, similar to other businesses nearby and would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses.

The Costco building may include a pharmacy and lab and/or a hearing center. These uses could generate limited quantities of medical and hazardous waste. Per coordination with the Santa Clara County Department of Environmental Health:

Sites that generate medical and/or hazardous waste within our jurisdiction (such as Hospitals, Medical, Dental and Veterinarian, Acupuncture Offices, Clinics, and Laboratories) are required to obtain a permit by the Department of Environmental Health (DEH) in accordance with the Medical Waste Management Act and County Ordinance Code. The permit is required in order for DEH to oversee the proper regulatory management and disposal of medical waste and hazardous waste.[66]

With. adherence to the conditions of the required permit and compliance with County ordinances regarding the disposal of medical and hazardous waste, the Project would not create a significant hazard to the public through routine transport, use or disposal of hazardous materials.

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.

[66] Email communication with Santa Clara County's Department of Environmental Health, 2022; County of Santa Clara Ordinance Code No. NS-517.72, § 2, 4-15-03, 2023.

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.

HAZ-2	***Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous) materials into the environment?***
	Less Than Significant with Mitigation

The Project requires the demolition of existing buildings. All materials and substances would be subject to applicable health and safety requirements. Implementation of the Standard Permit Conditions included in discussion HAZ-1 above during demolition and removal of building materials would ensure that the potentially significant impact from reasonably foreseeable upset and accident conditions during removal of materials containing ACMs or LBP would be less than significant.

The Project site was historically used for agriculture, providing the potential for residual organochlorine pesticides or pesticide-based metals arsenic and lead present within the soils on-site. Contaminated soil would pose minimal risk during Project operation but soil excavation and removal could pose a risk to Project construction workers. However, as previously mentioned, waste disposal and hazardous material soil screening reports conducted before the Project proposal conclude that the concentration of OCPs and the maximum concentration of all detected metals are less than their respective health-risk based DTSC and/or EPA screening levels, are less than their respective hazardous waste disposal threshold values, and have no significant impact from pesticides or metals on the property for the proposed Project.

Operation of the Project is not anticipated to result in a release of hazardous materials into the environment. The proposed Costco building would be expected to use limited hazardous materials and

substances such as cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. As discussed above, the pharmacy and lab, hearing center, and tire center use associated with the Costco building may use or generate limited hazardous materials and substances. However, all materials and substances would be subject to applicable health and safety requirements. Therefore, impacts from reasonably foreseeable upset and accident conditions resulting in release of hazardous material into the environment would be less than significant.

HAZ-3	***Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***
	Less Than Significant

The closest school, Prospect High School, is located approximately 1,000 feet southwest of the Project site across the intersection of the Lawrence Expressway and Prospect Road at 18900 Prospect Road. As discussed above under thresholds HAZ-1 and HAZ-2, compliance with standard permit conditions would ensure that the handling of building materials and soils that may contain hazardous waste during construction would have a less than significant impact. The Project is a commercial retail use and could include routine transport of limited hazardous materials and substances such as cleaners, paints, solvents, and fertilizers and pesticides as well as hazardous material associated with the medical, and tire service proposed. The Project would not include manufacturing or other industrial land uses that would generate hazardous emissions. Transport of hazardous materials within the Project area would be regulated by the RCRA. Therefore, although the Project is within a quarter mile of a school, the nature of Project construction and operation would not result in the emission or handling of hazardous or acutely hazardous materials, substances, or waste in a manner that could impact schools in the Project area. Thus, impacts would be less than significant.

HAZ-4	***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?***
	Less than Significant with Mitigation

There are sites included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 located within the Project site. The Phase I ESA prepared for the Project identified three on-site sources of contamination from listed hazardous materials sites; Midas Muffler, Dean's Goodyear, and Holiday Cleaners. Both the Midas Muffler and Dean's Goodyear contamination sources are considered closed cases by the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) while remediation of the Holiday Cleaners site is on-going as of publication of this EIR.[67] The Phase I ESA found that contamination from Dean's Goodyear or Holiday Cleaners does not pose a risk to the public or Project occupants as a result of the Project. Further, for the open Holiday Cleaners case, no impact is expected for the site's active Soil Vapor Extraction wells, relative to site demolition. Affected soil vapor probes would be properly abandoned prior to beginning demolition activities and subsequently reinstalled under

[67] GeoTracker Case ID T10000010345, Holiday Cleaners, is active as of 3/21/2019.

the direction of the DEH. Since all activities related to the site are contractually required to be reported to the DEH, the DEH would be notified in advance of work done for the Project. The site will continue to comply with all requirements, if any, of the open case prior to the attainment of a No Further Action Letter.

Moreover, the Midas Muffler site was voluntarily enrolled with the DTSC in June of 2023 to evaluate concentrations of volatile organic compounds reported in excess of preliminary screening levels.[68] The case is currently open with DTSC. The site will comply with any potential actions required the DTSC, if applicable, prior to the attainment of a No Further Action Letter. Since the appropriate regulatory agency would ensure the prevention of potential hazardous exposure, there is a less than significant impact of volatile organic compound exposure risk on the Project. In order to ensure compliance with the regulatory oversight, the following Mitigation Measure is incorporated.

IMPACT HAZ-1: Documented concentrations of volatile organic compounds (VOCs) in soil vapor in excess of preliminary San Francisco Bay Regional Water Quality Control Board screening levels could impact future Project occupants.

MM HAZ-1 – Regulatory Oversight

Prior to the issuance of any grading or demolition permits, the project Applicant shall either provide DTSC's No Further Action Letter or, if required by DTSC, prepare a Site Management Plan and Health and Safety Plan or equivalent document to guide activities during demolition, excavation, and initial construction to ensure that potentially contaminated soils are identified, characterized, removed, and disposed of properly.

A copy of either the DTSC's No Further Action letter or the approved Site Management Plan and Health and Safety Plan, if required by DTSC, shall be provided to the Director of Planning, Building, and Code Enforcement or Director's designee and the Environmental Compliance Officer in the City of San José Environmental Services Department prior to the issuance of any grading or demolition permits.

HAZ-5	***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 or public use airport. The nearest public airport to the site is Norman Y. Mineta San José International Airport located approximately six miles northeast. 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, as the proposed structure's maximum height is below the FAR Part

[68] EnviroStor Case ID 60003539, Westgate West – Midas, is active as of 06/20/2023.

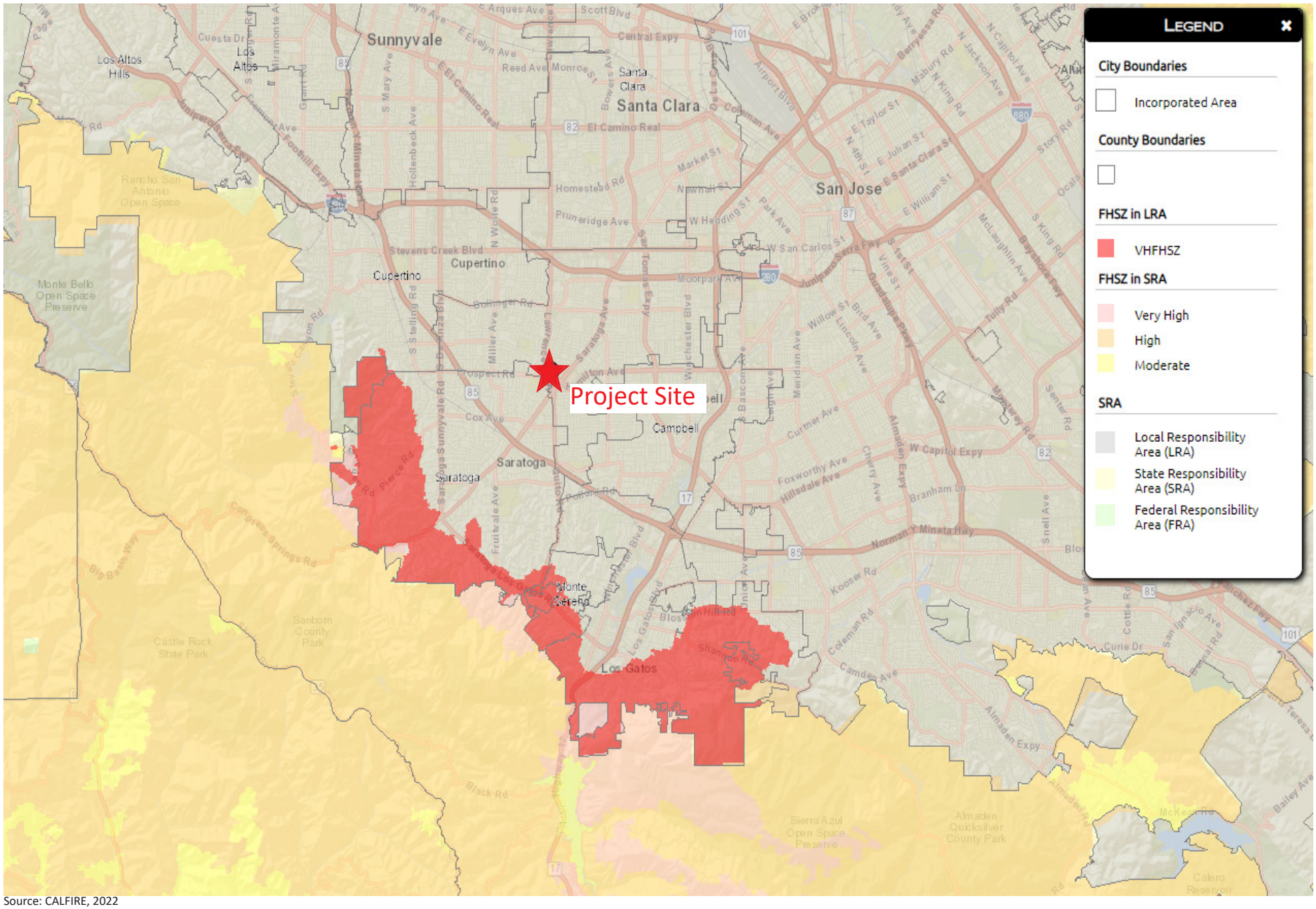
77 notification surface elevation over the site (i.e., approximately 75 feet above ground), the Project does not require FAA airspace safety review. The Project site would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Thus, no impacts would occur.

HAZ-6	***Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***
	No 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 Project. Additionally, primary access to all major roads would be maintained during construction of the Project. During the building permit stage, the Project would be reviewed for conformance with all applicable Fire Code and Building Code requirements, prior to the issuance of any building permits. Thus, there would be no impact.

HAZ-7	***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 and Local Responsibility Areas within the State of California. New developments located in 'Very High' Fire Hazard Severity Zones are required to comply with exterior wildfire design and construction codes as well as vegetation clearance and other wildland fire safety practices for structures. The Project is not located within a Very High Fire Hazard Severity Zone (VHFHSZ), or within a State Responsibility Area (SRA) or a Local Responsibility Area (LRA) (CAL FIRE< 2007, and CAL FIRE, 2008). The Project is also located outside of the Santa Clara County Wildland Urban Interface Fire Area (Santa Clara County, 2009). The nearest VHFHSZ is approximately four miles southeast of the Project site. See Figure 3.9-1: Fire Hazard Severity Zones and Figure 3.9-2: Wildland Urban Interface Area. The Project site is in a developed urban area, is not within a VHFHSZ, and is not within or directly adjacent to a wildland interface area. Therefore, there would be no impact.



Source: CALFIRE, 2022

Figure 3.9-1: Fire Hazard Severity Zones

Westgate West Costco
Draft EIR

Not to scale

Kimley»Horn
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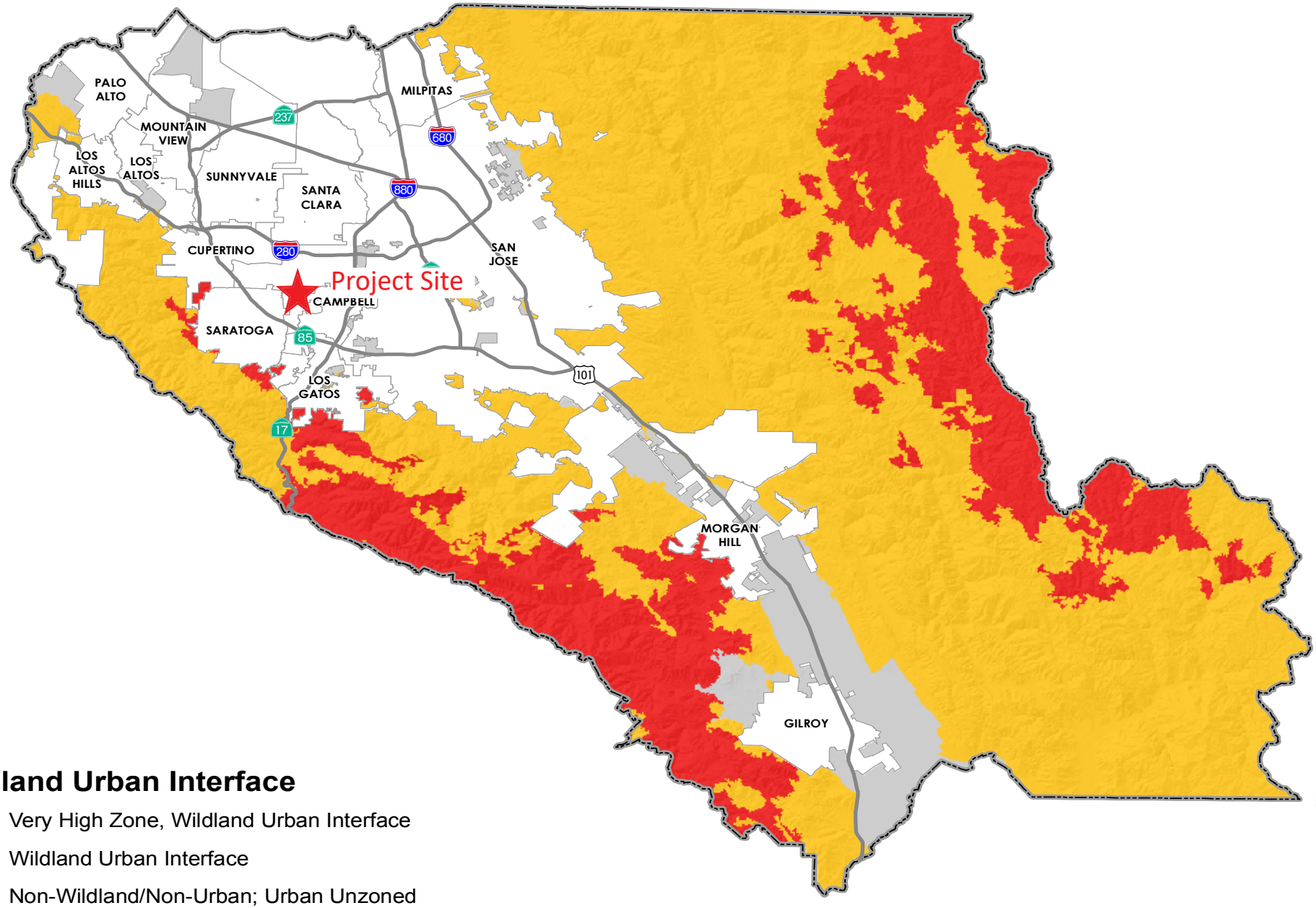

Source: Santa Clara County, 2009

Figure 3.9-2: Wildland Urban Interface Fire Area

Westgate West Costco
Draft EIR

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3.10 HYDROLOGY AND WATER QUALITY

This section describes the potential impacts of the proposed Project related to hydrology and water quality.

ENVIRONMENTAL SETTING

The Project site is located in an urban area with existing connections to the City's water and sewer infrastructure. The Project site is currently approximately 96 percent impervious (515,992 square feet). After development of the Project, the site would be approximately 88 percent impervious (469,508 square feet). The closest waterway to the Project site is Saratoga Creek, which is located approximately 1,500 feet west of the Project site beyond the Lawrence Expressway and residential developments and ultimately flows into the San Francisco Bay. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) classifies the Project site as Zone D - Area of Undetermined Flood Hazard (FEMA, 2022). Zone D is not considered a Special Flood hazard Area (SFHA) but zone susceptibility to inundation by the one percent chance annual flood event is undermined. There are no floodplain requirements for Zone D. The Project site is not located within a dam breach inundation area (DWR, 2022).

REGULATORY FRAMEWORK

Water Quality Regulatory Overview

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.

FEDERAL REGULATIONS

National Flood Insurance Program

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

STATE OF CALIFORNIA

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.

REGIONAL

San Francisco Bay Basin Plan

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

Valley Groundwater Management Plan

The Santa Clara Valley Water District (Valley Water) prepared a Groundwater Management Plan (GMP) for the Santa Clara and Llagas subbasins in 2021, describing its comprehensive groundwater management framework including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how Valley Water will ensure groundwater basins within its jurisdiction are managed sustainably. The Santa Clara subbasin has not been identified as a groundwater basin in a state of overdraft.

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

The SFBRWQCB has also 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 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.

CITY OF SAN JOSÉ

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.

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.

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.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a hydrology and water quality impact is considered significant if the Project would:

1. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
2. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede groundwater management of the basin;

3. 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:
    a. Result in substantial erosion or siltation on- or off-site;
    b. Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
    c. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
    d. Impede or redirect flood flows
4. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
5. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

HYDRO-1	***Would the proposed Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***
	Less than Significant Impact

Construction

Construction of the Project, including grading and excavation activities, may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system. Construction of the Project would require compliance with the City's standard permit conditions to prevent stormwater pollution and minimize potential sedimentation during construction.

Standard Permit Conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.

- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The Project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Implementation of these standard permit conditions would prevent stormwater pollution and minimize potential sedimentation during construction. Thus, impacts would be less than significant.

Operation

The Project must comply with the C.3 Provision "New Development and Redevelopment" of the 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 MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

Stormwater runoff from the developed Project would drain into the on-site treatment areas prior to entering the storm drainage system. The on-site treatment facilities include unlined bioretention basins that would be numerically sized and required, as a condition of Project approval, to have sufficient capacity to treat the Costco building's and all parking lots' runoff entering the storm drainage system, consistent with the NPDES requirements.

The General Plan EIR, as amended, 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 SFBRWQCB requirements and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Therefore, impacts would be less than significant.

HYDRO-2	***Would the proposed Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede groundwater management of the basin?***
	No Impact

The Project site is currently supplied water by the San José Water Company. The 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 sustainable groundwater management.

The Project site is located within the Santa Clara Groundwater Subbasin 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 not located within a designated natural or facility groundwater recharge area. However, the Project would result in a decrease of approximately 46,484 square feet of impervious surface area on-site.

This decrease is due to reduced building size and additional landscaping being installed on-site by the Project. This would increase the pervious surface area through which rainfall could percolate into the ground on-site. Thus, the Project would not obstruct groundwater recharge as compared to the current conditions on-site and there would be no impact.

HYDRO-3A	***Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?***
	Less than Significant Impact

The Project site neither contains nor is located adjacent to a waterway. The nearest waterway is Saratoga Creek located 1,500 feet to the west of the Project site. The Lawrence Expressway and existing residences are located between the Project site and Saratoga Creek. Thus, the Project would not alter the course of a stream or river.

Construction of the Project, including grading and excavation activities, would disturb soils on site temporarily increasing the potential for soil erosion and siltation. However, as discussed in HYDRO-1, the implementation of Standard Permit Conditions would reduce the risk of erosion and siltation during construction. Once Project construction is complete, soil disturbance and the potential for erosion and siltation would be minimized and the total amount of impervious surface on the Project site would be reduced. Therefore, impacts would be less than significant.

HYDRO-3B	***Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?***
	No Impact

The Project would reduce the amount of impervious surface area on site by approximately eight percent. This decrease would allow for more on-site water percolation than the current amount of impervious surface. Thus, the amount of runoff from the Project site and the potential for flooding on and off-site would be reduced. Additionally, the Project is required to comply with the C.3 Provision of the MRP. Compliance with the C.3 Provision requires that the Project treat runoff from the site using LID controls; see the discussion for HYDRO-3C for proposed LID control measures. Therefore, there would be no impact.

HYDRO-3C	***Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would 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

The Project would reduce the amount of impervious surface area on-site, so runoff from the Project site would not be increased. Additionally, 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. Specifically, the Project would utilize bioretention basins in landscape areas to treat runoff from sidewalks, roofs, and drive aisles, two-self treating areas as defined by Section 4.1 of the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) Handbook, and tree planting within 25 feet of impervious surfaces. 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. Compliance with the C.3 Provision of the MRP would ensure that the Project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts would be less than significant.

HYDRO-3D ***Would the proposed Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?***

No Impact

The Project site is neither located within a SFHA nor would it impact a stream or river that could convey flood flows. The FEMA FIRM classifies the Project site as Zone D - Area of Undetermined Flood Hazard (FEMA, 2022). Zone D is not considered a SFHA but zone susceptibility to inundation by the one percent chance annual flood event is undermined. There are no floodplain requirements for Zone D. The nearest waterbody to the Project site is Saratoga Creek located approximately 1,500 feet west of the Project site beyond the Lawrence Expressway and residential developments. Therefore, the Project would not impede or redirect flood flows. There would be no impact.

HYDRO-4 ***Would the proposed Project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?***

No Impact

The Project site is not located within a SFHA. The Project site is located outside of the tsunami inundation area mapped by the Association of Bay Area Governments (MTC/ABAG, 2022). 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. Therefore, since the Project site is unlikely to be inundated, the risk of pollutant release is minimal and there would be no impact.

HYDRO-5 ***Would the proposed Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

No Impact

The Project would comply with the City's Post-Construction Urban Runoff Policy 6-29, the MRP, and the CGP; therefore, implementation of the Project would not conflict with or obstruct implementation of a water quality control plan. The Project site is located within a groundwater recharge area for the Santa Clara Subbasin (Valley Water, 2021). However, the Project would decrease the amount of pervious surface area on the Project site, allowing for increased groundwater recharge. Thus, the Project would not conflict or obstruct implementation of a groundwater management plan. There would be no impacts.

3.11 LAND USE AND PLANNING

This section describes the potential impacts of the proposed Project related to Land Use and Planning related risks.

ENVIRONMENTAL SETTING

The 19.8-acre Project site is currently developed with a shopping center comprised of nine buildings totaling 251,519 square feet and associated surface parking lots and landscaping. Existing commercial uses on-site consist of retail and a restaurant. The Project site is bordered by Graves Avenue to the north, the Westgate Shopping Center and West Valley Professional Center to the east, Prospect Road to the south, and the Lawrence Expressway to the west. Residential uses are located north of the project site, across Graves Avenue. Commercial uses are located immediately east of the Project site, with residential uses further east, beyond the Westgate Shopping Center. Commercial uses are also located south of the Project site across Prospect Road. Residential uses are located west of the Project site, across the Lawrence Expressway. The Saratoga Creek Dog Park is located north of the Project site, Prospect High school is located southwest. Surface parking stalls are located throughout the site. Surrounding uses are a mix of residential neighborhoods, mixed use neighborhood, Neighborhood/Community Commercial, and Regional Commercial.

EXISTING LAND USE DESIGNATION AND ZONING

The Project site is designated as Neighborhood/Community Commercial (NCC) by the General Plan and is located within the City of San José West Valley Planning area. The NCC land use designation is intended for neighborhood serving retail that have a strong connection to provide services and amenities for the nearby community.

The Project site is zoned as Commercial General (CG) which allows for commercial and retail uses including larger commercial centers and regional malls.

REGULATORY FRAMEWORK

FEDERAL AND STATE OF CALIFORNIA

No federal or State plans, policies, regulations, or laws related to land use are applicable to the Project.

REGIONAL

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, USFWS, and CDFW. The SCVHCP is intended to promote the recovery of endangered species and enhance ecological diversity and function, while accommodating planned growth in approximately 500,000 acres of southern Santa Clara County. The Project site is located within the boundaries of the SCVHCP and is designated Urban- Suburban which comprises of areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures.

CITY OF SAN JOSÉ

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).

City of San José Citywide Design Standards and Guidelines

The Design Standards and Guidelines work in conjunction with other City documents and regulations to ensure that buildings throughout San José have a high-quality design and are appropriate for their site, function, and neighborhood. The Design Standards and Guidelines are intended to facilitate growth, set expectations for high-quality site and building design, and maintain and enhance the character of neighborhoods and communities. Compliance with the Design Standards and Guidelines will be mandatory in the Design Review process for all applicable developments.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a land use and planning impact is considered significant if the Project would:

1. Physically divide an established community; or
2. 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.

LU&P-1 ***Would the proposed Project physically divide an established community?***

Less Than Significant Impact

The Project site is located in an urban area within an existing commercial center with a mix of surrounding commercial and residential uses. The project area has historically been zoned for commercial use south of Graves Avenue and zoned for residential use north of Graves Avenue. The Project site is generally surrounded by commercial uses to the east and south and residential uses to the north and west. The Project would be in an urban area with similar surrounding land uses and would be consistent with the mix of existing and surrounding uses. As the Project is located within an existing commercial center the proposed development would not divide an established community.

The proposed Project would construct one new wholesale warehouse retail center ("Costco building") and associated rooftop and surface parking within an existing shopping center. The project would be consistent with the General Plan land use designation and commercial zoning district of the Project site. Further, the Project would comply with all applicable City policies, actions, and ordinances and would be consistent with goals and policies in the City's General Plan. The proposed building would not result in the physical division of the established community. Therefore, the proposed Project would have a less than significant impact.

LU&P-2 ***Would the proposed Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

Less Than Significant Impact

The City's General Plan land use designation for the Project site is Neighborhood/Community Commercial (NCC). The NCC land use designation allows for a FAR range of up to 3.5, an allowed max height of 120 feet, and up to five stories. Consistent with the NCC designation, the Project would have an FAR of 0.4 and a maximum height of 40 feet.

The Project site is in the General Commercial (CG) Zoning District. The City's Development Standards for the CG Zoning District apply to the proposed Project site. The zoning district requires a minimum front setback of 15 feet, and a maximum building height of 65 feet. Consistent with the CG development standards, the Project is located on a 19.8-acre site with appropriate street setbacks and maximum building height of approximately 40 feet. The proposed Project would meet setback requirements for the CG Zoning District that require a front building and parking and circulation setback of 15 feet; corner lot side setback of 12.5 feet, side interior setback of zero feet from automobile parking and driveways, and a rear setback of zero feet.

The City of San José Citywide Guidelines and Standards includes requirements for development. The Project is designed in compliance with the applicable guidelines and standards with the exception of Standard 2.3.1. Standard 2.3.1 requires, "at least 75 percent of the ground floor primary street-, paseo-, or public open space- facing (except riparian corridor) façades of buildings with the primary commercial or residential use within five feet of the setback or easement line (whichever is more restrictive)". The Project is requesting an exemption from this standard for the following reasons:

1. There is a physical constraint or unique situation that is not created by the project applicant or property owner.
2. The physical constraints and unique circumstances described above are not caused by financial or economic considerations.
3. Approving the exemption will not create a safety hazard or impair the integrity and character of the neighborhood in which the subject property is located.
4. The proposed project meets the intent of design standard under consideration to the extent feasible.

The key is that the Project would not create a safety hazard. Rather, the Project design that requires the exemption places the loading and other back-of-house activities in an area that is also utilized by existing commercial/retail uses, is away from residential uses, and is not in proximity of heavy pedestrian or vehicle traffic. This area is also buffered from the residential areas to the north by the building itself. Though the Project is requesting an exemption, the Project would not result in significant impacts as a result of the building placement off the Lawrence Expressway frontage.

The proposed Project would satisfy minimum parking requirements for the CG Zoning District for the Costco. Specifically, the Project provides a total of 687 automobile spaces for Costco use (306 surface parking stalls and 381 rooftop parking stalls) which is more than the City's minimum requirement of 1 parking stall per 200 square feet. Additionally, eighteen (18) of these parking stalls would be ADA accessible and ten (10) bicycle parking stalls would be constructed. The proposed Project would also include parking lot reconfiguration to improve circulation within the shopping center. This would result in

the Westgate West Shopping Center having a total of 1,311 parking spaces, 687 of which would be Costco building parking stalls and 624 of which would be Westgate West Shopping Center parking stalls.

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. The Project would adhere to the applicable conditions of the SCVHP, such as payment of the Nitrogen Deposition Fee, as described in Section 3.4 Biological Resources under the discussion of impact threshold BIO-6. As such, the proposed Project would comply with the General Plan land use designation, Zoning District, and SCVHP. Impacts would be less than significant.

3.12 MINERAL RESOURCES

This section describes the potential impacts of the proposed Project related to mineral resources and mineral resources-related risks.

ENVIRONMENTAL 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.

REGULATORY FRAMEWORK

FEDERAL REGULATIONS

No federal plans, policies, regulations, or laws related to mineral resources are applicable to the proposed Project.

STATE OF CALIFORNIA

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.

CITY OF SAN JOSÉ

No local plans, policies, regulations, or laws related to mineral resources are applicable to the proposed Project.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a mineral resources impact is considered significant if the Project would:

1. 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; or,
2. 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.

MIN-1	***Would the proposed Project, result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state??***
	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 7.5 miles west 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.

MIN-2	***Would the proposed Project, result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?***
	No Impact

The Project site is not located in an area that has been identified by the City of San José 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.

3.13 NOISE AND VIBRATION

The noise and vibration evaluation is based upon an Acoustical Assessment prepared by Kimley-Horn in June 2023. A copy of this report is attached in Appendix H of this EIR.

ACOUSTIC FUNDAMENTALS

SOUND AND ENVIRONMENTAL NOISE

Acoustics is the science of sound. Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a medium (e.g., air) to human (or animal) ear. If the pressure variations occur frequently enough (at least 20 times per second), they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound and is expressed as cycles per second, or hertz (Hz).

Noise is defined as loud, unexpected, or annoying sound. The fundamental acoustics model consists of a noise source, receptor, and the propagation path between the two. The loudness of the noise source, obstructions, or atmospheric factors affecting the propagation path, determine the perceived sound level and noise characteristics at the receptor. Acoustics deal primarily with the propagation and control of sound. A typical noise environment consists of ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this ambient noise is the sound from individual local sources. These sources can vary from an occasional aircraft or train passing by to continuous noise from traffic on a major highway. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a large range of numbers. To avoid this, the decibel (dB) scale was devised. The dB scale uses the hearing threshold of 20 micropascals (µPa) as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The dB scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels correspond closely to human perception of relative loudness. Table 3.13-1: Typical Noise Levels provides typical noise levels.

Noise Descriptors

The dB scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Several rating scales have been developed to analyze the adverse effect of community noise on people. Because environmental noise fluctuates over time, these scales consider that the effect of noise on people is largely dependent on the total acoustical energy content of the noise, as well as the time of day when the noise occurs. The equivalent noise level (L_{eq}) is the average noise level averaged over the measurement period, while the day-night noise level (DNL) and Community Equivalent Noise Level (CNEL) are measures of energy average during a 24-hour period, with dB weighted sound levels from 7:00 p.m. to 7:00 a.m. Most commonly, environmental sounds are described in terms of L_{eq} that has the same acoustical energy as the summation of all the time-varying events. Each is applicable to this analysis and defined in Table 3.13-2: Definition of Acoustical Terms.

Table 3.13-1: Typical Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	– 110 –	Rock Band
Jet fly-over at 1,000 feet		
	– 100 –	
Gas lawnmower at 3 feet		
	– 90 –	
Diesel truck at 50 feet at 50 miles per hour		Food blender at 3 feet
	– 80 –	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawnmower, 100 feet	– 70 –	Vacuum cleaner at 10 feet
Commercial area		Normal Speech at 3 feet
Heavy traffic at 300 feet	– 60 –	
		Large business office
Quiet urban daytime	– 50 –	Dishwasher in next room
Quiet urban nighttime	– 40 –	Theater, large conference room (background)
Quiet suburban nighttime		
	– 30 –	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	– 20 –	
		Broadcast/recording studio
	– 10 –	
Lowest threshold of human hearing	– 0 –	Lowest threshold of human hearing

Source: California Department of Transportation, *Technical Noise Supplement to the Traffic Noise Analysis Protocol*, September 2013.

Table 3.13-2: Definition of Acoustical Terms

Term	Definitions
Decibel (dB)	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in µPa (or 20 micronewtons per square meter), where 1 pascals is the pressure resulting from a force of 1 newton exerted over an area of 1 square meter. The sound pressure level is expressed in dB as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e.g., 20 µPa). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency (Hz)	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level (dBA)	The sound pressure level in dB as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level (L_{eq})	The average acoustic energy content of noise for a stated period of time. Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure. For evaluating community impacts, this rating scale does not vary, regardless of whether the noise occurs during the day or the night.
Maximum Noise Level (L_{max}) Minimum Noise Level (L_{min})	The maximum and minimum dBA during the measurement period.

Term	Definitions
Exceeded Noise Levels (L_{01}, L_{10}, L_{50}, L_{90})	The dBA values that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day-Night Noise Level (DNL)	A 24-hour average L_{eq} 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 at nighttime. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.4 dBA DNL.
Community Noise Equivalent Level (CNEL)	A 24-hour average L_{eq} with a 5 dBA weighting during the hours of 7:00 a.m. to 10:00 a.m. and 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. The logarithmic effect of these additions is that a 60 dBA 24-hour L_{eq} would result in a measurement of 66.7 dBA CNEL.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends on its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

A-Weighted Decibels

The A-weighted decibel (dBA) sound level scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be used. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends on the distance between the receptor and the noise source.

The perceived loudness of sounds is dependent on many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable and can be approximated by dBA values. There is a strong correlation between dBA and the way the human ear perceives sound. For this reason, the dBA has become the standard tool of environmental noise assessment. All noise levels reported in this document are in terms of dBA, but are expressed as dB, unless otherwise noted.

Addition of Decibels

The dB scale is logarithmic, not linear, and therefore sound levels cannot be added or subtracted through ordinary arithmetic. Two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic dB is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound and twice as loud as a 60-dBA sound. When two identical sources are each producing sound of the same loudness, the resulting sound level at a given distance would be 3 dBA higher than one source under the same conditions. Under the dB scale, three sources of equal loudness together would produce an increase of 5 dBA.

Sound Propagation and Attenuation

Sound spreads (propagates uniformly outward in a spherical pattern, and the sound level decreases (attenuates) at a rate of approximately 6 dB for each doubling of distance from a stationary or point source. Sound from a line source, such as a highway, propagates outward in a cylindrical pattern. Sound levels attenuate at a rate of approximately 3 dB for each doubling of distance from a line source, such as a roadway, depending on ground surface characteristics. No excess attenuation is assumed for hard surfaces like a parking lot or a body of water. Soft surfaces, such as soft dirt or grass, can absorb sound, so an excess ground-attenuation value of 1.5 dB per doubling of distance is normally assumed. For line sources, an overall attenuation rate of 3 dB per doubling of distance is assumed.

Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA. The way older homes in California were constructed generally provides a reduction of exterior-to-interior noise levels of about 20 to 25 dBA with closed windows. The exterior-to-interior reduction of newer residential units is generally 30 dBA or more.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks that demand concentration or coordination. Hearing loss can occur at the highest noise intensity levels.

Noise environments and consequences of human activities are usually well represented by median noise levels during the day or night or over a 24-hour period. Environmental noise levels are generally considered low when the CNEL is below 60 dBA, moderate in the 60 to 70 dBA range, and high above 70 dBA. Examples of low daytime levels are isolated, natural settings with noise levels as low as 20 dBA and quiet, suburban, residential streets with noise levels around 40 dBA. Noise levels above 45 dBA at night can disrupt sleep. Examples of moderate-level noise environments are urban residential or semi-commercial areas (typically 55 to 60 dBA) and commercial locations (typically 60 dBA). People may consider louder environments adverse, but most will accept the higher levels associated with noisier urban residential or residential-commercial areas (60 to 75 dBA) or dense urban or industrial areas (65 to 80 dBA). Regarding increases in dBA, the following relationships should be noted:

- Except in carefully controlled laboratory experiments, a 1-dBA change cannot be perceived by humans.
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference.
- A minimum 5-dBA change is required before any noticeable change in community response would be expected. A 5-dBA increase is typically considered substantial.
- A 10-dBA change is subjectively heard as an approximate doubling in loudness and would almost certainly cause an adverse change in community response.

Effects of Noise on People

Hearing Loss. While physical damage to the ear from an intense noise impulse is rare, a degradation of auditory acuity can occur even within a community noise environment. Hearing loss occurs mainly due to chronic exposure to excessive noise but may be due to a single event such as an explosion. Natural hearing loss associated with aging may also be accelerated from chronic exposure to loud noise. The Occupational Safety and Health Administration has a noise exposure standard that is set at the noise threshold where hearing loss may occur from long-term exposures. The maximum allowable level is 90 dBA averaged over 8 hours. If the noise is above 90 dBA, the allowable exposure time is correspondingly shorter.

Annoyance. Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The DNL as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. A noise level of about 55 dBA DNL is the threshold at which a substantial percentage of people begin to report annoyance.[69]

GROUNDBORNE VIBRATION

Sources of groundborne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions). Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. The PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration.

Table 3.13-3: Human Reaction and Damage to Buildings from Vibration, displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in the table should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

Ground vibration can be a concern in instances where buildings shake, and substantial rumblings occur. However, it is unusual for vibration from typical urban sources such as buses and heavy trucks to be perceptible. Common sources for groundborne vibration are planes, trains, and construction activities such as earth-moving which requires the use of heavy-duty earth moving equipment. For the purposes of this analysis, a PPV descriptor with units of inches per second (in/sec) is used to evaluate construction-

[69] Federal Interagency Committee on Noise, *Federal Agency Review of Selected Airport Noise Analysis Issues*, August 1992.

generated vibration for building damage and human complaints.

Table 3.13-3: Human Reaction and Damage to Buildings from Vibration

Maximum PPV (in/sec)	Vibration Annoyance Potential Criteria	Vibration Damage Potential Threshold Criteria	FTA Vibration Damage Criteria
0.008	-	Extremely fragile historic buildings, ruins, ancient monuments	-
0.01	Barely Perceptible	-	-
0.04	Distinctly Perceptible	-	-
0.1	Strongly Perceptible	Fragile buildings	-
0.12	-	-	Buildings extremely susceptible to vibration damage
0.2	-	-	Non-engineered timber and masonry buildings
0.25	-	Historic and some old buildings	-
0.3	-	Older residential structures	Engineered concrete and masonry (no plaster)
0.4	Severe	-	-
0.5	-	New residential structures, Modern industrial/commercial buildings	Reinforced-concrete, steel, or timber (no plaster)

PPV = peak particle velocity; in/sec = inches per second; FTA = Federal Transit Administration

Source: California Department of Transportation, Transportation and Construction Vibration Guidance Manual, 2020 and Federal Transit administration, Transit Noise and vibration Assessment Manual, 2018.

REGULATORY FRAMEWORK

To limit population exposure to physically or psychologically damaging as well as intrusive noise levels, the Federal government, the State of California, various county governments, and most municipalities in the state have established standards and ordinances to control noise.

STATE OF CALIFORNIA

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.

LOCAL

City of José Envision San José 2040 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 3.13-4: Land Use Compatibility Guidelines for Community Noise in San José, highlights five land-use categories and the outdoor noise compatibility guidelines.

Table 3.13-4: Land Use Compatibility Guidelines for Community Noise in San José

Land-Use Category	Exterior Noise Exposure (DNL), in dBA		
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable
Residential, Hotels and Motels, Hospitals, and Residential Care[1]	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	N/A	>55 to 70	>70
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. 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. 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.			
Notes: 1. Noise mitigation to reduce interior noise levels pursuant to Policy EC-1.1 is required.			
Source: City of San José General Plan, 2014.			

The following lists applicable noise goals and targets that apply to the Project obtained from the Envision San José 2040 General Plan:

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 uses. Consider federal, state, and City noise standards and guidelines for land uses in San José include:

Interior Noise Levels

The City's standard for interior noise Levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA Day/Night Average Sound Level (DNL). Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected Envision San José 2040 General Plan traffic volumes to ensure land use compatibility and consistency over the life of this plan.

Exterior Noise Levels

The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses. The acceptable exterior noise level objective is established for the City, except in the environs of the Norman Y. Mineta San José International Airport and the Downtown, as described below:

For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standards for noise from sources other than aircraft and elevated roadway segments.

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 – 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

Section 20.100.450, Hours of Construction Within 500 Feet of a Residential Unit, of the San José Municipal Code (Municipal Code), specifies the following standard exceptions to the provisions of Section 20.100.450. Unless otherwise expressly allowed in a Development Permit or other planning approval, no applicant or agent of an applicant shall suffer or allow any construction activity on a site located within

500 feet of a residential unit before 7:00 a.m. or after 7:00 p.m., Monday through Friday, or at any time on weekends.

Table 3.13-5: City of San José Zoning Ordinance Noise Standards shows the San José standards for maximum noise level at the property.

Table 3.13-5: City of San José Zoning Ordinance Noise Standards

Land Use Types	Maximum Noise Level in Decibels at Property Line
Commercial use adjacent to a property used or zoned for residential purposes	55
Commercial use adjacent to a property used or zoned for commercial or use other than commercial or residential purposes	60
Source: City of San José Municipal Code section 20.40.600.	

City of Saratoga

Because the Project site is adjacent to Prospect High School and commercial uses located within the City of Saratoga (south of Prospect Road), the pertinent noise standards and regulations for the City of Saratoga are provided below and discussed in the analysis below for informational purposes only.

City of Saratoga Municipal Code

Standards established under the Saratoga Municipal Code (SMC) are used to analyze noise impacts originating from the Project. The City's Noise Control Ordinance (Article 7-30) purpose it to maintain or reduce noise levels in the City to avoid exposure to unacceptable or harmful noise generated by equipment and/or amplified sound that is subject to regulation and control by the City; maintain and preserve the quiet residential atmosphere of the City; implement the goals and policies contained in the Noise Element of the City's General Plan by addressing noise transfer between properties; promote land use compatibility by addressing noise exposure from existing and new noise sources; and prohibit noise which disturbs the peace and quiet of a neighborhood or causes discomfort or annoyance to persons of normal sensitivities. Saratoga's noise standards are shown in Table 3.13-6: Saratoga Maximum Permissible Outdoor Noise Levels Generated (dBA).

Table 3.13-6: Saratoga Maximum Permissible Outdoor Noise Levels Generated (dBA)

Land Use	Daytime (7:00 a.m. to 7:00 p.m.)		Evening (7:00 p.m. to 10:00 p.m.)		Nighttime (10:00 p.m. to 7:00 a.m.)	
	Average L_{eq}	Maximum L_{max}	Average L_{eq}	Maximum L_{max}	Average L_{eq}	Maximum L_{max}
Residential (Single and Multi-Family)	55	65	45	55	40	50
Open Space/Parks	60	70	50	55	45	50
Commercial/Office	65	75	60	70	55	60
Public and Quasi-Public Facilities	60	70	55	60	45	50
Source: City of Saratoga Municipal Code Noise Standards (7-30.040)						

Section 7-30.060 (a) limits construction to between the hours of 7:30 a.m. and 6:00 p.m. Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturdays. Section 7-30.060 (a) also prohibits construction noise exceeding 100 dBA at any point twenty-five feet or more from the source of noise. Construction is not allowed on Sundays or weekday holidays unless it is a residential construction that does not require a City permit or which does not exceed 50 percent of the existing main or accessory structure. This

construction is able to occur between 9:00 a.m. and 5:00 p.m. on Sundays and weekday holidays.

Gasoline powered garden tools (leaf blowers and chainsaws) may be utilized between 8:00 a.m. and 5:00 p.m. Monday through Friday and between 10:00 a.m. and 5:00 p.m. on Saturdays (7-30.060(c)). Per 7-30.070 all exhaust fans and mechanical equipment must be enclosed for the purpose of soundproofing.

EXISTING CONDITIONS

EXISTING NOISE SOURCES

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, seven short-term (10-minute) noise measurements and two long-term (24-hour) noise measurements were taken using a Larson Davis SoundExpert LxT Type I integrating sound level meter on May 10 through May 12, 2022; refer to Appendix H for existing noise measurement data and Figure 3.13-1: Noise Measurement Location.

Short-Term measurement 1 (ST-1), ST-2, ST-3, and ST-6 were taken to represent the ambient noise level at residences surrounding the Project site; ST-4 and ST-5 were taken to represent existing noise levels at the Project site; and ST-7 was taken to represent existing noise levels at Prospect High School. Long-Term measurement 1 (LT-1) and LT-2 were taken to represent existing noise levels at the Project site. The primary noise sources during the noise measurements were traffic along Graves Avenue, Saratoga Avenue, the Lawrence Expressway, and stationary noise at commercial operations nearby. Table 3.13-7: Noise Measurements provides the ambient noise levels measured at these locations.

Table 3.13-7: Noise Measurements

Site No.	Location	Daytime L_{eq} (dBA)[1]	Nighttime L_{eq} (dBA)[1]	L_{dn} (dBA)	Time	Duration	Date
ST-1	Adjacent to 1545 Greene Drive	53.1	-	-	1:03 p.m. - 1:13p.m.	10 minutes	5/10/2022
ST-2	Adjacent to 1545 Cameo Drive	59.4	-	-	1:16 p.m. - 1:26 p.m.	10 minutes	5/10/2022
ST-3	Adjacent to 5150 Graves Avenue	60.5	-	-	1:44 p.m. - 1:54 p.m.	10 minutes	5/10/2022
ST-4	Trader Joe's Parking Lot	56.4	-	-	2:01 p.m. to 2:11 p.m.	10 minutes	5/10/2022
ST-5	Taco Bell Parking Lot	60.9	-	-	2:15 p.m. - 2:25 p.m.	10 minutes	5/10/2022
ST-6	Adjacent to 1526 Crespi Drive	52.7	-	-	1:29 p.m. - 1:39 p.m.	10 minutes	5/10/2022
ST-7	Adjacent to Prospect High School	52.4	-	-	1:03 p.m. - 1:13 p.m.	10 minutes	5/10/2022
LT-1	Near the northern boundary of the Project Site, adjacent to Graves Avenue and existing	61.0	55.8	64.0	3:59 p.m. - 4:06 p.m.	24 hours	5/10/2022 - 5/11/2022

Site No.	Location	Daytime L_{eq} (dBA)[1]	Nighttime L_{eq} (dBA)[1]	L_{dn} (dBA)	Time	Duration	Date
	loading docks.						
LT-2	Adjacent to residential uses to the east of the Project Site.	54.3	50.9	58.4	4:50 p.m. - 5:00 p.m.	24 hours	5/11/2022 - 5/12/2022
Notes: 1. Daytime hours are from 7:00 a.m. to 10:00 p.m. and nighttime hours are from 10:00 p.m. to 7:00 a.m.							
Source: Noise Measurements taken by Kimley-Horn on May 10-12, 2022.							

Source: Nearmap, 2022

Figure 3.13-1: Noise Measurement Locations

Westgate West Costco
Draft EIR

Not to scale

Kimley»Horn
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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's Transportation Analysis (Kittleson & Associates, 2023). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by Caltrans. The Caltrans data indicate 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 3.13-8: Existing Traffic Noise.**

Table 3.13-8: Existing Traffic Noise

Roadway Segment	ADT	Noise Level (dBA dDNL)[1]
Prospect Road		
Lyde Dr. to Lawrence Expwy	38,000	69.0
Lawrence Expwy to Project Driveway	30,400	69.3
Project Driveway to Saratoga Ave.	32,900	69.6
Saratoga Ave. to Target Driveway	36,400	70.1
Saratoga Avenue		
Graves Ave. to Prospect Rd.	21,700	68.9
Prospect Rd. to Lawrence Expwy	22,300	69.0
Lawrence Expressway		
Prospect Rd. to Quito Rd.	24,300	71.2
Project Driveway to Prospect Rd.	35,100	72.8
Lassen Ave. to Project Driveway	37,700	73.0
Graves Avenue		
Saratoga Ave. to Lawrence Expwy	2,600	57.0
ADT = average daily trips; dBA = A-weighted decibels; DNL = day-night noise level		
Notes: 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 (Kittelson, 2023). Refer to Appendix H for traffic noise modeling assumptions and results.		

Existing Stationary Noise

The primary sources of stationary noise in the Project vicinity are those associated with the nearby roadways and operations of nearby existing commercial uses 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 3.13-9: Noise-Sensitive Receptors Near Project Site** and **Figure 3.13-2: Sensitive Receptor Locations**, sensitive receptors near the project site include schools, single-family residences, and multifamily residences. Additionally, Prospect High School is located southwest of the Project site. These distances are measured from the Project site to the sensitive receptor property line.

Table 3.13-9: Noise-Sensitive Receptors Near Project Site

Receptor Description	Distance and Direction from the Project Site
Single-family residential community	50 feet north
Single-family residential community	160 feet west
Multifamily residential apartments	380 feet west
Prospect High School	480 feet southwest
Tender Hearts Christian Home Day Care	490 feet west
Multifamily residential community	580 feet east
Villa Fontana Retirement Community	715 feet west
Notes: 1. These distances are from the Project site property line to the sensitive receptor property line.	
Source: Google Earth 2022	

Source: Nearmap, 2022

Figure 3.13-2: Sensitive Receptor Locations

Westgate West Costco
Draft EIR

Not to scale

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IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a noise and/or vibration impact is considered significant if the Project would:

1. Generate 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;
2. Generate excessive groundborne vibration or groundborne noise levels; and
3. 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, expose people residing or working in the project area to excessive noise levels.

EVALUATION METHODOLOGY

Construction

Construction noise estimates are based upon noise levels on typical noise levels generated by construction equipment published by the Federal Transit Administration (FTA) and FHWA. Construction noise is assessed in dBA L_{eq}. This unit is appropriate because L_{eq} can be used to describe noise level from operation of each piece of equipment separately, and levels can be combined to represent the noise level from all equipment operating during a given period. FHWA's Roadway Construction Noise Model (RCNM) was used to estimate construction noise at nearby sensitive receptors. For modeling purposes, construction equipment has been distributed evenly between the center of the construction site and the nearest receptor. To be conservative, the loudest and most used equipment was placed nearest the sensitive receptor. Noise level estimates do not account for the presence of intervening structures or topography, which may reduce noise levels at receptor locations. Therefore, the noise levels presented herein represent a conservative, reasonable worst-case estimate of actual temporary construction noise.

Operations

The analysis of the existing and future noise environments is based on noise prediction modeling and empirical observations. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. Noise levels are collected from field noise measurements and other published sources from similar types of activities are used to estimate noise levels expected with the Project's stationary sources. The reference noise levels are used to represent a worst-case noise environment as noise level from stationary sources can vary throughout the day. On-site operational noise levels from the proposed Project were evaluated using SoundPLAN. This program computes predicted noise levels at noise-sensitive areas through a series of adjustments to reference sound levels. SoundPLAN also accounts for topography, groundcover type, and intervening structures. Reference noise level data are used to estimate the Project operational noise impacts from stationary sources. The Without Project and With Project traffic noise levels in the Project vicinity were calculated using the FHWA Highway Noise Prediction Model (FHWA-RD-77-108).

Vibration

Groundborne vibration levels associated with construction-related activities for the Project were evaluated utilizing typical groundborne vibration levels associated with construction equipment, obtained from FTA published data for construction equipment. Potential groundborne vibration impacts related to structural damage and human annoyance were evaluated, considering the distance from construction

activities to nearby land uses and typically applied criteria for structural damage and human annoyance.

For a building that is constructed with reinforced concrete with no plaster, the FTA guidelines show that a vibration level of up to 0.20 in/sec PPV is considered safe and would not result in any vibration damage. Human annoyance is evaluated in vibration decibels (VdB) (the vibration velocity level in decibel scale) and occurs when construction vibration rises significantly above the point of human perception for extended periods of time. The FTA's 2018 *Transit Noise and Vibration Impact Assessment Manual* (FTA Transit Noise and Vibration Manual) identifies 80 VdB as the threshold for buildings where people normally sleep.

SIGNIFICANCE CRITERIA

Construction Noise

Per General Plan Policy EC-1.7, a significant noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. The City of San José considers large or complex projects involving substantial noise-generating activities and lasting more than 12 months significant when within 500 feet of residential land uses or within 200 feet of commercial land uses or offices.

Additionally, while not a threshold of significance in the City, the FTA considers construction-related noise to be noticeable if construction noise levels exceed the 8-hour average construction noise standards of 80 dBA L_{eq} at residential uses, 85 dBA L_{eq} at commercial uses, and/or 90 dBA L_{eq} at industrial uses. This FTA construction noise guidance is presented for informational purposes.

Operational Noise

Per General Plan Policy EC – 1.2, a significant permanent noise level increase would occur if the Project would result in: a) a noise level increase of 5 dBA DNL or greater, with a future noise level of less than 60 dBA DNL, or b) a noise level increase of 3 dBA DNL or greater, with a future noise level of 60 dBA DNL or greater. Additionally, a significant noise impact would be identified if the Project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan.

Section 20.30.700 of the City's Municipal Code establishes a limit of 55 dBA for commercial areas adjacent to residential areas and 60 dBA for commercial uses adjacent to commercial areas, when measured at the property line, however, the Municipal Code is not used as a criterion to determine the significance of project impacts under CEQA.

Vibration

The City relies on General Plan Policy EC-2.3 relies on guidance developed by Caltrans to address vibration impacts General Plan Policy EC-2.3 relies on guidance developed by Caltrans to address vibration impacts from development projects in San José. A vibration limit of 12.7 millimeters per second (mm/sec; 0.5 inch/sec) PPV is used for buildings that are structurally sound and designed to modern engineering standards. A conservative vibration limit of five mm/sec (0.2 inches/sec) PPV has been used for buildings that are found to be structurally sound but where structural damage is a major concern. For historic buildings or buildings that are documented to be structurally weakened, a conservative limit of two mm/sec (0.08 inches/sec) PPV is used to provide the highest level of protection

NOI-1 ***Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

Less Than Significant with Mitigation

Construction

The proposed Project construction would result in approximately 21 months of substantial noise generating activities, including phases such as demolition, grading and building framing. Excavation, cut, and fill would be required as part of construction, refer to Section 2.3. According to the applicant, no pile-driving would be required during 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 50 feet from the nearest sensitive receptor to the north. However, construction activities would occur throughout the Project site and would not be concentrated at a single point near sensitive receptors. Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery.

Construction activities associated with development of the Project would include demolition, site preparation, grading, paving, building construction, and architectural coating. Such activities could require concrete/industrial saws, excavators, and dozers during demolition; dozers and tractors/loaders/ backhoes during site preparation; graders, dozers, and tractors during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, tractors, and paving equipment during paving; and air compressors during architectural coating. Grading and excavation phases of Project construction tend to be the shortest in duration and create the highest construction noise levels due to the operation of heavy equipment required to complete these activities. 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. Typical noise levels associated with individual construction equipment are listed in **Table 3.13-10: Typical Construction Noise Levels***.*

Table 3.13-10: Typical Construction Noise Levels

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

The Federal Highway Administration (FHWA) Roadway Construction Noise Model (RCNM) was used to calculate noise levels during construction activities; refer to Appendix H. RCNM is a computer program used to assess construction noise impacts and allows for user-defined construction equipment and user-defined noise limit criteria. Noise levels were calculated for each construction phase and are based on the equipment used, distance to the nearest property/receptor, and acoustical use factor for equipment.

Table 3.13-11: Project Construction Noise Levels shows that the Project's exterior construction noise levels during construction on weekdays and Saturdays would range from approximately 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the nearest receptors and would not exceed the FTA's 8-hour construction noise standards of 80 dBA L_{eq} for residential uses and/or 85 dBA L_{eq} for commercial uses. In addition, General Plan Policy EC-1.7 requires the Project to use best available noise suppression devices and techniques, and limit construction hours in accordance with Municipal Code Section 20.100.450 to reduce construction noise levels at nearby noise-sensitive uses.

Table 3.13-11: Project Construction Noise Levels

Construction Phase	Receptor Location			Modeled Noise Level, dBA $L_{eq(8\text{-}hour)}$ [2]	FTA Noise Standard, dBA L_{eq} [3]	Exceeds Noise Standard?
	Land Use	Direction	Distance (feet) [1]			
Demolition	Residences	North	330	68.2	80	No
	Residences	West	650	62.3	80	No
	Residences	East	1,030	58.3	80	No
	Commercial	East/South	315	68.6	85	No
	Commercial[4]	South	610	62.9	85/100[5]	No[6]
	School[4]	Southwest	945	59.1	80/100[5]	No[6]
Site Preparation	Residences	North	330	65.6	80	No
	Residences	West	650	59.7	80	No
	Residences	East	1,030	55.7	80	No
	Commercial	East/South	315	66.0	85	No
	Commercial[4]	South	610	60.3	85/100[5]	No[6]
	School[4]	Southwest	945	56.5	80/100[5]	No[6]
Grading	Residences	North	330	69.9	80	No
	Residences	West	650	64.0	80	No
	Residences	East	1,030	60.0	80	No
	Commercial	East/South	315	70.3	85	No
	Commercial[4]	South	610	64.5	85/100[5]	No[6]
	School[4]	Southwest	945	60.7	80/100[5]	No[6]
Building Construction	Residences	North	330	66.5	80	No
	Residences	West	650	60.6	80	No
	Residences	East	1,030	56.6	80	No
	Commercial	East/South	315	66.9	85	No
	Commercial[4]	South	610	61.1	85/100[5]	No[6]
	School[4]	Southwest	945	57.3	80/100[5]	No[6]
Paving	Residences	North	330	60.3	80	No
	Residences	West	650	54.4	80	No
	Residences	East	1,030	50.4	80	No
	Commercial	East/South	315	60.7	85	No
	Commercial[4]	South	610	54.9	85/100[5]	No[6]
	School[4]	Southwest	945	51.1	80/100[5]	No[6]
Architectural Coating	Residences	North	330	57.3	80	No
	Residences	West	650	51.4	80	No
	Residences	East	1,030	47.4	80	No
	Commercial	East/South	315	57.7	85	No
	Commercial[4]	South	610	52.0	85/100[5]	No[6]
	School[4]	Southwest	945	48.2	80/100[5]	No[6]

1. Distance is from the nearest receptor to the main construction activity area on the Project site. Not all equipment would operate at the closest distance to the receptor.
2. Modeled noise levels conservatively assume the simultaneous operation of all pieces of equipment.
3. The FTA Noise and Vibration Manual establishes construction noise standards of 80 dBA $L_{eq(8\text{-}hour)}$ for residential uses and 85 dBA $L_{eq(8\text{-}hour)}$ for commercial uses. The nearest school (Prospect High School) was conservatively evaluated for impacts using the FTA's 80 dBA $L_{eq(8\text{-}hour)}$ standard for residential uses.
4. Receptor is located within the City of Saratoga.
5. SMC Section 7-30.060(a) establishes a construction noise standard of 100 dBA at 25 feet or more from the source.
6. Based on the Inverse Square Law, the modeled construction noise levels would not exceed 100 dBA at 25 feet and would comply with SMC Section 7-30.060(a).

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

Project construction would result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses (to the north) and 200 feet of commercial uses (to the east/south), which the City considers to be a potentially significant construction noise impact in accordance with General Plan Policy EC-1.7. As such, in compliance with General Plan Policy EC-1.7, Mitigation Measure NOI-1 would require the Project applicant to prepare a Construction Noise Logistics Plan to minimize potential construction noise effects to the adjacent residential and commercial uses.

As noted in General Plan Policy EC-1.7, implementation of a Construction Noise Logistics Plan would "…reduce noise impacts on neighboring residents and other uses." Therefore, with implementation of the required MM NOI-1 and best management practices, the Project would comply with General Plan Policy EC-1.7 and would ensure that temporary construction period noise effects would be less than significant.

Impact NOI-1: Project construction would exceed the City's General Plan Policy EC-1.7 construction noise standards and would temporarily result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses (to the north) and 200 feet of commercial (to the east/south).

MM NOI-1 Construction Noise Logistics Plan

Prior to the issuance of any grading or demolition permits, a qualified acoustical consultant shall prepare a Construction Noise Logistics Plan. The Construction Noise Logistics Plan shall include, at a minimum, the following requirements:

- Hours of construction as well as the noise and vibration minimization measures
- Prohibit pile driving.
- Prohibit unnecessary idling of internal combustion engines. Post signs at gates and other places where vehicles may congregate reminding operators of the State's Airborne Toxic Control Measure (ATCM) limiting idling to no more than 5 minutes.
- 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.
- Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other State required noise attenuation devices
- Property owners and occupants located within 300 feet of the Project boundary shall be sent a notice, at least 15 days prior to commencement of construction activities, regarding the construction schedule of the proposed Project. A sign, legible at 50 feet shall also be posted at the Project construction site. All notices and signs shall be reviewed and approved by the Director of Planning, Building and Code Enforcement or Director's designee, prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number for the Noise Disturbance Coordinator where residents can inquire about the construction process and register complaints.

- Prior to issuance of any Grading or Building Permit, the Contractor shall provide evidence that at all times during construction activities, an on-site construction staff member will be designated as a Noise Disturbance Coordinator. The Noise Disturbance Coordinator is responsible for responding to complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall determine the cause (e.g., starting too early, bad muffler, etc.), implement reasonable measures to resolve the complaint, and document actions taken. All notices sent to residential units within 300 feet of the construction site and all signs posted at the construction site, shall include the telephone number for the Coordinator, as well as a description of the Coordinator's specified roles and responsibilities at the construction site. Additionally, a log of noise complaints and responses shall be maintained and made available to the City upon request.

Prior to issuance of any demolition or grading permits, the project applicant shall submit a copy of the Construction Noise Logistics Plan to the Director of Planning, Building and Code Enforcement or the Director's designee, and the project applicant shall implement the requirements of the Construction Noise Logistics Plan during project construction.

Nighttime Construction

The Project also proposes nighttime construction for a 5-day period. This would involve 24-hour concrete pours over a 5-day period. Since residential uses are located within 300 feet of the Project site, a development permit granting extended hours of construction would be required.

The City has not identified noise limits for construction occurring outside of the allowable hours of construction (7:00 a.m. to 7:00 p.m., Monday through Friday). Generally, steady noises above approximately 35 dBA and fluctuating noise levels above approximately 45 dBA have been shown to negatively affect sleep. Standard construction, which assumes windows to be shut, would result in an exterior-to-interior range from 20 to 25 dBA.

Existing ambient noise levels during the nighttime hours (10:00 p.m. to 7:00 a.m.) at LT-1 was 53.8 dBA L_{eq}. In general, a noise increase of less than 3 dBA is barely perceptible to people, while a minimum 5-dBA change is required before any noticeable change in community response would be expected. Since the noise-sensitive receptors located in the project vicinity are currently exposed to nighttime noise levels up to 55.8 dBA L_{eq}, construction noise levels that are at or below existing ambient nighttime noise levels with an increase of 3 dBA would be unlikely to cause sleep disturbance. For the residences north and west of the Project site, a conservative nighttime limit of 58.8 dBA L_{eq} is used in this analysis. The nearby commercial uses would not be impacted by nighttime construction since operational hours of these buildings would occur during daytime hours only.

Nighttime construction activities would require concrete trucks accessing and pouring within the footprint of the proposed Costco building. The overnight concrete pours would occur after the building walls have been erected, which will help provide noise attenuation for nearby sensitive receptors. Based on information provided by the Applicant, the nighttime concrete pours would consist of five trucks actively pouring within the Costco building footprint and up to five trucks queuing on the southern façade of the Costco building waiting to enter.[70] Concrete trucks actively pouring during nighttime construction would

[70] Personal email communication with Project Applicant on August 1, 2023.

be positioned approximately 130 feet and 580 feet from the nearest residences to the north and east, respectively.

The RCNM was used to calculate the hourly average noise levels during nighttime construction activities of the Project[71]. The model showed that hourly average noise levels would be approximately 73.5 dBA L_{eq} at the residences to the north and 60.5 dBA L_{eq} at the residences to the east and would exceed the nighttime noise standard of 58.8 dBA L_{eq}., refer to Appendix H.

Nighttime construction activities would potentially result in a significant impact to the single-family residences north and east of the project site. Therefore, Mitigation Measure NOI-2 would be required to reduce potential nighttime construction noise impacts. MM NOI-2 would prohibit concrete trucks along Graves Avenue within 90 feet of the nearest residential property line during all nighttime activities; require the queuing and idling of any trucks to be located on the southern façade of the Costco building; and prohibit nighttime concrete pouring activities until the northern, western, and eastern Costco building walls are constructed, providing a 15 dBA L_{eq} reduction[72] in nighttime construction noise levels. With implementation of MM NOI-2, hourly average noise levels would be reduced to approximately 58.5 dBA L_{eq} at the nearest residences to the north of the Project site and 46.6 dBA L_{eq} at the nearest residences to the east of the Project site. Therefore, nighttime construction activities would not exceed the nighttime noise limit of 58.8 dBA L_{eq} or the interior noise limit of 45 dBA[73] with implementation of MM NOI-2.Therefore, temporary impacts associated with nighttime construction activities would be reduced to a less than significant level with mitigation.

Impact NOI-2: Nighttime project construction activities and 24-hour concrete pours over a 5-day period, could result in hourly average noise levels exceeding the noise standard of 58.8 dBA by 14.7 dBA at the residences located north of the Project site and 1.7 dBA at the residences located east of the Project site.

MM NOI-2 Extended Construction Hours

The project includes overnight concrete pours during the extended construction hours of 7:00 p.m. to 7:00 a.m., Monday through Friday, within 300 feet of existing residential land uses. Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the Project Applicant shall implement the following measures:

- For informational purposes, the Applicant shall provide the City's Supervising Environmental Planner with a proposed overnight construction schedule, list of equipment to be used during concrete pours, and the equipment specifications (including noise level information generated by such equipment) for equipment to be used during extended construction hours. Additionally, the Applicant shall provide an example notification template for the evening hour pours that will occur at the Project site.

- To the extent consistent with applicable regulations and safety considerations, operation of back-up beepers shall be avoided near sensitive receptors between 7:00 p.m. and 7:00 a.m., and/or the work sites shall be arranged in a way that avoids the need for any reverse

[71] As detailed in Appendix H, the Acoustical Assessment assumed five simultaneously pouring trucks and five idling trucks would represent the worst-case noise condition during nighttime hours for concrete pours.

[72] Based on sound attenuation modeling from SoundPlan 5.1 in Appendix H.

[73] As detailed in Appendix H, assumes an exterior-to-interior reduction of approximately 25 dBA for standard construction practices.

motions of trucks or the sounding of any reverse motion alarms during nighttime work. If these measures are not feasible, equipment and trucks operating during the nighttime hours with reverse motion alarms must be outfitted with SAE J994 Class D alarms (ambient-adjusting, or "smart alarms" that automatically adjust the alarm to 5 dBA above the ambient near the operating equipment).

- The northern, eastern, and western Costco building walls shall be erected prior to the commencement of nighttime concrete pouring, which would provide an approximate 15 dBA Leq reduction in nighttime construction noise levels..
- Prohibit concrete trucks from accessing the Project site via Graves Avenue and/or Saratoga Avenue during all nighttime activities.
- Any idling trucks utilized during nighttime construction shall only queue on the southern façade of the Costco building. In addition, all concrete trucks shall only enter the Costco building from the southern building façade..

Prior to the issuance of any demolition, grading, and/or building permits (whichever occurs earliest), the project applicant shall submit documentation to the Director of Planning, Building and Code Enforcement or Director's designee documenting the above requirements are met

Construction is estimated to be approximately 21 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. Based on the California Emissions Estimator Model (CalEEMod) default assumptions for this Project, the Project would generate the highest number of daily trips during the site preparation and building construction phases.

The model estimates that the Project would generate up to 18 worker trips and 18 daily hauling trips (4,755 hauling trips over 262 days) for site preparation for a total of approximately 36 daily vehicle trips during site preparation. Building construction would have approximately 235 trips and 98 vendor trips for a total of 333 daily vehicle trips. The model estimates that the Project would generate up to 1,606 hauling trips during the grading phase which would last approximately 173 days. This would be approximately 9 daily hauling trips. Because of the logarithmic nature of noise levels, a doubling of the traffic volume would result in a noise level increase of 3 dBA.[74] Prospect Road between the Lawrence Expressway to the Project driveway has an average daily trip volume of 30,400 vehicles. Therefore, a maximum of 542 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

[74] Per General Plan Policy EC-1.2.

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). However, it should be noted that construction would be temporary in nature and the Project would implement MM NOI-1 that requires preparation of a Construction Noise Logistics Plan to limit construction noise and impacts. Therefore, construction related traffic noise would not be noticeable and would not create a significant noise impact.

City of Saratoga Construction Noise Analysis (Informational Only)

The City of San José does not require the following information to determine the level of significance of Project impacts, but is provided in this analysis for informational purposes to help the decision makers in their consideration of the proposed Project.

For receptors located in the City of Saratoga (i.e., Prospect High School and commercial uses to the south of the Project site), this report utilizes the FTA construction noise standards identified above and SMC Section 7-30.060(a) (prohibiting construction noise levels of 100 dBA at 25 feet or more from the source) to evaluate construction noise impacts. As shown in **Table 3.13-11: Project Construction Noise Levels**, construction noise levels at the two identified receptors within the City of Saratoga (Prospect High School and commercial uses to the south) would not exceed the applicable noise standards in the FTA Noise and Vibration Manual or SMC Section 7-30.060(a). Therefore, construction noise impacts at the nearest receptors within the City of Saratoga would be less than significant.

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.);
- 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.
- Trash/Recycling pickups.

As discussed above, the closest sensitive receptors are located approximately 50 feet to the north of the Project site. Per General Plan Policy EC-1.3 and EC-1.6, noise generated by new nonresidential land uses should not exceed 55 dBA DNL at the property lines of adjacent existing or planned noise-sensitive uses. Further, the City of San José General Plan Policy EC-1.2, 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.

Section 20.30.700 of the City's Municipal Code establishes a limit of 55 dBA for commercial areas adjacent to residential areas. Although the Municipal Code is not used as a criterion to determine the significance of project impacts under CEQA, the operational noise for the proposed Project should be addressed with respect to the City's Municipal Code threshold of 55 dBA to minimize disturbance to the existing and future residences surrounding the Project site. Impacts associated with each major noise source is

discussed in more detail below.

Operational Traffic Noise

Implementation of the Project would generate increased traffic volumes along study roadway intersections and access points. As noted in the Transportation Analysis, primary trips were assigned to study intersections and access points using the proposed trip distribution and typical routes to and from the site. The Project is expected to generate a net of 5,813 average daily trips, which could 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. Permanent increases in ambient noise levels of less than 3 dBA are considered to be less than significant, and therefore, traffic volume increases that are less than double do not result in a noise impact.

Table 3.13-12: Existing and Project Traffic Noise, the existing traffic-generated noise level on Project area roadways is between 57.0 dBA DNL and 73.0 dBA DNL at 100 feet from the centerline. As previously described, DNL 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.

Table 3.13-12: 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]		
Prospect Road						
Lyde Dr. to Lawrence Expwy	38,000	69.0	39,075	69.1	0.1	**No**
Lawrence Expwy to Project Driveway	30,400	69.3	33,126	69.6	0.6	**No**
Project Driveway to Saratoga Ave.	32,900	69.6	36,576	70.1	0.5	**No**
Saratoga Ave. to Target Driveway	36,400	70.1	37,450	70.2	0.1	**No**
Saratoga Avenue						
Graves Ave. to Prospect Rd.	21,700	68.9	22,901	69.2	0.3	**No**
Prospect Rd. to Lawrence Expwy	22,300	69.0	23,439	69.3	0.3	**No**
Lawrence Expressway						
Prospect Rd. to Quito Rd.	24,300	71.2	25,588	71.4	0.2	**No**
Project Driveway to Prospect Rd.	35,100	72.8	34,750	72.7	0.0	**No**
Lassen Ave. to Project Driveway	37,700	73.0	39,463	73.2	0.2	**No**
Graves Avenue						
Saratoga Ave. to Lawrence Expwy	2,600	57.0	4,088	59.0	2.0	**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 (Kittelson, 2023). Refer to Appendix H for traffic noise modeling assumptions and results.						

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 (Kittelson, 2023). As shown in **Table 3.13-12: Existing and Project Traffic Noise**, Existing Plus Project noise levels 100 feet from the centerline would range from 59.0 dBA to 73.2 dBA. The Project would have the highest increase of 2.0 dBA on Graves Avenue between Saratoga Avenue and the Lawrence Expressway. However, the 2.0 dBA increase in under

the perceptible 3.0 dBA noise level increase per GP Policy EC-1.1. Therefore, the Project would not have a significant impact on existing traffic noise levels.

Table 3.13-13: Background Year and Background Year Plus Project Traffic Noise, shows the Background conditions or Background Year traffic. As shown in **Table 3.13-13: Background Year and Background Year Plus Project Traffic** Noise, Background Year Plus Project roadway noise levels with the Project would range from 59.8 dBA to 73.7 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 have the highest increase of 2.7 dBA on Graves Avenue between Saratoga Avenue and the Lawrence Expressway. However, the 2.7 dBA increase in under the perceptible 3.0 dBA noise level increase per GP Policy EC-1.1. Therefore, impacts are less than significant. Table 3.13-13: Background Year and Background Year Plus Project Traffic Noise

Roadway Segment	Background Conditions		With Project		Change from No Project Conditions	Significant Impact?
	ADT	dBA DNL[1]	ADT	dBA DNL[1]		
Prospect Road						
Lyde Dr. to Lawrence Expwy	38,263	69.0	39,338	70.0	1.0	**No**
Lawrence Expwy to Project Driveway	30,610	69.3	33,336	70.3	1.0	**No**
Project Driveway to Saratoga Ave.	33,154	69.6	36,830	70.7	1.1	**No**
Saratoga Ave. to Target Driveway	36,680	70.1	37,730	70.9	0.8	**No**
Saratoga Avenue						
Graves Ave. to Prospect Rd.	21,957	68.9	23,158	69.8	0.9	**No**
Prospect Rd. to Lawrence Expwy	22,540	69.1	23,679	69.9	0.8	**No**
Lawrence Expressway						
Prospect Rd. to Quito Rd.	24,561	71.2	25,849	72.0	0.8	**No**
Project Driveway to Prospect Rd.	35,342	72.8	34,992	73.2	0.4	**No**
Lassen Ave. to Project Driveway	38,147	73.0	39,910	73.7	0.7	**No**
Graves Avenue						
Saratoga Ave. to Lawrence Expwy	2,631	57.0	4,119	59.8	2.8	**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 (Kittelson, 2023). Refer to Appendix H for traffic noise modeling assumptions and results.						

Operational On-Site Noise Sources

Implementation of the project would include sources of noise in the project vicinity from mechanical equipment, truck loading areas, parking lot noise, on-site vehicle circulation, landscape maintenance activities, and trash/recycling pickups. While the Project would replace existing sources of noise associated with the existing commercial development on-site, each stationary source associated with the Project is discussed in more detail below.

Mechanical Equipment

The nearest sensitive receptors are the residences located north of the Project site along Graves Avenue, and the residences to the east along Canneto Drive/Graves Avenue. Potential stationary noise sources related to long-term operation of the Project would include mechanical equipment such as rooftop heating, ventilation, and air conditioning (HVAC) units, an electrical transformer, two trash compactors,

cargo forklifts, and vehicle maintenance equipment (e.g., pneumatic tools) at the Costco Tire Center. The reference noise levels and location of mechanical equipment to be used at the Project site are provided below:

- *Rooftop HVAC:* 52 dBA at 50 feet[75], located on the rooftop parking level above the loading dock area in the southeastern portion of the Costco building. This equipment would run continuously to regulate the temperature of the building.
- *Electrical Transformer*: 67 dBA at 3 feet[76], located on the eastern facade of the Costco building. This equipment would run continuously for operations of the building.
- *Trash Compactors (2)*: 70.4 dBA at 10 feet[77], located on the eastern facade of the Costco building. This equipment would be used periodically and on an as needed basis during normal daytime hours (7:00 a.m. to 10:00 p.m.).
- *Cargo Forklifts*: 85 dBA at 3 feet[78], located on the eastern facade of the Costco building. Forklifts would be used for unloading activities from approximately 4:00 a.m. to closing.
- *Tire Center/Vehicle Maintenance Equipment*: 78.2 dBA at 50 feet[79], located on the west side of the Costco building at the Costco Tire Center. Noise generated at the Costco Tire Center would only occur during Costco's normal daytime operating (between 9:00 a.m. and 8:30 p.m.).

Each of the stationary noise sources discussed above were modeled in SoundPLAN and conservatively assumed to operate simultaneously during their scheduled operating hours.

Truck Loading Area Noise

During truck 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; dropping down the dock ramps; and maneuvering away from the docks. Truck loading/unloading activities would occur on the northern portion of the Costco building. The nearest residences are located approximately 105 feet to the north of the dock-high doors. Truck and loading dock noise is typically 70 dBA at 50 feet.[80] Truck loading/unloading operations at the Project site were modeled as an area source on the southeastern façade of the Costco building. It is noted the loading dock doors would be surrounded with protective aprons, gaskets, or similar improvements that, when a trailer is docked, would serve as a noise barrier between the interior Costco building activities and the exterior loading area. This would attenuate noise emanating from interior activities, and as such, noise from interior loading and associated activities would not be perceptible at the nearest sensitive receptors. In addition, the intervening Costco building on the Project site would act as a buffer and reduce truck loading/unloading noise levels at the nearest residences to the north; however, the upper floors of the residences to the east (along Canneto

[75] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, 2015.

[76] National Electrical Manufactures Association, *Transformers, Regulators, and Reactors TR 1-1993,* 1993.

[77] RECON, *Noise Analysis for the Centerpointe 78 Project*, July 2, 2015.

[78] Noise Testing Workplace Noise Consultants, *Warehouse & Forklift Workplace Noise Levels*, https://www.noisetesting.info/blog/warehouse-forklift-workplace-noise-levels/, accessed on July 5, 2022.

[79] Elliott H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, 2015.

[80] Urban Crossroads, *Lake Elsinore Walmart 2015 Noise Impact Analysis*, 2015.

Drive/Graves Avenue) would have a direct line of sight to the truck loading area.

Parking Areas

The Project would provide approximately 4 truck docks and 1,311 vehicle parking spaces. Parking stalls would be located on the southern and western sides of the proposed Costco building, and there would also be a rooftop parking lot above the Costco building. Customers and/or employees would access the rooftop parking via an up-ramp located on the southern façade of the Costco building along the Lawrence Parkway access driveway. Traffic associated with parking lots is typically not of sufficient volume to exceed community noise standards, which are usually based on a time-averaged scale such as the CNEL scale. The maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 53 to 61 dBA[81] and may be an annoyance to adjacent noise-sensitive receptors. However, parking noise events would be instantaneous and short-term in duration. Additionally, parking noise also occurs at the Project site and adjacent properties to the east, south, and west under existing conditions. Parking, driveway, and noise from on-site vehicle circulation would be consistent with existing noise in the vicinity and would be partially masked by background traffic noise from motor vehicles traveling along the Lawrence Expressway to the west of the Project site and Prospect Road to the south of the Project site. Noise from on-site parking lot movements were modeled in SoundPLAN and were assumed to occur throughout the Project site.

Trash/Recycling Truck Pickups

The proposed Project would involve weekly trash/recycling pickups from slow-moving trucks during normal daytime hours (i.e., from 7:00 a.m. to 10:00 p.m.). Trash/recycling pickup would occur in the northeastern portion of the Project site on the eastern façade of the Costco building at the proposed trash compactor area. Low speed truck noise results from a combination of engine, exhaust, and tire noise as well as the intermittent sound from releases of compressed air associated with truck air brakes. trash/recycling activities noise is typically 75 dBA at 50 feet.[82]It is noted that trash/recycling operations occur at the Project site (in a similar location to the proposed Project) under existing conditions and would be short-term and irregular and are considered part of standard operations in the area. Noise from trash/recycling activities were modeled in SoundPLAN as a point source in the northeastern portion of the Project site adjacent to the trash compactors.

On-Site Vehicle Circulation

Noise from employee/customer and truck delivery movements on the proposed site were modeled in SoundPLAN. Employee/customer vehicles accessing the site and some truck deliveries are anticipated to occur during normal daytime hours (between 7:00 am and 10:00 pm); however, most truck deliveries would occur during nighttime hours (primarily between the hours of 2:00 a.m. and 10:00 a.m.). On-site vehicle movements from employee/customer automobiles and heavy trucks were modeled as mobile traffic noise sources using trip generation data from the Project Transportation Analysis.

Combined On-Site Noise Levels

The noise levels associated with mechanical equipment, truck loading operations, parking lot noise, and on-site vehicle circulation were modeled with the SoundPLAN software. SoundPLAN allows computer simulations of noise situations, and creates noise contour maps using reference noise levels, topography, point and area noise sources, mobile noise sources, and intervening structures. Inputs to the SoundPLAN model included ground topography and ground type, existing and proposed intervening structures, noise

[81] Kariel, H. G., *Noise in Rural Recreational Environments*, Canadian Acoustics 19(5), 3-10, 1991.

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

source locations and heights, receiver locations, and sound power level data. The SoundPLAN run for Project operations conservatively assumes the simultaneous operation of all on-site noise sources by time period.

Utilizing the reference noise level data described above, SoundPLAN was used to calculate noise levels at the nearest sensitive receptors surrounding the Project site. It should be noted that predicted noise levels are conservative estimates since it was assumed that all equipment and operational activity at the Project site would occur in a constant, simultaneous manner during the daytime and nighttime hours. In reality, it is anticipated that most of these noise sources would occur intermittently throughout the day and night (except for rooftop HVAC and electrical transformer which would operate in a steady-state manner). The modeled noise levels also account for noise attenuation from the existing perimeter wall on the northern property boundary, as well as existing buildings, structures, and walls surrounding the Project site. The modeled Project noise levels are provided in **Table 3.13-14: Project Operational Noise Levels.**

Table 3.13-14: Project Operational Noise Levels

Receptor No.	Land Use	City	Modeled Noise Level – Daytime (dBA L_{eq})		Modeled Noise Level – Nighttime (dBA L_{eq})		Modeled Noise Level – 24-hour (dBA L_{dn})	
			1st Floor	2nd Floor	1st Floor	2nd Floor	1st Floor	2nd Floor
1	Residential	San José	52.2	53.5	33.8	34.6	50.5	51.8
2	Residential	San José	54.0	-	35.4	-	52.3	-
3	Residential	San José	50.0	-	36.7	-	49.1	-
4	Residential	San José	43.0	-	34.4	-	43.6	-
5	Residential	San José	42.6	-	34.8	-	43.6	-
6	Residential	San José	42.5	-	35.3	-	43.8	-
7	Residential	San José	42.5	-	36.2	-	44.3	-
8	Residential	San José	42.4	-	36.4	-	44.4	-
9	Residential	San José	43.0	-	38.1	-	45.6	-
10	Residential	San José	43.6	-	40.1	-	47.2	-
11	Residential	San José	50.1	-	48.6	-	55.2	-
12	Residential	San José	51.0	-	49.7	-	56.3	-
13	Residential	San José	50.1	-	48.7	-	55.3	-
14	Residential	San José	49.7	-	48.2	-	54.9	-
15	Residential	San José	45.5	47.9	44.2	46.6	50.8	53.2
16	Residential	San José	42.2	45.2	41.3	44.2	47.8	50.8
17	Residential	San José	41.4	44.9	40.6	44.1	47.2	50.7
18	Residential	San José	42.5	45.6	41.7	44.9	48.3	51.4
19	Residential	San José	45.3	47.3	44.8	46.6	51.3	53.1
20	Residential	San José	46.5	47.7	46.3	47.3	52.7	53.8
21	Residential	San José	45.5	46.7	45.3	46.4	51.7	52.8
22	Residential	San José	44.4	45.7	44.2	45.4	50.6	51.8
23	Institutional	Saratoga	41.5	-	27.8	-	40.4	-
24	Commercial	Saratoga	40.6	-	31.0	-	40.8	-
25	Commercial	Saratoga	41.2	-	39.4	-	46.1	-

Receptor No.	Land Use	City	Modeled Noise Level – Daytime (dBA L_{eq})		Modeled Noise Level – Nighttime (dBA L_{eq})		Modeled Noise Level – 24-hour (dBA L_{dn})	
			1st Floor	2nd Floor	1st Floor	2nd Floor	1st Floor	2nd Floor
26	Residential	Saratoga	40.0	-	24.5	-	38.6	-
27	Residential	Saratoga	36.6	-	29.0	-	37.7	-
28	Residential	Saratoga	33.2	-	31.2	-	38.0	-
29	Commercial	San José	54.1	-	53.0	-	59.6	-
30	Commercial	San José	56.3	-	55.3	-	61.9	-
31	Commercial	San José	58.6	-	58.0	-	64.5	-
32	Commercial	San José	58.8	-	58.6	-	65.0	-
33	Commercial	San José	58.0	-	57.9	-	64.3	-
34	Commercial	San José	56.5	-	56.4	-	62.8	-
35	Commercial	San José	54.6	-	54.3	-	60.7	-
36	Commercial	San José	53.8	-	53.5	-	60.0	-
37	Commercial	San José	52.9	-	52.5	-	59.0	-
38	Commercial	San José	52.4	-	51.9	-	58.4	-
Source: SoundPLAN Essential version 5.1. See Appendix H for noise modeling data and results.								

Section 20.30.700 of the City's Municipal Code establishes a limit of 55 dBA for commercial areas adjacent to residential areas and 60 dBA for commercial uses adjacent to commercial areas. As shown in **Table 3.13-14: Project Operational Noise Levels**, Project-generated noise levels at the nearest residential uses would range from 33.8 dBA L_{eq} to 54.0 dBA L_{eq} and would not exceed the City's Municipal Code noise limit of 55 dBA for residential areas. Further, Project-generated noise levels at the nearest commercial uses would reach a maximum of 58.8 dBA L_{eq} and would not exceed the City's Municipal Code noise limit of 60 dBA for commercial areas. As shown in **Table 3.13-15**, it is anticipated that Project operations would comply with City's Municipal Code.

Table 3.13-15: Composite Project Operational Noise shows Project noise levels from all sources combined with existing ambient levels. It is noted that the Project would not be considered a new commercial land use since commercial uses occupy the Project site (in a similar location to the proposed Project) under existing conditions. As discussed in *Significance Criteria Section* above, a 5 dBA increase where noise levels would remain "Normally Acceptable", and 3 dBA increase where noise levels would equal or exceed the "Normally Acceptable" is considered a significant impact in accordance with General Plan Policy EC-1.2.

It is noted that the measured ambient levels currently exceed the City's 55 dBA noise standard for residential uses established in Municipal Code Section 20.40.600. As such, for the purposes of this analysis, a 5 dBA increase where noise levels would remain "Normally Acceptable", and 3 dBA increase where noise levels would equal or exceed the "Normally Acceptable" is considered a significant impact in accordance with General Plan Policy EC-1.2.

As shown in **Table 3.13-15: Composite Project Operational Noise** the maximum increase in 24-hour ambient noise levels from the Project would be 1.3 dBA L_{dn} at receptor 20 (a residence to the east of the Project site) and would not exceed the incremental noise standards established in General Plan Policy EC-1.2 and EC-1.3. The Project would not exceed the incremental noise standards from General Plan Policy EC-1.2 at any other residential uses in the Project vicinity; see **Table 3.13-15: Composite Project Operational Noise**. Additionally, the maximum increase in daytime and nighttime ambient noise levels would be 0.7 dBA L_{eq} and 1.6 dBA L_{eq}, respectively, and would not be perceptible (a noise increase of 3 dBA is considered barely perceptible to the human ear). Therefore, the Project's operational noise levels would not result in a significant increase over existing ambient noise levels at the nearest noise-sensitive uses. Impacts would be less than significant in this regard.

Table 3.13-15: Composite Project Operational Noise

Receptor No.	Land Use	DAYTIME				NIGHTTIME				24-Hour (L_{dn})					
		Daytime Ambient Noise Level (dBA L_{eq})[1]	Composite Project Operations	Ambient + Project (dBA L_{eq})	Increase Over Daytime Ambient (dBA L_{eq})	Nighttime Ambient Noise Level (dBA L_{eq})[1]	Composite Project Operations	Ambient + Project (dBA L_{eq})	Increase Over Nighttime Ambient (dBA L_{eq})	Existing Ambient Noise Level (dBA L_{dn})	Composite Project Operations	Ambient + Project (dBA L_{eq})	Increase Over Ambient (dBA L_{dn})	Incremental Threshold[2]	Exceed Threshold?
1	Residential	62.5	53.5	63.0	0.5	55.8	34.6	55.8	0.0	64.0	51.8	64.3	0.3	3.0	NO
2	Residential	62.5	54.0	63.1	0.6	55.8	35.4	55.8	0.0	64.0	52.3	64.3	0.3	3.0	NO
3	Residential	62.5	50.0	62.7	0.2	55.8	36.7	55.9	0.1	64.0	49.1	64.1	0.1	3.0	NO
4	Residential	62.5	43.0	62.5	0.0	55.8	34.4	55.8	0.0	64.0	43.6	64.0	0.0	3.0	NO
5	Residential	62.5	42.6	62.5	0.0	55.8	34.8	55.8	0.0	64.0	43.6	64.0	0.0	3.0	NO
6	Residential	62.5	42.5	62.5	0.0	55.8	35.3	55.8	0.0	64.0	43.8	64.0	0.0	3.0	NO
7	Residential	62.5	42.5	62.5	0.0	55.8	36.2	55.8	0.0	64.0	44.3	64.0	0.0	3.0	NO
8	Residential	62.5	42.4	62.5	0.0	55.8	36.4	55.8	0.0	64.0	44.4	64.0	0.0	3.0	NO
9	Residential	62.5	43.0	62.5	0.0	55.8	38.1	55.9	0.1	64.0	45.6	64.1	0.1	3.0	NO
10	Residential	62.5	43.6	62.6	0.1	55.8	40.1	55.9	0.1	64.0	47.2	64.1	0.1	3.0	NO
11	Residential	62.5	50.1	62.7	0.2	55.8	48.6	56.6	0.8	64.0	55.2	64.5	0.5	3.0	NO
12	Residential	62.5	51.0	62.8	0.3	55.8	49.7	56.8	1.0	64.0	56.3	64.7	0.7	3.0	NO
13	Residential	62.5	50.1	62.7	0.2	55.8	48.7	56.6	0.8	64.0	55.3	64.5	0.5	3.0	NO
14	Residential	62.5	49.7	62.7	0.2	55.8	48.2	56.5	0.7	64.0	54.9	64.5	0.5	3.0	NO
15	Residential	55.5	47.9	56.2	0.7	50.9	46.6	52.3	1.4	58.4	53.2	59.5	1.1	5.0	NO
16	Residential	55.5	45.2	55.9	0.4	50.9	44.2	51.7	0.8	58.4	50.8	59.1	0.7	5.0	NO
17	Residential	55.5	44.9	55.9	0.4	50.9	44.1	51.7	0.8	58.4	50.7	59.1	0.7	5.0	NO
18	Residential	55.5	45.6	55.9	0.4	50.9	44.9	51.9	1.0	58.4	51.4	59.2	0.8	5.0	NO
19	Residential	55.5	47.3	56.1	0.6	50.9	46.6	52.3	1.4	58.4	53.1	59.5	1.1	5.0	NO
20	Residential	55.5	47.7	56.2	0.7	50.9	47.3	52.5	1.6	58.4	53.8	59.7	1.3	5.0	NO
21	Residential	55.5	46.7	56.0	0.5	50.9	46.4	52.2	1.3	58.4	52.8	59.5	1.1	5.0	NO
22	Residential	55.5	45.7	55.9	0.4	50.9	45.4	52.0	1.1	58.4	51.8	59.3	0.9	5.0	NO

1. See Table 8 for ambient noise level data.
2. 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.

Source: SoundPLAN version 5.1. See Appendix A for noise modeling data and results.

Landscape Maintenance Activities

Development and operation of the Project would also include new landscaping that would require periodic maintenance. However, landscape maintenance activities would operate during daytime hours for brief periods of time as allowed by the City's Municipal Code and would not permanently increase ambient noise levels in the Project vicinity and would be consistent with activities that currently occur on-site and at the surrounding uses. Due to the infrequent and intermittent nature of landscaping activities, this noise source was not included in the SoundPLAN model which is used to evaluate the Project's operational noise impacts in this analysis in compliance with General Plan Policy EC–1.2. As such, the Project would result in a less than significant noise with regard to landscape maintenance activities.

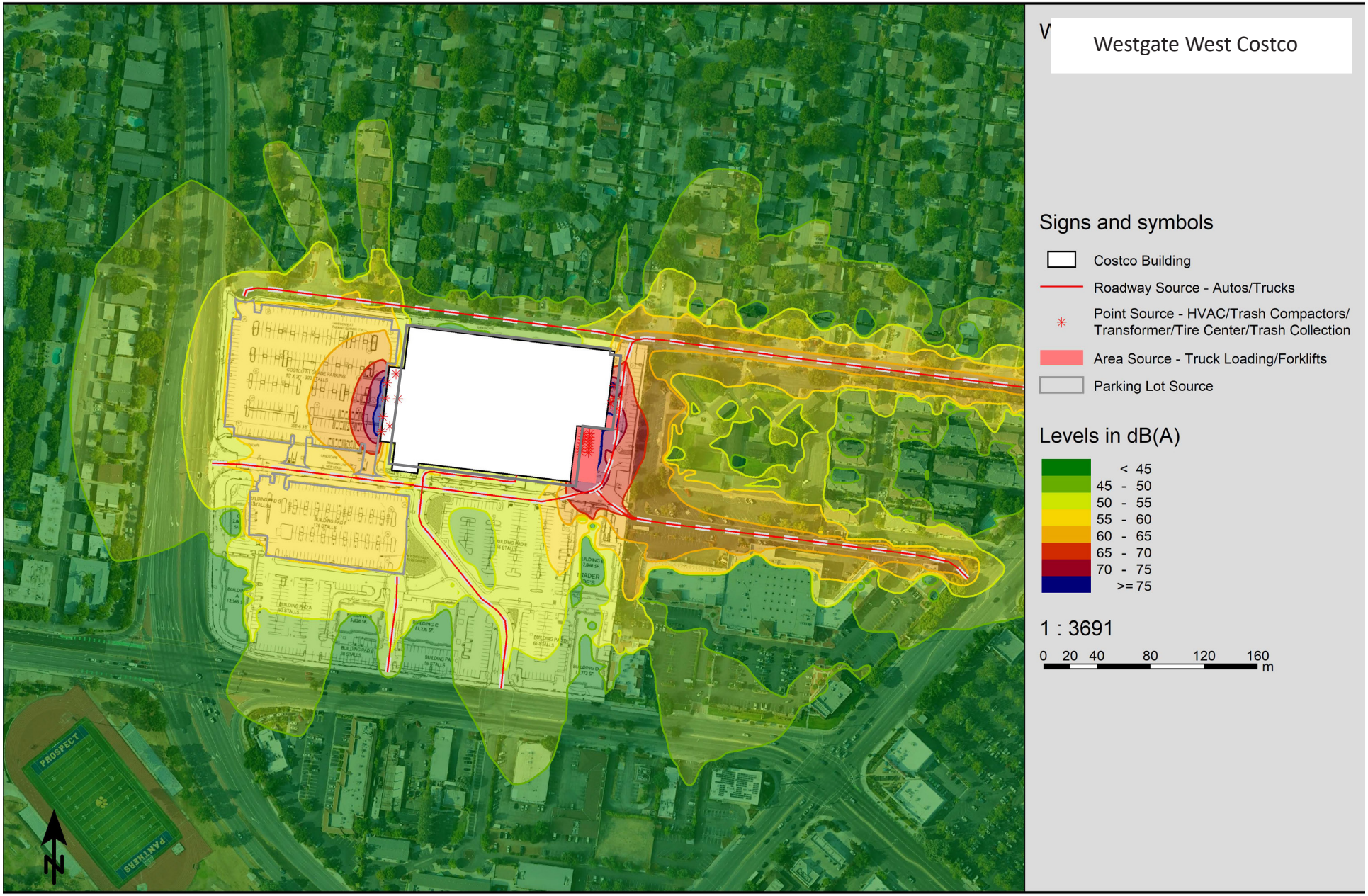
City Of Saratoga Operational Noise Analysis (Informational Only)

The City of San José does not require the following information to determine the level of significance of Project impacts, but it is provided in this analysis for informational purposes to help the decision makers in their consideration of the proposed Project.

For receptors located in the City of Saratoga (i.e., Prospect High School and commercial uses to the south of the Project site), this report utilizes the noise standards in SMC Section 7-30.040 to assess on-site operational noise impacts from the proposed Project.

As indicated in **Table 3.13-15: Composite Project Operational Noise**, the Project's on-site operational noise levels would reach approximately 41.5 dBA L_{eq} at Prospect High School and 41.2 dBA L_{eq} at the commercial uses to the south located within the City of Saratoga. As such, noise levels from on-site operations at the Project site would not exceed the City of Saratoga's most stringent nighttime noise standards of 45 dBA L_{eq} for public and quasi-public facilities or 55 dBA L_{eq} for commercial uses. Noise levels at Prospect High School and the commercial uses south of the Project site are expected to be similar to existing ambient levels with implementation of the Project, and a noticeable change would not occur. A less than significant impact would occur in this regard.

The closest residential uses within in the City of Saratoga are located approximately 920 feet to the south of the Project site. On-site operational noise levels from the Project would range between 33.2 dBA L_{eq} and 40.0 dBA L_{eq} during the daytime, and between 24.5 dBA L_{eq} and 31.2 dBA L_{eq} during the nighttime hours at the nearest City of Saratoga residential uses. As such, the Project's on-site operational noise levels would not exceed the City of Saratoga's 55 dBA L_{eq} daytime noise standard or 40 dBA L_{eq} nighttime noise standard for residential uses. Additionally, operational noise levels would be further masked by background traffic noise from motor vehicles traveling along Lawrence Expressway to the north of the residential uses. Noise levels at residential uses to south, Prospect High School, and the commercial uses south of the Project site are expected to be similar to existing ambient levels with implementation of the Project, and a noticeable change would not occur. A less than significant impact would occur in this regard.



Source: Kimley-Horn, 2023

Figure 3.13-3: Project Noise Contour

Westgate West Costco
Draft EIR

Not to scale

Kimley»Horn
Expect More. Experience Better.

NOI-2 ***Would the project result in 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 3.13-16: Typical Construction Equipment Vibration Levels lists vibration levels at 25 feet, 50 feet, and 100 feet for typical construction equipment. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance.

As shown in **Table 3.13-16: Typical Construction Equipment Vibration Levels**, the highest vibration levels are achieved with the large bulldozer operations. This construction activity is expected to take place during grading. Project construction would be approximately 50 feet from the closest sensitive receptor. At this distance, construction equipment vibration velocities would not exceed the FTA's 0.20 PPV guideline. Additionally, per General Plan Policy EC-2.3, continuous vibration limits shall not exceed 0.08 PPV for sensitive historical structures and 0.20 PPV for normal conventional construction.[83] 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.

[83] It should be noted that there are no historical structures in the Project area and therefore the City's 0.08 PPV continuous vibration standard does not apply.

Table 3.13-16: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity At 25 feet (in/sec)	Peak Particle Velocity At 50 feet (in/sec)	Peak Particle Velocity At 100 feet (in/sec)
Large Bulldozer	0.089	0.0239	0.0111
Loaded Trucks	0.076	0.0204	0.0095
Rock Breaker	0.059	0.0159	0.0074
Jackhammer	0.035	0.0094	0.0002
Small Bulldozer/Tractors	0.003	0.0008	0.0004
1. Calculated using the following formula: PPVequip = PPVref x (25/D)1.5, where: PPVequip = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPVref = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018; D = the distance from the equipment to the receiver.			
Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.			

Operations

Once operational, the Project would not be a significant source of groundborne vibration. Groundborne vibration surrounding the Project currently result from heavy-duty vehicular travel (e.g., refuse trucks, heavy duty trucks, delivery trucks, and transit buses) on the nearby local roadways. Operations of the proposed Project would include activities associated with a Costco building (i.e., parking, activities at the loading area, trash/recycling pickup, etc.) that typically would not cause excessive ground-borne vibrations. Due to the rapid drop-off rate of ground-borne vibration and the short duration of the associated events, vehicular traffic-induced ground-borne vibration is rarely perceptible beyond the roadway right-of-way, and rarely results in vibration levels that cause damage to buildings in the vicinity. According to the FTA's Transit Noise and Vibration Impact Assessment, trucks rarely create vibration levels that exceed 70 VdB (equivalent to 0.012 inches per second PPV) when they are on roadways. Therefore, trucks operating at the Project site or along surrounding roadways would not exceed FTA standards or General Plan Policy EC-2.3 for building damage or annoyance. Impacts would be less than significant in this regard.

NOI-3 ***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 5.6 miles northeast 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. 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.

3.14 POPULATION AND HOUSING

This section describes the potential impacts of the proposed Project related to population and housing.

ENVIRONMENTAL SETTING

The population of the City of San José is approximately 1,015,826 persons as of May 2022 (State of California Department of Finance, 2022). The California Department of Finance estimates 3.05 residents per household in San José (State of California Department of Finance, 2022). According to the General Plan EIR, the City estimates approximately 138,442 additional households in San José by 2035 for a total of 429,350 households. The unemployment rate for San José, Sunnyvale, and Santa Clara of as of June 2022 is 2.3 percent (BLS, 2022).

REGULATORY FRAMEWORK

FEDERAL REGULATIONS

No federal plans, policies, regulations, or laws related to population and housing are applicable to the Project.

STATE OF CALIFORNIA

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 ensure 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, or Regional Housing Needs Assessment (RHNA).

REGIONAL

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.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a population and housing impact is considered significant if the Project would:

1. 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);
2. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere;

POP-1 ***Would the proposed Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

Less than Significant Impact

The Project would result in the construction of a Costco building. A maximum of 300 jobs would be provided by the Project based on the information provided by applicant. Based on the size of the existing commercial buildings to be demolished by Project implementation, considering the baseline condition of 80 percent occupancy, the existing buildings would provide 258 jobs[84]. Thus, the Project would result in a net increase of 42 jobs provided by the Project site and attain the Project objective of promoting economic growth and diverse new employment and retail/service opportunities for City residents. As there are no residences to be constructed on-site there would be no direct population increase as a result of the Project. However, given the slight increase in jobs on-site, the Project would have the potential to indirectly increase population. Any population increase would be minor and the Project is consistent with the General Plan designation for the site. Therefore, there would be no unplanned population increase as a result of the Project as the jobs increase is not of the scale to cause population growth unanticipated by the City in the General Plan.

The Project is not of the scope or scale to induce substantial unplanned population growth within the City. On site employees during both construction and operational phases of the Project are expected to come from the surrounding area. Further, the Project would not include infrastructure expansion with the potential to induce population growth. Therefore, the Project would not induce substantial unplanned growth within the Project vicinity and a less than significant impact would occur.

POP-2 ***Would the proposed Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

No Impact

There are no existing housing units on the Project site and the Project site does not house any permanent residents. Therefore, the Project would not displace substantial numbers of existing people or housing and there would be no impact.

[84] Existing jobs were calculated using the square footage of Buildings F, H, and J to be demolished and an employment generation rate of 1 job per 650 sf for Buildings H and J and 1 job per 250 sf for Building F (2050 Envision General Plan EIR, City of San José).; (74,303 sf*1 job/650 sf) + (97,254 sf*1 job/650 sf) + (16,708 sf*1 job/250 sf) = 332 jobs * 0.80 = 258 baseline condition jobs

3.15 PUBLIC SERVICES

This section describes the potential impacts of the proposed Project related to public services.

ENVIRONMENTAL 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. The nearest fire station to the Project site is Station 14 located at 1201 San Tomas Aquino Road, approximately 1.0 mile northeast of the Project site (City of San José, 2022c). The next closest fire station to the Project site is Station 1, located at 1248 S Blaney Avenue, approximately 1.5 miles northwest of the Project site.

In fiscal year (FY) 2020 to 2021, the SJFD responded to approximately 94,800 emergency incidents, including approximately 5,100 fire incidents. The SJFD responded to 73 percent of Priority I (red lights and sirens) incidents within its time standard of 8 minutes and 93 percent of Priority II incidents (no red lights or sirens) within 13 minutes (City of San José, 2021). While the SJFD did not meet its target of 80 percent for Priority I incidents, it exceeded its target of 80 percent for Priority II incidents.

The SJFD has continued its efforts to improve response times following its response time work plan. This includes filling vacancies and refining resource deployment, such as dispatching units based on proximity to incident rather than station location to address travel time.

Police Protection

Police protection services are provided to the Project site by the San José Police Department (SJPD). The SJPD headquarters are located at 201 West Mission Street, approximately 6.1 miles northeast of the Project site. In addition to its headquarters, SJPD has three community policing centers and one police substation. These facilities are currently closed due to staffing.

In FY 2020 to 2021, the SJPD included 1,159 authorized sworn personnel and 558 authorized civilian positions. This results in a ratio of 113 authorized sworn positions per 100,000 residents. The SJPD answered 91 percent of 9-1-1 calls within 15 seconds, below its target of 95 percent (City of San José, 2021). Of these calls, SJPD responded to approximately 188,600 incidents. The citywide average response times for Priority I calls (present or imminent danger to life or major damage to property) was 7.12 minutes, below the target of 6 minutes.

Schools

The Project site is located within the Moreland Elementary School District (MESD) and Campbell Union High School District (CUHSD) (City of San José, 2022b). Students in the Project area attend Moreland Elementary School (grades TK-8) and Prospect High School (grades 9-12). Students in the Project area, but within the City of Saratoga, also attend Prospect High School (grades 9-12), but fall within the Saratoga Union Elementary School District (grades TK-8).

Parks

The City of San José manages a total of 3,536 acres of regional and neighborhood/community serving parkland. The City has over 199 neighborhood-serving parks and 10 regional parks (City of San José, 2022d). The closest park to the Project site is Saratoga Creek Park and Dog Park located at 5399 Graves Avenue, approximately 65 feet north of the northwestern Project site boundary.

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 4.7 miles southeast of the Project site (San José Public Library, 2022). The nearest library branches to the Project site are listed below.

- West Valley Branch Library located at 1243 San Tomas Aquino Road, approximately 1.0-mile northeast of the Project site
- Calabazas Branch Library located at 1230 South Blaney Avenue, approximately 1.5-miles northwest of the Project site

REGULATORY FRAMEWORK

FEDERAL REGULATIONS

No federal plans, policies, regulations, or laws related to public services are applicable to the Project.

STATE OF CALIFORNIA

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.

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.

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

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-1.1: 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.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a public services impact is considered significant if the Project would:

1. 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:
    a. Fire protection;
    b. Police protection;
    c. Schools;
    d. Parks; or
    e. Other public facilities.

PUB SERV-1A	***Would the proposed 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? Fire Protection?

No Impact

The proposed Project would result in an increase in building area on the Project site, the proposed use is similar to existing and surrounding uses on site and would not significantly change the demand for fire services for the Project site. Although the SJFD is not currently meeting response time objectives, it is anticipated that the planned construction and/or relocation of stations as described in the General Plan, would improve response times.

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. Furthermore, the proposed Project is within the requirements of the General Plan designation 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, impacts would be less than significant.

PUB SERV-1B

Would the proposed 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? Police protection?

No Impact

Police protection services would be provided by the SJPD. The proposed Project would result in an increase in building area on the Project site; however, the proposed use is similar to existing and surrounding uses on-site and would not result in a demand for police services beyond the area that the SJPD currently serves. Further, as discussed in Section 3.14, Population and Housing, the Project would not induce substantial unplanned population growth within the City in a manner that could impact service ratios. 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. The Project does not propose or require new or physically altered police protection facilities. Compliance with the General Plan policies would help to ensure that the SJPD meets and maintains the City's response time objectives over the long-term. Thus, impacts would be less than significant.

PUB SERV-1C	***Would the proposed 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? Schools?***
	No Impact

The Project site is located within the MESD and CUHSD boundaries. As discussed in Section 4.14, Population and Housing, the proposed Project would not generate population growth within the City that could increase demand for services within MESD or CUHSD. Further, the proposed Project is part of the planned growth in the City and would not increase students in the MESD or CUSD beyond what was anticipated in the General Plan.

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. OESD and ESUHSD collect impact fees from new developments under the provisions of AB 2926. 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.The proposed Project would not increase the number of school children attending public schools in the Project area and would comply with State law regarding school impacts. Thus, impacts would be less than significant.

PUB SERV-1D	***Would the proposed 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? Parks***
	No Impact

The closest park to the Project site is Saratoga Creek Park and Dog Park located at 5399 Graves Avenue, approximately 65 feet north of the northwestern Project site boundary. The Project would not induce population growth in the Project vicinity that could increase demand on local parks. As discussed below in Section 3.16, visitors and on-site employees may visit nearby park facilities. However, these employee visits would not impact the City's parkland ratios, as the proposed Project would result in 42 more employees on site as compared to existing conditions, an insufficient number of additional jobs to result in recreational facility use to the point of degradation. 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.

PUB SERV-1E	***Would the proposed 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? Other public facilities?***
	No Impact

The Costco building proposed for construction would provide a maximum of 300 jobs, a net increase of 42 jobs as compared to baseline conditions. The General Plan EIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. Further, as discussed in Section 3.14, Population and Housing, the proposed Project would not result in direct or substantial indirect population growth. Therefore, Project implementation would not result in increased demand on library facilities. Given that the existing and planned library facilities would adequately serve planned growth in the City and that no population growth would occur from Project implementation, there would be no impact.

3.16 RECREATION

This section describes the potential impacts of the proposed Project related to recreation.

ENVIRONMENTAL SETTING

The City of San José manages a total of 3,536 acres of regional and neighborhood/community serving parkland. The City has 199 neighborhood-serving parks and ten regional parks (City of San José, 2022d). The closest park to the Project site is Saratoga Creek Park and Saratoga Creek Park and Dog Park located at Cordelia Avenue and Hoyet Drive, approximately 65 feet north of the Project site. Access to Saratoga Creek Park and Dog Park in the Project vicinity is provided by a pedestrian entrance at the western terminus of Graves Avenue. A second entrance is provided at the western terminus of Lassen Avenue, approximately 0.20-mile north of the Project site. The next closest park to the Project site is Murdoch Park, located at Castle Glen Avenue and Wunderlich Drive, approximately 0.47-mile north of the Project site.

REGULATORY FRAMEWORK

FEDERAL REGULATIONS

No federal plans, policies, regulations, or laws related to recreation are applicable to the Project.

STATE OF CALIFORNIA

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.

CITY OF SAN JOSÉ

Parkland Dedication Ordinance and Park Impact Ordinance

The City of San José enacted the Parkland Dedication Ordinance (PDO) (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), 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 § 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.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a recreation impact is considered significant if the Project would:

1. 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; or
2. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

REC-1 ***Would the proposed 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?***

Less Than Significant

The proposed Project would not increase the City's population, as discussed in Section 3.14, Population and Housing. The proposed Project would replace existing commercial uses on the Project site and would not generate a substantial increase in employees or visitors to the Project site that would result in increased use of parks or recreational facilities. While on-site employees could visit nearby park facilities, Project implementation would result in 42 more employees as compared to existing conditions, an insufficient number of new jobs to result in recreation resource use to the point of degradation. Accordingly, visitors to the Project site would not substantially increase as compared to existing conditions. Additionally, the proposed Project would contribute to the City's on-going park operation and maintenance plans by way of property taxes. As the proposed Project would not substantially increase visitors or employees on the Project site, there would not be increased use that could result in deterioration of nearby parks and recreation facilities. Therefore, there would be a less than significant impact.

REC-2	***Would the proposed Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?***
	No Impact

The proposed Project does not include development of any recreational facilities. Further, Project implementation would not increase the on-site employee population, and would not result in direct or substantial indirect population growth within the City. As such, the proposed Project would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, there would be no impact in this regard.

3.17 TRANSPORTATION

The transportation impact analysis is based upon a Transportation Analysis prepared by Kittelson & Associates, Inc. in October 2023. A copy of this report is attached in Appendix I of this EIR.

ENVIRONMENTAL SETTING

The Project site is currently developed with existing retail and restaurant uses. Access is provided via seven driveways: one driveway from the Lawrence Expressway, three driveways from Prospect Road, two driveways from Graves Avenue, and one driveway from Saratoga Avenue through the adjacent West Valley Professional Center. Existing traffic operations data were collected for two 2-hour peak periods: 7:00-9:00 AM and 4:00-6:00 PM. Within the data collected, the busiest (peak) 1-hour period of each intersection was identified then studied for the existing traffic operations; this can be found in the Local Transportation Analysis (Appendix I). The AM peak hour does not pertain to the local transportation analysis since Costco does not typically open until 9 AM and, therefore, generates a negligible number of trips during the AM peak hour.

REGIONAL AND LOCAL ACCESS

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

FREEWAYS

Interstate 280 (I-280) is an east-west interstate roadway traversing southern San José. It continues as I-680 to the east heading north to connect with I-80 in Cordelia, California. To the west, the interstate continues north to San Francisco. In the study area, I-280 has eight lanes, and the nearest interchanges are at the Lawrence Expressway and Saratoga Avenue.

State Route 85 (SR-85) is a north-south freeway extending from US 101 in Mountain View in the north to south San José. In the study area, SR 85 is a six-lane freeway (two mixed flow lanes and one high occupancy vehicle (HOV) lane in each direction), and the nearest interchange is at Saratoga Avenue.

MAJOR ROADWAYS

Lawrence Expressway (Lawrence Expwy) is a north-south expressway that extend from Santa Clara in the north to Quito Road at Saratoga Avenue in the south. It is a six-lane roadway with a posted speed limit of 50 mph near the study area. Lawrence Expwy has a raised landscaped median with left-turn pockets at intersections such as Lawrence Expwy/Prospect Road and Lawrence Expwy/Saratoga Avenue close to the site. There are sidewalks for a short segment of the expressway from Prospect Road to Saratoga Avenue and no on-street parking allowed. There is a right-in/right-out/left-in signalized intersection just north of Prospect Road, which provides access to the site.

Saratoga Avenue is a north-south roadway extending from Fallon Avenue in Santa Clara in the north to the City of Saratoga in the south. The roadway has raised landscaped median with left-turn pockets at most intersections. The posted speed limit is 35 mph closer to the site at Saratoga Avenue/Prospect Road/Campbell Avenue, however the speed ranges from 25 mph to 40 mph at various segments of the roadway. Saratoga Avenue is a six-lane roadway north of Quito Road and four-lane roadway south of Kosich Drive. Sidewalks are present all along Saratoga Avenue and bike lanes are provided. Transit runs along the roadway with bus stops present on either side of the road. On-street parking is provided on some segments of Saratoga Avenue. There is a right-in/right-out/left-in driveway, which provides access to the site (Site Access C) on Saratoga Avenue, just south of Capanelle Terrace.

Prospect Road is a four-lane east-west connector street that extends from Campbell Avenue at Saratoga

Avenue in the east to West San José. The roadway has raised landscaped median with left-turn pockets at most intersections, and the posted speed limit is 35 mph closer to the site. Sidewalks and bike lanes are present on both sides of the roadway. There is no on-street parking in the site vicinity; however, further west, on-street parking on both sides is available on some segments of the roadway. Transit runs along the roadway with bus stops present on either side of the road. There are a full-access signalized intersection and two right-in/right-out driveways (Site Access D and Site Access E), which provide access to the site.

Hamilton Avenue is a four-lane east-west connector street extending from Pine Avenue in the City of Campbell eastward to Campbell Avenue in South San José westward. Sidewalks and bike lanes are present on both sides of Hamilton Avenue, and transit runs along the roadway with bus stops present on either side of the road. On-street parking is available on the south side of the roadway, south of Atherton Avenue, while on-street parking is available on both sides to the north of Atherton Avenue in the site vicinity. On-street parking is present on both sides for segments of the roadway closer to residential neighborhoods. The posted speed limit on Hamilton Avenue is 35 mph.

Campbell Avenue is a four-lane east-west connector street extending from Bascom Avenue in the City of Campbell eastward to Prospect Avenue at Saratoga Avenue and westward close to the site. Sidewalks and bike lanes are present on both sides of Campbell Avenue, and transit runs along the roadway with bus stops present on either side of the road. On-street parking is not available on either side of the roadway. The posted speed limit on Campbell Avenue is 35 mph.

Moorpark Avenue is an east-west roadway extending from Kingman Avenue in the east to Bollinger Road at Lawrence Expwy in the west. It is a four-lane roadway to the east of Saratoga Avenue transitioning to a one-way eastbound roadway at Bascom Avenue/Moorpark Avenue. West of Saratoga Avenue, it is a two-lane roadway with a two-way-left-turn-lane (TWLTL) in the center. The posted speed limit on Moorpark Avenue is 40 mph. Sidewalks and bike lanes are present along the roadway; however, there is a gap in the sidewalk on the north side between approximately 950 feet east of Moorpark Avenue/Saratoga Avenue and Winchester Blvd.

Bollinger Road is a four-lane east-west roadway from Lawrence Expwy in the east to its termination as a cul-de-sac 500 feet west of De Foe Drive. The posted speed limit on Bollinger Road is 35 mph. Sidewalks and bike lanes are present on both sides along the roadway, and on-street parking is present on some segments of the roadway.

LOCAL ROADWAYS

Graves Avenue is a two-way roadway to the west of Saratoga Avenue, with a posted speed limit of 25 mph. Sidewalks are present on both sides of the roadway. The roadway separates commercial development to the south from residential neighborhoods to the north. Parking is prohibited on the north side of the roadway from Saratoga Avenue to El Oso Drive and on the south side of the roadway from El Oso Drive to Greene Drive. There are two existing unsignalized full-access driveways to the site along Graves Avenue; the western driveway would be eliminated as part of the project (Site Access A) and the eastern driveway would remain (Site Access B).

Sagemont Avenue is a minor north-south local roadway extending from Hamilton Avenue in the north to Duvall Drive in the south. The roadway has on-street parking and sidewalks on both sides. The posted speed limit is 25 mph.

Miller Avenue is a north-south roadway extending from Stevens Creek Blvd in the north to Cox Avenue in the south. Sidewalks are not present on one side in residential areas, south of Prospect Road. Bike lanes are present from Bollinger Road to Prospect Road and shared bike lanes are present north of Calle De Barcelona roadway. The posted speed limit is between 25 and 35 mph. On-street parking is available on

some segments along the roadway.

Lyle Drive is a minor north-south local roadway in a residential neighborhood extending from English Drive in the north to Prospect Road in the south. The roadway has on-street parking and sidewalks on both sides. The posted speed limit is 25 mph.

PEDESTRIAN AND BICYCLE FACILITIES

Sidewalks are present along the streets surrounding the Project site vicinity, including Prospect Road, Saratoga Avenue, Graves Avenue and Lawrence Expwy and appear to be in good condition. All signalized intersections in the site vicinity have marked crosswalks; however, there is no crosswalk at the north leg of the signalized intersection at Graves Avenue/Saratoga Avenue. Additionally, there are no crossings along Graves Avenue to access the site from the residential neighborhoods to the north. No crossings except those at the intersection with Prospect Road are present on Lawrence Expwy in the Project vicinity. A marked crosswalk is present along Prospect Road at the signalized intersection on Prospect Road with the main site access.

Bicycle facilities are categorized into four types, as described below:

Class I Bikeway (Bike Path). Also known as a shared path or multi-use path, a bike path is a paved right-of-way for bicycle travel that is completely separate from any street or highway.

Class II Bikeway (Bike Lane). A striped and stenciled lane for one-way bicycle travel on a street or highway. This facility could include a buffered space between the bike lane and vehicle lane, and the bike lane could be adjacent to on-street parking.

Class III Bikeway (Bike Route). A signed route along a street where the bicyclist shares the right-of-way with motor vehicles. This facility can also be designated using a shared-lane marking (sharrow).

Class IV Bikeway (Separated Bike Lane). A bikeway for the exclusive use of bicycles and including a separation between the separated bikeway and the through vehicular traffic. The separation may include, but is not limited to, grade separation, flexible posts, inflexible physical barriers, or on-street parking.

Existing bicycle facilities in the study area are briefly discussed in the roadway network section. The bike facilities that are present in the site vicinity include Class II Bikeway (bike lane) along Prospect Road, Saratoga Avenue, Hamilton Avenue and a portion of Campbell Avenue to the east from Saratoga Avenue. The bike lanes on Prospect Road, to the west of Lawrence Expwy are buffered. Class II Bikeway (bike lane) is also present along Moorpark Avenue and Bollinger Road and Saratoga Avenue between Williams Road and Stevens Creek Blvd. There is a Class I Bikeway present along Lawrence Expwy on the left side of the roadway, namely, Saratoga Creek Trail. Biking is permitted on either side of Lawrence Expwy, but due to high traffic volumes and high traffic speeds, according to San José Better Bike Plan 2025, the bicycle level of traffic stress is high. According to the plan, level of traffic stress is also high on Saratoga Avenue.

San José Better Bike Plan 2025 recommends planned future Class IV Bikeways (separated/protected bike lanes) on Hamilton Avenue and Campbell Avenue, east of Saratoga Avenue. Saratoga Avenue received a high prioritization score based on the 'Prioritization Bike Network' (Map 8 in the plan), and recent modifications to the roadway were made to prioritize the identified bike improvements.

TRANSIT SERVICE

Valley Transportation Authority (VTA) provides transit service in the region. Four bus lines operate near the Project site: 56 (Local Bus), 26 (Frequent Bus), 57 (Frequent Bus), and 101 (Express Bus). The 26, 56 and 101 bus lines run along Prospect Avenue in the site vicinity while the 57 bus line runs along Saratoga Avenue. Service frequency is approximately every 15 minutes for frequent buses (26 and 57), 30 minutes for local buses (56) and around 60 minutes for express buses (101). Buses run between 5:30 AM and 11:00

PM on weekdays, 7:00 AM to 9:00 PM on Saturdays and 8:00 AM to 8:00 PM on Sundays. Express buses (101) run between 6:15 AM and 7:05 AM and 4:10 PM and 5:10 PM. Relative to the Project site, the closest bus stops for the 26, 56 and 101 bus lines are located on Prospect Road, approximately 340 feet east of Prospect Road/Westgate West shopping center signalized driveway; and the 57 bus line is located on Saratoga Avenue, 200 feet north of Prospect Road/Campbell Avenue.

REGULATORY FRAMEWORK

REGIONAL

City of San José Envision San José 2040 General Plan

Envision San José 2040 was adopted as the General Plan by City Council in November 2011 and most recently updated/amended in December 2021. The General Plan focuses on a set of strategies that reflect the community's desire to grow into a more prominent great city and represents the City's assessment of the amount, type, and phasing of development needed to achieve its goals.

The General Plan outlines key goals, policies, and actions concerning transportation. Relevant goals are listed below.

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

Policy TR-1.1: 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.

Goal TR-2: Walking and Bicycling - Improve walking and bicycling facilities to be more convenient, comfortable, and safe, so that they become primary transportation modes in San José.

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.

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

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.

Goal TR-6: Goods Movement - Provide for safe and efficient movement of goods to support commerce and industry.

Policy TR-6.1: Minimize potential conflicts between trucks and pedestrian, bicycle, transit, and vehicle access and circulation on streets with truck travel.

Policy TR-6.5: Design freight loading and unloading for new or rehabilitated industrial and commercial developments to occur off of public streets. In Downtown and urban areas, particularly on small commercial properties, more flexibility may be needed.

Policy TR-6.7: As part of the project development review process, ensure that adequate off-street loading areas in new large commercial, industrial, and residential developments are provided, and that they do not conflict with adjacent uses, or with vehicle, pedestrian, bicycle, or transit access and circulation.

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

Policy TR-8.4: Discourage, as part of the entitlement process, the provision of parking spaces significantly above the number of spaces required by code for a given use.

Goal TR-9: Tier I Reduction of Vehicle Miles Traveled - Reduce Vehicle Miles Traveled (VMT) by 10% per service population, from 2009 levels, as an interim goal.

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.

Goal TR-10: Tier II Vehicle Miles Traveled Reduction - Reduce vehicle miles traveled by an additional 10% per service population above Goal TR-9 (a 20% reduction as measured from 2009), at a later date to be determined by the City Council, based on staff analysis of the City's achieved and anticipated success in reducing VMT

Goal TR-11: Regional and State VMT Reduction Efforts - Reduce VMT an additional 20% per service population above Goals TR-9 and TR-10 (a total reduction of 40% as measured from 2009) by participating and taking a leadership role in on-going regional and statewide efforts to reduce VMT.

Goal TR-12: Intelligent Transportation System - Develop a sustainable ITS system to effectively manage, operate, and maintain the current and future transportation network for all modes of travel. A robust and efficient ITS system will provide added opportunities for

reducing congestion and greenhouse gas emissions and increasing safety and the quality of life for all users.

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-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.

Plan Bay Area 2050 (Metropolitan Transportation Commission – MTC)

The Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments completed the Bay Area's update to its long-range Regional Transportation Plan and Sustainable Communities Strategy, which was adopted in 2021. The document describes growth and development in the region over a 20-year horizon and identifies transportation and land use strategies to enable a more sustainable, equitable, and economically vibrant future. Key transportation strategies include maintaining and optimizing the existing system, creating healthy and safe streets, and building a next-generation transit network.

Valley Transportation Plan 2040 (Santa Clara County)

The Valley Transportation Plan 2040 (VTP 2040) is Santa Clara County's long-range transportation plan and provides a vision for the future transportation system in the county. The following are identified as objectives in the VTP 2040:

- To facilitate the creation and support of an integrated multimodal transportation system that serves all socio-economic groups efficiently and sustainably.
- To pursue, develop and implement advances in technology, management practices, and policies.
- To be the region's foremost advocate for transportation projects, programs and funding.

Congestion Management Plan (Valley Transportation Authority – VTA)

The Valley Transportation Authority serves as the Congestion Management Agency (CMA) for Santa Clara County's Congestion Management Plan (CMP). The CMA is required by California statute to monitor traffic congestion and the impact of land use and transportation decisions on a countywide level at least every two years. VTA's CMP monitoring and reporting is completed annually – each report includes the following elements:

- A system definition and traffic Level of Service (LOS) standard element
- A multimodal performance measures element
- A transportation demand management and trip reduction element
- A land use impact analysis element
- A Capital Improvement Program

- Development of a countywide transportation model
- Development of Multimodal Improvement Plans

As a member agency, the City of San José is required to conform to the CMP for evaluating transportation impacts of transportation and land use projects. This Project includes several study intersections that are part of the CMP network.

Senate Bill 743

Adopted on September 27, 2013, SB 743 directed the California Office of Planning and Research (OPR) to

administer new CEQA guidance for jurisdictions that removes automobile vehicle delay and LOS from CEQA analysis and replaces it with VMT analysis or other measures that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses," to be used as a basis for determining significant transportation impacts. The change from LOS to VMT is intended to balance the needs of congestion management with statewide goals related to infill development, the promotion of public health, and the reduction of greenhouse gas emissions.

State of California General Plan Guidelines (Governor's Office of Planning and Research)

The State of California General Plan Guidelines, published in 2017, assist local governments in preparing general plans by providing detailed guidelines that streamline the process of updating general plans. The document provides free online tools and resources, promotes increased use of online data, and includes templates, sample policies and links to more information. The transportation section of this document notes objectives including designing with "Complete Streets", improving safety for all modes, and improving air quality and health.

CITY OF SAN JOSÉ

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. 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, the project would be deemed to result in a significant VMT impact and 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.

Better Bike Plan 2025 (City of San José)

The City's bike plan lays out a vision for a safe and connected network of on-street bikeways to encourage people of all ages and abilities to travel by bicycle. The plan expands on the City's Better Bikeways initiative from 2018, focusing on installing low-cost, low-stress bikeways that provide more separation from vehicles than traditional bicycle facilities. Overall goals include improving safety, increasing the bicycle mode share, and improving equity in transportation investments and improvements. The plan provides recommendations for future bicycle facilities, including a prioritized bike network.

Complete Streets Design Standards & Guidelines (City of San José)

Completed in 2018, these design standards serve as a vision to achieve the General Plan goal to be a

"walking and bicycling city first" by ensuring that new and retrofitted streets are enhanced with "complete streets" design elements. Central to these guidelines is to create streets and places in the city that are people-oriented, connected, and resilient. The standards are compatible with other City planning documents.

Move San José (City of San José)

Move San José, known as "The Plan", is the City's transportation plan that establishes a new process to make decisions about transportation policy, improvements, and investment. Strategies outlined in the Plan are developed to help reach the City's overarching goals and implement other transportation-related plans, such as the Emerging Mobility Plan (EMAP), the Better Bike Plan (BBP), and the Downtown Transportation Plan. The Move San José Plan was adopted in August 2022 and includes citywide and district-specific strategies to meet the transportation needs of the City.

Transportation Analysis Handbook & Policy (City of San José)

The current Transportation Analysis Handbook updates the previous Traffic Impact Analysis Handbook Volumes I and II (2009 & 2011) to align with the updated General Plan and Transportation Analysis Policy, including updates related to CEQA and SB 743. The document is a guide for transportation analysis (TA) of developments, outlining appropriate methodologies/procedures/criteria to determine the effects of land developments on the transportation system.

Vision Zero Program (City of San José)

In 2015, San José became the fourth city in the U.S. to adopt a Vision Zero initiative. The program aims to reduce and eventually eliminate traffic deaths and severe injuries. Seventeen priority safety corridors, including Saratoga Avenue, have been identified to help focus major safety projects and outreach campaigns.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a transportation impact is considered significant if the Project would:

1. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities
2. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)
3. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)
4. Result in inadequate emergency access

TRANS-1	***Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***
	Less Than Significant

In accordance with General Plan policies, the proposed Project will facilitate pedestrian and bicycle access and safety. Pedestrian access to the site is provided via existing sidewalks and pathways at Project access points. Lawrence Expwy and Graves Avenue provide more direct and convenient pedestrian access, while

Prospect Road and Saratoga Avenue provide access through the surrounding shopping center. Four pedestrian crossings would be provided between the parking field to the west of the warehouse and the warehouse entry canopy, connecting the warehouse to the accessible parking stalls. Another crossing would exist to cross from the parking out-lot southwest of the warehouse to the landscaped area south of the main at-grade parking field.

Lawrence Expressway – Based on conversations with City and County staff, the Project would include improvements to the signalized access point on Lawrence Expwy. These improvements would focus on updating pedestrian facilities to conform to the Americans with Disabilities Act (ADA) and include continuing the sidewalks from Lawrence Expwy along the internal drive aisle of the Project site.

Graves Avenue – Sidewalks are currently present on both sides of Graves Avenue. Access to the site is available via the cul-de-sac at the western terminus and at a pedestrian entrance near Fields Drive. The Project would include a marked pedestrian crossing on Graves Avenue between the pedestrian access point and curb ramps on the north leg of the intersection with Fields Drive.

Prospect Road – Pedestrian access is currently available along Prospect Road for businesses near the roadway frontage; these access points will remain unchanged. The Project would include pedestrian improvements to the main signalized access point on Prospect Road. Improvements focus on updating pedestrian facilities to conform to ADA standards and include continuing the sidewalks from Prospect Road along the Project's internal drive aisle.

Bicycle lanes are provided along both Prospect Road and Lawrence Expwy at the Project access points, but there are currently no on-site bicycle lanes. Chapter 20.90, Parking and Loading, of the City's Municipal Code provides the required number of bicycle parking spaces for various land uses. The most applicable/comparable use ("retail sales, goods, and merchandise") is required to provide at least 1 bicycle parking space for every 3,000 square feet. Non-residential uses are also required to have a minimum of two-short term parking spaces and one long-term bicycle parking space, regardless of square footage. The Project proposes that 10 bicycle parking stalls be installed adjacent to the entry canopy.

Due to the function and operational characteristics of the Project site as a retail warehouse building, the Project is not anticipated to add substantial trips to the existing pedestrian, bicycle, or transit facilities in the area. 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 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, with the payment of the applicable TIF, which is required by law, there would be a less than significant impact.

TRANS-2	***Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?***
	Less than Significant

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 (see Appendix I for the Transportation Analysis).

Methodology

The Project VMT analysis estimates the change in regional total VMT associated with the Project. In this section, the Project is referred to as the "new warehouse" to distinguish it from existing Costco warehouses in the greater San José area. VMT was calculated for several trip types taken by existing Costco members, anticipated new Costco members, and Costco employees. The following components comprise the change in regional total VMT attributed to the Project.

- Existing VMT associated with existing members visiting four existing warehouses in the San José area
- Estimated VMT associated with existing members shifting from the existing warehouses to the new warehouse (i.e., change in travel distance for existing trips that would shift to the new warehouse)
- Estimated VMT associated with existing members visiting the existing warehouses more frequently due to latent demand that would occur after the opening of the new warehouse
- Estimated VMT associated with new members visiting the new warehouse
- Estimated VMT associated with employees traveling to and from the new warehouse
- Total Project VMT = changes in existing member VMT + new member VMT + employee VMT

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. **Table 3.17-1: Change in Regional Total VMT** presents the change in regional daily VMT associated with the opening of the new warehouse (Project VMT). The change in total regional VMT is calculated by comparing the existing VMT by Costco members in the Project area and VMT by members and employees after the new warehouse is open. Generally, Project VMT = changes in existing member VMT + new member VMT + employee VMT; see Appendix I for additional detail on how VMT was calculated. As presented in the table, Project VMT is estimated to be a net decrease of 2,596 miles per day. As stated above, the VMT threshold for retail uses is the existing VMT level. If a project increases the existing VMT level, then the threshold is exceeded. If the Project does not increase VMT or it decreases the existing level of VMT, the Project would have a less than significant impact to VMT.

Table 3.17-1: Change in Regional Total VMT

	Existing VMT	VMT with new Warehouse	Change (Project VMT)
Existing Costco Member VMT	**110,012**	**97,074**	**-12,938**
Existing Trips	**110,012**	**93,603**	**-16,409**
Almaden	23,712	17,446	-6,266
Senter	26,987	24,353	-2,634
Santa Clara	31,284	20,120	-11,164
Sunnyvale	28,029	14,697	-13,332

	Existing VMT	VMT with new Warehouse	Change (Project VMT)
New Warehouse	0	16,987	16,987
Latent Demand at Existing Warehouses	**0**	**3,471**	**3,471**
Almaden	0	789	789
Senter	0	1,104	1,104
Santa Clara	0	911	911
Sunnyvale	0	667	667
New Member VMT	**0**	**6,184**	**6,184**
Employee VMT	**0**	**4,158**	**4,158**
Total VMT	**110,012**	**107,416**	**-2,596**

Source: Kittelson & Associates, 202**3**

TRANS-3 ***Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

Less Than Significant Impact

A Local Transportation Analysis for the Project was prepared (see Appendix I) to determine if adequate site access and on-site circulation is provided and to identify any access issues that should be improved. 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

Vehicle Access

The main access points are a right-in/right-out/left-in signalized intersection located along the Lawrence Expressway and a proposed connection through the shopping center to the existing full-access signalized intersection on Prospect Road. The Project includes the closure of the existing west access point along Graves Avenue and retains the existing full-access point along Graves Avenue – at the eastern end of the site.

Per City guidance, driveways should be a minimum of 150 feet from any intersection. The Project satisfies this standard. The proposed driveway locations optimize sight distance and spacing for the proposed site plan.

Truck Access and Turning Movements

Delivery trucks would utilize the eastern access point on Graves Avenue to access the receiving docks. Minor accesses are available through the shopping center via two right-in/right-out driveways along Prospect Road and through the West Valley Professional Center via a right-in/right-out/left-in driveway on Saratoga Avenue, south of Capanelle Terrace.

The Local Transportation Analysis collected and analyzed data to determine the extent to which Project truck traffic would impact traffic on Graves Avenue. The analysis found on an average weekday, about 14

trucks arrive at and depart the loading docks (28 trips) for Smart & Final and Trader Joe's combined. Overall, about 54% (15) of existing truck trips occur on Graves Avenue and 47% (13) of trips are on Saratoga Avenue. Based on information obtained from three nearby Costco warehouses, about 21 daily truck deliveries (42 trips) are expected at the Project site, including deliveries from the Costco Tracy depot and from local and regional vendors. Of these 42 truck trips, 10 are expected to be by Costco delivery trucks and will not use the Graves Ave access. The remaining 32 truck trips from local and regional vendors may or may not use Graves Ave. Assuming all 32 trips are made via Graves Ave, they would essentially replace the approximately 19 truck trips associated with Smart & Final, resulting in a net increase of about 13 trips. Eleven of these 19 daily existing truck trips for Smart and Final current utilize Graves Avenue.

A truck turning movement analysis was performed at all site accesses for both a WB-50 and WB-67[85] truck. Appendix I provides turning templates for WB-50 and WB-67 on the site. The truck turning analysis was conducted using American Association of State Highway and Transportation Officials (AASHTO) truck dimensions. The analysis evaluated the adequacy of the proposed lane widths and curb radii.

It is anticipated that deliveries from the Costco depot, located in Tracy, CA, would be WB-67 trucks and use the signalized the Lawrence Expressway/Westgate West Shopping Center Driveway intersection to enter and exit the site. Local and regional delivery trucks, assumed to be WB-50, would most likely use a combination of the Lawrence Expressway/Westgate West Shopping Center Driveway intersection and the Saratoga Avenue/internal driveway. The Graves Avenue access would also be a possible route for the local and regional delivery trucks. The proposed site plan provides adequate lane width and curb radii within the site. It is unlikely that the signalized Prospect Road/Westgate West Shopping Center Driveway intersection would be used for truck deliveries as trucks would have difficulty entering the narrow driveway and, once on-site, would then need to traverse through the main drive aisle. Delivery trucks regularly serving the Costco site are assumed to find the other access points easier to access from the regional network and to access the loading docks than the Prospect Road access.

Curb modifications and corresponding signal modifications are included as part of the Project to accommodate trucks exiting at the Lawrence Expressway/Westgate West Shopping Center Driveway intersection. The northeast curb could be modified to allow truck wheels to maneuver without impeding on the sidewalk or raised pork-chop median when making the westbound right-turn movement. The modifications are anticipated to be minor and not affect sight distance or worsen existing intersection hazards. All improvements would be made adhering to the latest design standards for the City of San José or County of Santa Clara, thereby preventing hazardous conditions.

Based on the above analysis, the proposed Project would not substantially increase hazards due to a geometric design feature related to site access, and there would be a less than significant impact.

PROJECT PARKING

The City of San José outlines parking requirements by land use in Chapter 20.90 of its municipal code. According to Table 20-190 of the code, "retail sales, goods, and merchandise" uses are required to provide at least 1 vehicle parking space per 200 square feet of floor area. Project parking will be provided via surface and rooftop parking areas. The rooftop parking area would be located on the rooftop of the proposed Costco building. **Table 3.17-2** provides an overview of parking recommendations and requirements, as well as the proposed number of spaces (total and accessible, total includes accessible) for the proposed Costco.

[85] AASHTO defines several truck dimensions including WB-50 and WB-67. WB-50 is the size truck used to model urban collectors and arterials while WB-67 is the size truck used to model intersections on interstate freeway or state highway systems.

Table 3.17-2: Parking Needs & Proposed Project Parking

Parking Space Type	Project Leasable Net Area[1]	City of San José			Project	
		Required Rate	Required Parking Spaces	Required Accessible Parking Spaces	Proposed Total Parking Spaces[2]	Proposed Accessible Parking Spaces
Vehicle Parking	140,375	1 space/200 square feet	702	0	862	18

[1] ITE rates are calculated based on gross floor area. Project Leasable Net Area is the gross floor area of the proposed Costco. The difference between net floor area and the total square footage of the proposed Costco building is comprised of utility and emergency areas that are not typically accessed by customers or employees.
[2] Includes 175 parking spaces at the Building Pad F outlot
Source: Kittelson & Associates, 2023

As shown in Table 3.17-2, the number of parking spaces for the proposed project (862 total) meets the City's requirement of 702 parking spaces. Thus, the Project would not create or increase hazardous roadway conditions, on- or offsite, as a result of vehicle queuing and congestion. As discussed above, the Project would not substantially increase hazards due to a geometric design feature or incompatible uses, and this impact would be less than significant.

TRANS-4 ***Would the Project result in inadequate emergency access?***

Less Than Significant

Less than Significant. Emergency vehicle access to the Project site is accommodated at the access points on Lawrence Expwy and Prospect Road. The truck turn template developed for emergency vehicles on-site shows adequate lane width and curb radii for emergency vehicle access. The Transportation Analysis (Appendix I) provides turning templates for emergency vehicles on the site. To address emergency and fire access needs, the site improvements would be required to be designed in accordance with all applicable City of San José Fire Department design standards for emergency access. Adequate emergency access is required per the local fire code and site plans will be reviewed by local fire officials as part of the design review. The Project is not anticipated to result in inadequate emergency vehicle access, and therefore the impact would be less than significant.

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

Costco Warehouse facilities are open to members only and operate seven days a week. Typically, the warehouse building is open to members on weekdays between the hours of 9:00 AM and 8:30 PM. Weekend operating hours open to members are typically from 9:30 AM or 10:00 AM to 6:00 PM. The warehouses are typically closed on major holidays.

The warehouse trip rates summarized herein rely on data collection conducted at Costco sites located across the western region of the United States. The trip studies were completed using industry standard engineering practices consistent with guidance within the Institute of Transportation Engineers (ITE) standard reference, *Trip Generation Manual, 11th Edition*. These trip studies were conducted between

2015 and 2021 and include 21 surveys of Costco warehouses with fuel stations in California, Arizona, Oregon, Utah, and Washington. The Costco buildings surveyed range in size between 121,771 square feet and 231,411 square feet, with an average size of 156,510 square feet. The existing Costco locations all included fuel stations, ranging from 16 to 32 fueling positions. Because the proposed Costco warehouse does not include a fuel station, fuel stations trips were isolated and removed from the dataset.

Trip generation for the proposed Project was calculated using trip generation rates from the ITE *Trip Generation Manual, 11th Edition*. Project trip generation was developed by subtracting trip credits for the 16,708 square feet of currently operating businesses within Buildings F, H, and J using the ITE Trip Generation Manual trip rates for Land Use 822 (Strip Retail Plaza, <40,000 square feet). A pass-by trip[86] rate of 34% was included based on rates for a shopping center.

Costco warehouses are not open during weekday AM peak hours and therefore, are not included in the evaluation. The trip generation for the site includes all trips, including truck delivery and employee trips made to the site. Development of the Project with all applicable trip reductions and credits is anticipated to generate 5,813 weekday daily primary trip ends. Of these, 466 are estimated to occur in the weekday PM peak hour (219 inbound / 247 outbound). Existing vehicle trips for the proposed Project (excluding trip adjustments) are anticipated to generate a gross total of 601 daily trips, of these 73 would occur during weekday PM peak hour.

Table 3.17-3: Estimated Project Trip Generation

Land Use / Description	Weekday Daily Trips	Weekday PM Hour of Adjacent Street Traffic Trips		
		Total	In	Out
Existing Business Trip Generation[1]				
Strip Retail Plaza (<40,000 s.f.) (Land Use Code 822)	910	110	55	55
Pass-By Trips (34%)	(309)	(37)	(19)	(18)
Shopping Center Primary Trips	**601**	**73**	**36**	**37**
Project Trip Generation				
Unadjusted Costco Warehouse Trip Generation	11,618	956	452	504
(Shopping Center Credit)	(601)	(73)	(36)	(37)
Total Trips	**11,017**	**883**	**416**	**467**
(Pass-by Trips)	(2,382)	(191)	(90)	(101)
(Diverted Trips)	(2,821)	(226)	(107)	(119)
Primary Trips	**5,813**	**466**	**219**	**247**

Source: Kittelson & Associates, 2023, ITE Trip Generation Manual, 11th Edition
Note:
[1]While the baseline condition for this Project is 150,612 of the existing Buildings F, H, and J, existing trip generation was more conservatively estimated using 16,708 square feet of currently operating businesses within Buildings F, H, and J. Rates (trips/KSF) for "Strip Retail Plaza (<40,000 s.f.)" (822) – Weekday Daily: 54.45; Weekday PM Peak: 6.59 (50% in/50% out). Pass-by and diverted trips rates for weekday PM peak hour were applied to develop weekday daily trips.

Trip distribution and assignment assumptions for the Project were based on the Project driveway location,

[86] Pass-by trips are existing trips on roadways adjacent to the site for which drivers turn into the Costco site and then, after shopping, continue to their ultimate destination.

the freeway ramp location, community characteristics, and professional engineering judgement. Trip distribution for the Project was developed using proprietary Costco transaction data from the following four nearby existing Costco warehouses:

- 150 Lawrence Station Road, Sunnyvale, CA 94086
- 2201 Senter Road, San José, CA 95112
- 5301 Almaden Expwy, San José, CA 95118
- 1601 Coleman Avenue, Santa Clara, CA 95050

The Transportation Analysis obtained transaction data at these four locations for the month of April 2019. The data included the total number of transactions made at each Costco warehouse, separated spatially into 1-square-mile zones based on the home address of the member who made the transaction. These data were overlaid with Costco's anticipated market area of the new warehouse to determine the general trip distribution of the Project.

The trip distribution was then used to assign primary, pass-by, and diverted trips to the study intersections and access points. Primary trips were assigned to study intersections and access points using the proposed trip distribution and typical routes to and from the site. The Project trip assignment and distribution for the proposed Project is presented in further detail in Appendix I.

The Transportation Analysis developed traffic volumes for Background Plus Project conditions using an additive approach. The Transportation Analysis added the vehicle trips generated by the Project to background volumes on the roadway network to develop the volumes for the Background Plus Project conditions.

The study intersections are anticipated to operate at acceptable LOS during the PM peak hour, and the Project is not anticipated to create a substantial traffic adverse effect under Background Plus Project conditions. As shown in Table 3.17-4: Intersection Operation Summary for Background Plus Project Conditions below, the study intersections are anticipated to operate at acceptable LOS during the PM peak hour, and the proposed Project is not anticipated to create a substantial traffic adverse effect under Project conditions.

Table 3.17-4: Intersection Operation Summary for Background Plus Project Conditions[1]

#	Intersection	Control	Background Conditions			Project		
			Delay	LOS	V/C[2]	Delay	LOS	V/C
1	Lawrence Expwy / Calvert Dr	Signal	34.5	C-	0.879	34.7	C-	0.881
2	Saratoga Ave / 1-280 NB Ramps	Signal	21.9	C+	0.485	22.1	C+	0.493
3	Saratoga Ave / I-280 SB Ramps	Signal	33.9	C-	0.869	35	C-	0.895
4	Saratoga Ave / Moorpark Ave	Signal	45.4	D	0.726	45.2	D	0.739
5	Lawrence Expwy / Bollinger Rd – Moorpark Ave	Signal	46	D	0.583	47.2	D	0.592
6	Saratoga Ave / Graves Ave	Signal	27.6	C	0.525	29.6	C	0.585
7	Lawrence Expwy / Westgate West shopping center driveway	Signal	5.5	A	0.344	7.6	A	0.405
8	Hamilton Ave / Sagemont Ave	Signal	17.2	B	0.291	17	B	0.301
9	Miller Ave / Prospect Rd	Signal	20.9	C+	0.463	22.5	C+	0.475

#	Intersection	Control	Background Conditions			Project		
			Delay	LOS	V/C[2]	Delay	LOS	V/C
10	Lyle Dr / Prospect Rd	Signal	14.2	B	0.552	14	B	0.565
11	Lawrence Expwy / Prospect Rd	Signal	48.6	D	0.561	50.2	D	0.616
12	Prospect Rd / Westgate West Shopping center signalized driveway	Signal	36.5	D+	0.520	39.5	D	0.674
13	Saratoga Ave / Prospect Rd – Campbell Ave	Signal	40.3	D	0.638	41	D	0.657
14	Campbell Ave / Westgate Mall driveway	Signal	26	C	0.465	25.6	C	0.476
15	Campbell Ave / Hamilton Ave	Signal	32.4	C-	0.406	32.4	C-	0.427
16	Saratoga Ave / El Paseo de Saratoga Mall driveway	Signal	11	B+	0.363	10.8	B+	0.372
17	Lawrence Expwy / Saratoga Ave Quito Rd	Signal	47.7	D	0.687	48.4	D	0.713
18	Saratoga Ave / SR 85 N	Signal	29.5	C	0.795	29.9	C	0.822
19	Saratoga Ave / SR 85 S	Signal	27.9	C	0.802	28.6	C	0.82
A	Graves Ave / Costco West Access	TWSC[3]	8.4	A	0.021	-	-	-
B	Graves Ave / Costco East Access	TWSC	10	B	0.097	10.7	B	0.200
C	Saratoga Ave / E-W Driveway	TWSC	15	C	0.237	15.6	C	0.248
D	Prospect Rd / Costco West Access	TWSC	11.8	B	0.169	13.6	B	0.331
E	Prospect Rd / Costco East Access	TWSC	13.3	B	0.184	15.1	C	0.335

[1] City of San José Citywide Traffix Database (updated December 1, 2016)

[2] V/C means Volume to Capacity ratio

[3] TWSC means Two-Way Stop-Controlled

3.18 TRIBAL CULTURAL RESOURCES

This section describes the potential impacts of the proposed Project related to tribal cultural resources.

ENVIRONMENTAL 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 nearest waterway is Saratoga Creek located 1,500 feet west of the project site beyond the Lawrence Expressway and residential development. There are no known Native American resources within or adjacent to the proposed Project area.

REGULATORY FRAMEWORK

FEDERAL

No federal plans, policies, regulations, or laws related to tribal cultural resources are applicable to the Project.

STATE

AB 52

AB 52, effective July 2015, established a new category of resources for consideration by public agencies called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or until it is concluded that mutual agreement cannot be reached.

Under AB 52, TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources, or
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- A resource determined by the lead agency to be a TCR.

CITY OF SAN JOSÉ

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following tribal cultural policies applicable to the 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 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.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a tribal cultural resources impact is considered significant if the Project would:

1. 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:
    a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or
    b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

TRIBE-1 ***Would the proposed Project 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 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)?***

Less Than Significant

While there are no known buried resources on site, that does not preclude the potential for resources to exist and previously unknown unrecorded archeological deposits could potentially 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 Standard Permit Conditions listed in Section 3.5, Cultural Resources would reduce the proposed Project's impact to potentially uncover and damage or destroy unknown tribal cultural resources to less than significant.

The proposed Project, with implementation of the Standard Permit Conditions 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.

Standard Permit Conditions

Subsurface Cultural Resources. If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to Director of PBCE or the Director's designee and the City's Historic Preservation Officer and the Northwest Information Center (if applicable). Project personnel shall not collect or move any cultural materials.

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:

a. 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.

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

c. 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.

The proposed Project, with implementation of the Standard Permit Conditions 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.

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.

- On July 9, 2018, a representative of the Ohlone Indian Tribe, Inc., requested notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b). In a meeting with City staff and the representative on July 12, 2018, clarification was received that such notification be sent only for projects in the City of San José that involve ground disturbing activities in Downtown, and that such requests may be sent via e-mail only for future projects require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. As this project is not in Downtown, no notification was sent to the Ohlone Indian Tribe, Inc.
- On June 17, 2021, Chairwoman Geary of the Tamien Nation verbally requested AB 52 notification and written notice was received June 28, 2021, requesting notification of projects in accordance with Public Resources Code Section 21080.3.1 subd (b), for all proposed projects that require a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report. Accordingly, AB 52 notification was sent via email and U.S. mail to Tamien Nation on December 16, 2021.The City did not receive any requests for consultation nor additional information.
- On December 16, 2021, City staff also sent a notification letter to Kanyon Sayers-Roods, a representative of the Indian Canyon Band of Costanoan Ohlone People, but no request for consultation was received.

Additionally, the City sent the Notice of Preparation to all tribes affiliated with the San José geographic region and no comments were received from specific tribes during the Notice of Preparation period or during the preparation of this document. The Project would not have a significant impact on tribal cultural resources.

TRIBE-2	***Would the proposed Project 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 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***

Please see Response to TRIBE-1 above. This impact would be less than significant.

3.19 UTILITIES AND SERVICE SYSTEMS

This section describes the potential impacts of the proposed Project related to utilities and service systems.

ENVIRONMENTAL SETTING

The Project site is located within the Urban Service Area of the City of San José and is currently served by City services. Utilities and services are furnished to the Project site by the following providers:

Wastewater Treatment: Wastewater treatment and disposal is provided by the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José /Santa Clara Water Pollution Control Plant (WPCP). Sanitary sewer lines are maintained by the City of San José. There is an existing 6" VCP sanitary sewer main within Graves Avenue that connects to a 12" VCP sanitary sewer main within Saratoga Avenue, which may serve the proposed site (City of San José, 2022b).

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

Storm Drainage: City of San José. There is an existing 18" RCP storm drain main along the Graves Avenue Project frontage and a 30" RCP storm drain main along the Lawrence Expressway Project frontage, which may serve the proposed site.

Solid Waste: Republic Services.

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

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

REGULATORY FRAMEWORK

FEDERAL REGULATIONS

No federal plans, policies, regulations, or laws related to utilities and service systems are applicable to the Project.

STATE OF CALIFORNIA

Assembly Bill 939

Assembly Bill 939 (AB 939) established the 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.

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 50 percent of nonhazardous construction and demolition debris; and
- Providing readily accessible areas for recycling by occupant.

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 City of San José adopted its most recent UWMP in 2015. Water service to the downtown area is provided by the San José Water Company, which gets its water from a variety of sources including groundwater (approximately 40 percent), imported surface water (approximately 50 percent), and local mountain surface water (approximately 10 percent) (San José Water, 2019).

CITY OF SAN JOSÉ

San José Zero Waste Strategic Plan/Green Vision

The Green Vision provides a comprehensive approach to achieve 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 Green Vision goals, including 75 percent diversion by 2013 and zero waste by 2022. The Green Vision also includes ambitious goals for economic growth, environmental sustainability and an 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.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a utilities and service systems impact is considered significant if the Project would:

1. 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;
2. Not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;
3. 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;
4. 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; or
5. Not comply with federal, state, and local management and reduction statutes and regulations related to solid waste

UTIL-1 ***Would the proposed Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

Less Than Significant

Water Supply

Water service to the Project site is currently provided by San José Water Company (SJWC). The proposed Project would be consistent with planned growth in the General Plan, in that it would be consistent with the type of development planned for this area in the General Plan. SJWC estimated that the total water demand for their total service area could reach approximately 160,877 acre-feet per year (AFY) by 2040 (SJWC, 2021).

Based on on-site employee numbers, the Project would have a water demand of approximately 8,700 gpd (SJWC, 2021).[87] This is equivalent to approximately 9.75 AFY.[88] Water demand associated with the proposed Project represents a 0.006 percent of SJWC systemwide 2015 water production of 141,903 AF (SJWC, 2021).[89] An increase in water demand was accounted for in the 2015 Urban Water Management Plan, which projected a 13.4 percent increase between actual 2015 usage and estimated 2040 usage. Further, the proposed Project would replace existing commercial uses on the Project site and would not increase the development area as compared to existing conditions. The proposed Costco building would represent a 23,117-square foot reduction in building area, as compared to the three existing buildings to be demolished and therefore, would not substantially increase water demand. The Project is within the bounds of maximum build out considered by the General Plan, 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 proposed Project would reduce water consumption including expansion of the recycled water system and implementation of water conservation measures. Thus, relocation or construction of new or expanded water facilities would not be needed and this would be a less than significant effect.

Wastewater

According to the General Plan EIR, development under the General Plan is estimated to generate 30.8 mgd of average dry weather influent flow (City of San José, 2011). 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.

The proposed Project would replace existing wastewater generating commercial uses on the Project site, and the proposed Costco building would represent a 23,117-square foot reduction in building area, as compared to existing conditions. Therefore, wastewater generation associated with the proposed Project would not be substantially greater than existing conditions and would not increase demand for wastewater treatment. Further, 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 and treatment capacity of the San José-Santa Clara RWF would not be exceeded as a result of the proposed Project. Thus, the treatment capacity of the RWF as a result of the proposed Project would be sufficient and would not require relocation or construction of new or expanded wastewater facilities and this would be a less than significant impact.

[87] SJWC uses an office and industrial water demand factor of 29 gallons per day per employee. Total Water Demand = (29 gpd per employee*300 employees) = 8,700 gpd

[88] 8,700 gpd / 892.7 = 9.74 acre-feet/year

[89] 9.74 AFY / 141,9.03 AFY = 0.00006 * 100% = 0.006%

Stormwater

As discussed in Section 3.10, Hydrology and Water Quality, implementation of the proposed Project would reduce the amount of impervious surface area on-site. This decrease would allow for more on-site water percolation than the current amount of impervious surface. Additionally, 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. Thus, the Project would not require relocation or construction of new or expanded stormwater drainage facilities and this would be a less than significant impact.

Electric Power, Natural Gas, and Telecommunications Facilities

As the Project site is currently developed with commercial/retail uses 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. Therefore, the proposed Project would not require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunications facilities and this would be a less than significant impact.

UTIL-2	***Would the proposed Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?***
	Less Than Significant

As discussed above, water service in the City is provided by SJWC. The proposed Project would generate a water demand of approximately 8,700 gpd. An increase in water demand was accounted for in the 2015 Urban Water Management Plan, which projected a 13.4 percent increase between actual 2015 usage and estimated 2040 usage. The Project is within the bounds of maximum build out considered by the General Plan, therefore, the Project demand is within normal growth projections for water demand in the SJWC system. 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 2040 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.

UTIL-3	***Would the proposed Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***
	No Impact

As discussed in the General Plan EIR, the San José-Santa Clara RWF provides wastewater treatment services for the Project area (City of San José, 2011). The City has approximately 38.8 mgd of excess treatment capacity and planned growth in the City is not expected to exceed the City's allotted capacity.

The proposed Project would replace existing wastewater generating commercial uses on the Project site, and the proposed Costco building would represent a 23,117-square foot reduction in building area, as compared to existing conditions. Therefore, wastewater generation associated with the proposed Project would not be substantially greater than existing conditions and would not increase demand for wastewater treatment. Further, 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. Therefore, the projected wastewater demand of the Project, by itself, would not result in an exceedance of capacity at the RWF. Thus, the treatment capacity of the RWF would not be exceeded as a result of the proposed Project or the Project's contribution to existing treatment commitments, and therefore there would be no impacts.

UTIL-4	***Would the proposed Project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***
And,	***And,***
UTIL-5	***Would the proposed Project 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 700,000 tons per year of solid waste including 578,000 tons per year at landfill facilities in San José. The total permitted landfilling capacity of the five operating landfills in the City is approximately 5.3 million tons per year.

The proposed Project would generate approximately 625 pounds per day (ppd) of solid waste, a net decrease of approximately 55 ppd over the existing development (CalRecycle, 2019).[90] 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.

[90]Existing buildings = 188,265 sf *(2.5 lb/1000 sf/day) = 470.7 ppd. Proposed Project = 165,148 sf commercial retail*(2.5 lb/1000 sf/day) = 415.7 ppd. Net change = 415.7 ppd - 470.7 ppd = -55 ppd

3.20 WILDFIRE

This section describes the potential impacts of the proposed Project related to wildfire and wildfire-related risks.

ENVIRONMENTAL SETTING

The proposed Project is located in the "Non-Very High Fire Hazard Safety Zone" on the Very High Hazard Severity Zones in LRA Map dated October 2008 and "LRA Incorporated" on the Fire Hazard Severity Zones in LRA Map dated October 2007 (CAL FIRE, 2007). The proposed Project is also outside of the Santa Clara County Wildland Urban Interface Fire Area (County of Santa Clara, 2009). The nearest Very High Fire Hazard Severity Zone is approximately 13 miles east of the Project site.

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.

REGULATORY FRAMEWORK

FEDERAL REGULATIONS

No federal plans, policies, regulations, or laws related to wildfire are applicable to the proposed Project.

STATE OF CALIFORNIA

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 proposed 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.

IMPACT ANALYSIS

THRESHOLDS OF SIGNIFICANCE

For the purposes of this EIR, a wildfire impact is considered significant if the Project would:

- Impair an adopted emergency response plan or emergency evacuation plan;
- 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;
- 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; or,
- 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.

WIL-1 ***Would the proposed Project, substantially impair an adopted emergency response plan or emergency evacuation plan?***

Less Than Significant

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 in the "Non-Very High Fire Hazard Safety Zone" and outside of the Santa Clara County Wildland Urban Interface Fire Area, as shown in Figure 3.9-1: Fire Hazard Severity Zones and Figure 3.9-2: Wildland Urban Interface Area, the proposed Project is not located within Fire Hazard Severity Zones and is not located within the Wildland Urban Interface. Because the Project site is located in the "Non-Very High Fire Hazard Safety Zone" and is outside of the Wildland Urban Interface Fire Area, the proposed Project would not substantially impair the City's Emergency Operations and Evacuation Plan. Further, the Emergency Operations and Evacuation Plan does not identify evacuation routes within the City. Evacuation would be managed and coordinated by the City Police Department as needed. Thus, impacts would be less than significant.

WIL-2 ***Would the proposed Project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?***

Less Than Significant

The Project site is in the "Non-Very High Fire Hazard Safety Zone" and is outside of the Wildland Urban Interface Fire Area, as shown in Figure 3.9-1: Fire Hazard Severity Zones and Figure 3.9-2: Wildland Urban

Interface Area**.** In addition, the Project site is relatively flat and in an urbanized area with commercial buildings and surface parking lots. Accordingly, the Project site would not be at risk of exacerbated wildfire risks due to slope, prevailing winds, or other landscape factors. The nearest Very High Fire Hazard Severity Zone is approximately four miles west and southwest of the Project site. Therefore, impacts would be less than significant.

WIL-3	***Would the proposed Project, require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***
	No Impact

The proposed Project would be constructued in a commercial area with existing associated infrastructure and would not require the installation or maintenace of new infrastructure such as roads, fuel breaks, or other utilities. Because the Project site is located in the "Non-Very High Fire Hazard Safety Zone" and is outside of the Wildland Urban Interface Fire Area, infrastructure associated with the proposed Project would not exacerbate fire risk or result in temporary or ongoing impacts to the environment. Thus, no impacts would occur.

WIL-4	***Would the proposed Project, expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes??***
	No Impact

The Project is in the "Non-Very High Fire Hazard Safety Zone" and outside of the Wildland Urban Interface Fire Area. In addition, the Project site is relatively flat and the proposed on-site detention/infiltration basins and facilities would limit the release of stormwater from the site. Therefore, the proposed Project would not expose people to flooding or landslides because of runoff, post-fire slope instability or drainage change. Thus, no impacts would occur.

SECTION 4.0 CUMULATIVE IMPACTS

Cumulative impacts, as defined by CEQA, refer to two or more individual effects, which when combined, compound or increase other environmental impacts. Cumulative impacts may result from individually minor, but collectively significant effects taking place over a period of time. CEQA Guideline Section 15130 states that an EIR should discuss cumulative impacts "when the project's incremental effect is cumulatively considerable." The discussion does not need to be in as great of detail as is necessary for project impacts but is to be "guided by the standards of practicality and reasonableness." The purpose of the cumulative analysis is to allow decision-makers to better understand the impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project addressed in this EIR.

The CEQA Guidelines advise that a discussion of cumulative impacts should reflect both their severity and the likelihood of their occurrence. To accomplish these two objectives, the analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document. The analysis must then determine whether the project's contribution to any cumulatively significant impact is cumulatively considerable, as defined by CEQA Guideline Section 15065(a)(3).

THRESHOLDS OF SIGNIFICANCE

The cumulative discussion for each environmental issue addresses two aspects of cumulative impacts:

1) Would the effects of all of the pending development listed result in a cumulatively significant impact on the resources in question? And,
2) If that cumulative impact is likely to be significant, would the contributions to that impact from the proposed project make a cumulatively considerable contribution to those cumulative impacts?

CUMULATIVE SETTING

This section discusses whether the proposed Project would result in significant short-term or long-term environmental impacts when combined with other past, present, planned, and probable future projects in the area. Short-term impacts are generally associated with construction of the Project, while long-term impacts are those that result from permanent project features or operation of the Project.

Section 15130(b)(3) of the CEQA Guidelines states that lead agencies should define the geographic scope of the area affected by each cumulative effect. It is assumed that potential cumulative impacts would not occur in conjunction with other projects beyond this distance because of the nature of the project. For this Project, neither construction nor operation are anticipated to result in impacts significant enough to be cumulatively considerable beyond a 2.5-mile radius of the Project site for all resource areas with the exception of GHG emissions, where the Project's contribution to a cumulative impact within the City of San José, the greater air basin, and globally is discussed.

Several projects were identified for analysis as part of this cumulative analysis. These projects are summarized in Table 3.20-1: Cumulative Projects within 2.5 Miles.

Table 3.20-1: Cumulative Projects within 2.5 Miles

Project	Location	Description	Impacts	Status
El Paseo & 1777 Saratoga Avenue Mixed-Use Project (City of San José)	Southeast corner of the Lawrence Expressway and Prospect Road. (0.2 miles from the Project site)	A mixed-use development with residential units and commercial uses. Two development options are being proposed: non-education mixed-use option or education mixed-use option.	New less than significant impacts with mitigation incorporated for air quality, biological resources, energy, greenhouse gas emissions, hazards and hazardous materials, noise, and transportation.	Draft EIR circulated 10/15/21 to 11/29/21. First Amendment to the Draft EIR published in May 2022. EIR certified and project approved in June 2022.
Quito Village Development, 18764 Cox Avenue (City of Saratoga)	Southwest corner of Cox Avenue and Paseo Presada (0.9 mile from Project site)	91 residential units, 4,999 square feet of commercial uses, and 76,529 square feet of open space	Potential contaminants of concern found in soil vapor on site.	Approved but not yet fully constructed/occupied. Remediation plan is being prepared.
Daycare Facility Expansion, 1625 West Campbell Avenue (City of Campbell)	Northeast corner of W. Campbell Avenue and La Pradera Drive. (1.0 mile from Project site)	Commercial day care center capacity increase from 60 to 100 children	New increases in noise levels generated by children playing outside may occur. Daycare staff must monitor children playing in the playground to ensure there are no extensive periods of play and/or extreme occurrences of noise that may unreasonably disturb adjacent residents. Use of whistles or amplified devices is prohibited.	Approved but not yet fully constructed/occupied
Palm Villas Saratoga, Saratoga Creek Drive (City of Saratoga)	South corner of Saratoga Creek Drive and Cox Avenue. (1.0 mile from the Project site)	A Residential Care Facility for the Elderly providing 24-hour care for up to 48 guests	New less than significant impacts with mitigation for air quality, biological resources, cultural resources, geology and soils, and tribal cultural resources.	Approved but not yet fully constructed/occupied

Project	Location	Description	Impacts	Status
Grocery Outlet, 100 North San Tomas Aquino Road (City of Campbell)	Northeast corner of W. Campbell Avenue and San Tomas Aquino Road. (1.2 miles from the Project site)	Changes in tenant space in the plaza: CVS moved to a smaller space at the former Ace Hardware store and Grocery Outlet is moving into the former CVS space	No new impacts as no new development is being proposed or built.	Approved but not yet fully constructed/occupied
Mitzi Place Apartments, 4146 Mitzi Drive (City of San José)	Northeast corner of Mitzi Drive and Ranchero Way. (1.3 miles from the Project site)	Relocation and conversion of a historic residence into a six-unit multi-family residential building and the construction of an approximately 28,629-square foot four-story residential building with 40 units above a subterranean garage	New less than significant impacts with mitigation incorporated for air quality, biological resources, cultural resources, hazards and hazardous materials, and noise and vibration.	Approved but not yet fully constructed/occupied
Saratoga & Avalon Expansion, 700 Saratoga Avenue (City of San José)	Southeast corner of Saratoga Avenue and Tanbark Street. (1.7 miles from the Project site)	Addition of up to 307 apartment units to the existing 873 units and the addition of 17,800 square feet of retail.	New less than significant impacts with mitigation incorporated for air quality, biological resources, hazards and hazardous materials, and noise and vibration.	Approved but not yet fully constructed/occupied
100-300 Haymarket Court (City of Campbell)	East of Harriet Avenue between Elam Avenue and	6 single-family homes and 3 accessory dwelling units	Impacts less than significant with mitigation.	Approved but not yet fully constructed/occupied

Project	Location	Description	Impacts	Status
	Westmont Avenue. (1.8 miles from the Project site)			
Office at 5403 Stevens Creek Boulevard (City of Santa Clara)	Northeast corner of Stevens Creek Boulevard and Stern Avenue. (2.08 miles from the Project site)	Phase 1 was completed in 2014 and included construction of 187,000 sq ft. of office development on the site. Phase 2 construction of the remaining 147,500 sq ft. is pending.	New significant and unavoidable impacts for greenhouse gas emissions and transportation/traffic.	Final EIR certified in July 2012. Project is approved but not yet fully constructed/occupied
4300 Stevens Creek Boulevard Mixed-Use Project (City of San José)	Stevens Creek Boulevard between Lopina and Kiely Boulevard. (2.2 miles from the Project site)	The project would demolish the existing buildings and construct a six-story office/commercial building, a six level parking garage, and two eight-story residential, one with up to 15,000 square feet of ground floor retail	New less than significant with mitigation incorporated for air quality, biological resources, hazards and hazardous materials, noise and vibration, and transportation/traffic. New significant and unavoidable impacts for greenhouse gas emissions and transportation/traffic.	Approved but not yet fully constructed/occupied.
Vallco Special Area Specific Plan (City of Cupertino)	70 acres north of Stevens Creek Boulevard and Wolfe Road (2.2 miles from the	An SB 35 project to redevelop the existing shopping mall with a mix of uses including commercial, office, hotel, residential,	The Project was approved via SB 35 and was exempt from CEQA review. However, a similar project was analyzed in connection with a specific plan for which an EIR was prepared. Although the specific plan was repealed following a referendum, the impacts identified in the EIR are relevant to assessing impacts for purposes of this cumulative analysis. New significant and unavoidable impacts with	Approved but not yet fully constructed/occupied

Project	Location	Description	Impacts	Status
	Project site)	open space, a transit hub, rooftop garden, civic uses, a Science, Technology, Engineering, and Math (STEM) lab, and associated parking.	mitigation incorporated for air quality, greenhouse gas emissions, noise and vibration, transportation/traffic and new less than significant impacts with mitigation on cultural resources and hazards and hazardous materials, and utilities and service systems. .	
3896 Stevens Creek Commercial Project (City of San José)	Southeast corner of Stevens Creek Boulevard and Saratoga Avenue. (2.4 miles from the Project site)	The proposed project would demolish the six existing buildings (totaling approximately 47,700 square feet), landscaping, and hardscape, and construct a commercial development project consisting of office, retail, restaurant, and health club uses, as well as associated structured parking.	New less than significant impact with mitigation incorporated for air quality, biological resources, hazards and hazardous materials, noise, and transportation and new significant impact with mitigation incorporated for noise.	Approved but not yet fully constructed/occupied.

POTENTIAL CUMULATIVE IMPACTS

Based on the analysis in this EIR, the Project would result in less than significant impacts to aesthetics, agricultural/forestry resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials,hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire. The degree to which the Project would add to existing or probable future impacts on existing land uses and/or resources would be negligible given the developed, urban nature of this infill retail site, along with the scale and type of development proposed. Therefore, the Project would not considerably contribute to any cumulative impacts associated with these topic areas. However, the

Project would have potentially significant impacts on air quality, biological resources, and noise and vibration as detailed in Section 3.0 of this EIR. The Project's potential to contribute to any cumulatively significant air quality or biological resources impacts are discussed below.

AIR QUALITY

The San Francisco Bay Area Air Basin (the Basin) is designated nonattainment for O_3, PM_{10}, and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for Federal standards. As discussed above, the Project's construction-related emissions would not exceed the BAAQMD significance thresholds for criteria pollutants.

Since these thresholds indicate whether an individual Project's emissions have the potential to affect cumulative regional air quality, 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 is 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.

The BAAQMD CEQA Air Quality Guidelines do not include separate significance thresholds for cumulative operational emissions. However, with respect to regional air pollution, the development of the Project would result in population growth related to job creation that is consistent with ABAG projections and the City General Plan. Therefore, the Project would be consistent with the 2017 Clean Air Plan that uses ABAG population forecasts.

As described in threshold AQ-1 above, the Project would also be consistent with the appropriate 2017 Clean Air Plan control measures, which are provided to reduce air quality emissions for the entire Bay Area region. Additionally, the discussion in threshold AQ-2 addresses cumulative impacts and demonstrates that the Project would not exceed the applicable BAAQMD thresholds for construction or operations. The BAAQMD CEQA Air Quality Guidelines note that 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. Consistency with the 2017 Clean Air Plan control measures would ensure that the Project would not cumulatively contribute to air quality impacts in the Basin.

In threshold AQ-3 the discussion around existing permitted stationary and mobile sources from BAAQMD's Stationary Source Screening Analysis Tools found that with implementation of **Mitigation Measure AQ-1** identified in this EIR, the proposed Project would result in a cumulative a cancer risk of approximately 19 per million. This is below BAAQMD's cumulative threshold of 100 per million for cancer risk. Therefore, the Project's cumulative air quality effects would not be cumulatively considerable.

BIOLOGICAL RESOURCES

Given the developed state of the Project site and its urban surroundings, the Project site does not contain riparian habitat, wetlands, wildlife corridors, or other sensitive natural communities. The Project site is not designated as critical habitat for any special status species, though some special status species could utilize the site. The American peregrine falcon could use mature trees and isolated stands of vegetation on or near the site for foraging and buildings in the area for nesting. Similarly, other nesting migratory birds adapted to urban settings could also utilize Project site trees and nearby residential yards for breeding and foraging habitat. Therefore, based on the analysis in this EIR, the Project would have potentially significant impacts to special status bird species. However, with compliance with existing

regulations (e.g., the MBTA, Fish and Game Code) and implementation of **Mitigation Measure BIO-1** identified in this EIR, the Project would not significantly impact special status species.

Similar to the Project, cumulative projects were found to have less than significant impacts to biological resources with mitigation incorporated. Additionally, cumulative projects are subject to existing regulations that protect special status species and nesting or migratory birds. Given the less than significant impacts to biological resources from cumulative projects and the Project, there is no cumulatively considerable impact to biological resources, and accordingly the Project would not significantly contribute to a cumulative impact to biological resources.

HAZARDS AND HAZARDOUS MATERIALS

The Project site has been voluntarily enrolled with the DTSC to evaluate concentrations of volatile organic compounds reported in excess of preliminary screening levels. VOCs would pose minimal risk during Project operation, but soil excavation and removal could pose a risk to Project construction workers if not otherwise mitigated. With the implementation of **Mitigation Measure HAZ-1,** the Project would result in less than significant impact as a result of on-site contaminates during Project construction.

Similar to the Project, cumulative projects were found to have less than significant impacts related to hazards ad hazardous materials with mitigation incorporated. Additionally, cumulative projects are subject to existing applicable regulations that require proper handling and disposal of hazardous materials when necessary. Accordingly, the Project would not significantly contribute to a cumulative impact from hazards and hazardous materials.

NOISE AND VIBRATION

As described in threshold NOI-2 above, construction and operation of the Project would not exceed the applicable construction vibration criteria and operational vibration would not exceed FTA standards or General Plan Policy EC-2.3 for building damage or annoyance. Therefore, Project construction and operational vibration impacts would be less than significant. The cumulative projects are also subject to City regulation related to vibration. Per the discussion in threshold NOI-3, the Project would not expose people residing or working in the Project area to excessive airport- or airstrip-related noise levels. Thus, similar to the Project impact, the cumulative impact from vibration or airport noise would not be cumulatively considerable.

Operationally, the Project would not: generate increased traffic noise in excess of the threshold 3.0 dBA noise level increase per GP Policy EC-1.1, generate on-site source noise in excess of the incremental noise standards established in General Plan Policy EC-1.2 and EC-1.3, or generate significant landscape maintenance activity noise. As the cumulative projects are also subject to City regulation related to operational noise, similar to the Project impact, the cumulative impact would not be cumulatively considerable.

While the Project's exterior construction noise levels would range from approximately 47.4 dBA L_{eq} and 70.3 dBA L_{eq} at the nearest receptors and would not exceed the FTA's 8-hour construction noise standards of 80 dBA L_{eq} for residential uses and/or 85 dBA L_{eq} for commercial uses, Project construction would result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses (to the north) and 200 feet of commercial uses (to the east/south), which the City considers to be a potentially significant construction noise impact in accordance with General Plan Policy EC-1.7. Additionally, nighttime construction activities required for Project construction would result in a significant impact at the single-family residences north of the Project site. However, with compliance with existing regulations (e.g., the FTA's construction noise standards) and implementation of **Mitigation Measures NOI-1 and NOI-2** identified in this EIR, the Project would not have a significant impact as a result of construction. As cumulative projects would also be subject to existing regulations and construction

noise is temporary, the Project would not result in a cumulatively considerable impact related to construction noise.

CUMULATIVE IMPACTS CONCLUSION

Implementation of the Project, in combination with other past, present, and foreseeable projects, would not result in a cumulatively considerable contribution to significant cumulative impacts.

SECTION 5.0 GROWTH-INDUCING IMPACTS

For the purposes of this Project, a growth-inducing impact is considered significant if the Project would:

a. Cumulatively exceed official regional or local population projections;

b. Directly induce substantial growth or concentration of population. The determination of significance shall consider the following factors: the degree to which the project would cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds planned levels in local land use plans; or

c. Indirectly induce substantial growth or concentration of population (i.e., introduction of an unplanned infrastructure project or expansion of a critical public facility (road or sewer line) necessitated by new development, either of which could result in the potential for new development not accounted for in local general plans.

Would the Project Cumulatively exceed official regional or local population projections?

The Project is proposed on a site developed with existing commercial buildings. As proposed, the Project would demolish three of the existing buildings on site and re-develop the site with a Costco building and parking in an existing shopping center. The Project would be compatible with the surrounding commercial land uses.

Because the Project does not include residential uses, there would be no direct increase in the City's population. Rather, the Project's potential impact on population would be related to jobs. The Project would result in a small net increase of jobs Citywide. Specifically, the Project would result in a net increase of 42 jobs in comparison to the existing number of jobs provided by the baseline conditions. Any population increase would be minor and the Project is consistent with the General Plan designation for the site. Thus, there would be no unplanned population increase as a result of the Project as the jobs increase is not of the scale to cause population growth unanticipated by the City in the General Plan. Therefore, the Project would not cumulatively exceed official regional or local population projections.

Since the Project is consistent with the planned growth identified in the Envision San José 2040 General Plan, the Project would not have a significant growth inducing impact.

Would the Project directly induce substantial growth or concentration of population? The determination of significance shall consider the following factors: the degree to which the project would cause growth (i.e., new housing or employment generators) or accelerate development in an undeveloped area that exceeds planned levels in local land use plans?

The Project does not propose any residential uses, and does not propose development in a previously undeveloped area. In addition, as noted above, the Project would result in a net increase of 42 jobs in comparison to the baseline number of jobs provided by the baseline conditions. As the Project is in conformance with the General Plan designation or the Project site, the Project would not induce unplanned population growth. As such, it would not directly induce substantial population growth or accelerate development in an undeveloped area.

Would the Project indirectly induce substantial growth or concentration of population (i.e., introduction of an unplanned infrastructure project or expansion of a critical public facility (road or sewer line) necessitated by new development, either of which could result in the potential for new development not accounted for in local general plans?

The main environmental issue associated with a jobs/housing imbalance is increased VMT. The existing network of sidewalks and crosswalks surrounding the Project site are well connected to walkable routes to nearby bus stops, retail, and other points of interest in the immediate area given the Project site location within an existing shopping center in a predominantly commercial and residential area. Additionally, there are existing Class II and Class I bicycle facilities surrounding the Project site with Class IV bikeways proposed for the vicinity by the San José Better Bike Plan. As discussed in Section 3.17 of this EIR, the Project would result in a net decrease in VMT. Thus, the Project supports 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 occur on an infill site in an urbanized area of the City with connections to roads, transit, utilities and public services. The Project would not require the expansion of utilities because these services are provided to the site given its infill nature. As noted above, the Project would not require the expansion of roads because of its proximity to transit and the project does not propose the expansion of transit services. Additional public services would not be required because the Project site is currently served by existing utilities and the Project would connect these services. The Project site is currently served by public safety providers, and the Project would continue to be served by the providers. While the proposed Project could potentially increase population indirectly by adding jobs, the proposed Project would promote the City General Plan's goals for planned growth because it supports the intensification of development in an urbanized area that is currently served by existing roads, transit, utilities, and public service. As such, the Project does not include expansion of infrastructure that would facilitate growth in the Project area or other areas of the City.

SECTION 6.0 SIGNIFICANT AND IRREVERSIBLE ENVIRONMENTAL CHANGES

CEQA and the CEQA Guidelines require that an EIR address "significant irreversible environmental changes which would be involved in the proposed Project, should it be implemented." [Section 15126(c)]

Development of this site would involve the use of non- renewable resources both during the construction phase and future operations/use of the site. Construction would include the use of building materials, including materials such as petroleum-based products and metals that cannot reasonably be re-created. Construction also involves significant consumption of energy, usually petroleum-based fuels that deplete supplies of non- renewable resources. Once the new development is complete, occupants would use some non- renewable fuels to heat and light the buildings. The proposed Project would not result in substantial increase in water demand, as proposed warehouse building would meet LEED Silver standards through use of water-efficient landscaping, efficient water fixtures within buildings, and water conservation measures.

The City of San José encourages the use of building materials that include recycled materials and requires new development to meet minimum green building design standards. The proposed Project would be built to current codes, which require insulation and design to minimize wasteful energy consumption. In addition, the site is an infill location currently served by public transportation networks and within walking distance of jobs and services. The proposed Project would, therefore, facilitate more efficient use of resources over the lifetime of the Project.

SECTION 7.0 SIGNIFICANT AND UNAVOIDABLE IMPACTS

A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the Project is implemented as it is proposed. No significant and unavoidable impacts have been identified as a result of the Project.

SECTION 8.0 ALTERNATIVES

Section 15126.6 of the State CEQA Guidelines requires that an EIR describe a reasonable range of alternatives to the proposed Project that could feasibly attain most of the Project objectives, while avoiding or considerably reducing any of the significant impacts of the proposed Project. In addition, the No Project Alternative must be analyzed in the document.

In order to comply with the purposes of CEQA, it is necessary to identify alternatives that reduce the significant impacts that are anticipated to occur if the Project is implemented while trying to meet most of the basic objectives of the Project. The Guidelines emphasize a common-sense approach.

The alternatives shall be reasonable, "foster informed decision making and public participation," and focus on alternatives that avoid or substantially lessen the significant impacts.

The objectives of the Project are to:

1. Positively contribute to the economy of the region through new capital investment and revitalization of an existing developed site.
2. Construct and operate a new Costco warehouse that serves the local community with competitively priced goods and services from both nationally known businesses but also more regional and local businesses.
3. Provide a state-of-the-art Costco warehouse to better serve the membership in the greater San José area in a location that is convenient for its members, the community, and employees to travel to shop and work.
4. Provide a Costco warehouse in a location that is serviced by adequate existing infrastructure including roadways and utilities.
5. Improve the Westgate West Shopping Center to support the development and operation of the Costco development.
6. Employ architectural and landscaping designs that soften the scale and mass of the building, create a pleasant and attractive appearance, and complement the surrounding area.
7. Develop building that meet new state and City sustainability and green building standards and reduce energy use for building operations.
8. Promote economic growth and diverse new employment and retail/service opportunities for City residents.
9. Develop a Costco warehouse that is large enough to accommodate all the uses and services Costco provides to its members.
10. Provide safe, efficient, and accessible multi-modal transportation opportunities within the Project area to support businesses and increase pedestrian activity.
11. Minimize potential access and circulation conflicts between automobiles and pedestrians within the Westgate Shopping Center and adjacent roadways.
12. Provide sufficient on-site parking to meet the needs of warehouse members and to minimize parking spillover into parking spaces for other business and nearby residences.
13. Maximize placement of the warehouse building in close proximity to designated truck routes and the State highway system in order to minimize truck-trip and commute distances on other

roadways.

14. Improve the City's retail base to increase municipal revenues through increased sales taxes.

The Project would result in potentially significant impacts to air quality (construction), biological resources, and noise and vibration (construction) that would be reduced to less than significant levels by implementing mitigation measures outlined in this EIR. The Project was found to result in no impact, or a less than significant impact, to all other topic areas.

As stated in the State CEQA Guidelines: "An EIR shall describe a range of reasonable alternatives to the Project, or to the location of the Project, which would feasibly attain most of the basic objectives of the Project but would avoid or substantially lessen any of the significant effects of the Project and evaluate the comparative merits of the alternatives." (CEQA Guidelines, Section 15126.6, subd. (a)). As this implies, "an agency may evaluate on-site alternatives, off-site alternatives, or both." (Mira Mar, supra, 119 Cal.App.4th at p. 491). The Guidelines, thus, do not require analysis of off-site alternatives in every case. Nor does any statutory provision in CEQA "expressly require a discussion of alternative Project locations." (119 Cal.App.4th at p. 491 citing §§ 21001, subd. (g), 21002.1, subd. (a), 21061). The proposed Project would not result in any significant unavoidable impacts in that all Project significant effects could be mitigated to a less than significant level. Notwithstanding, the following analysis evaluates a range of alternatives to the proposed Project that may further reduce or avoid the already less than significant impacts.

As discussed throughout this EIR, the proposed Project would not result in any significant, unavoidable impacts. Under CEQA, however, alternatives may also be considered if they would further reduce impacts that are already less than significant because of required or proposed mitigation measures. Impacts that would be significant and for which the project includes mitigation to reduce them to less than significant levels include:

- **Impact AQ-1:** Construction activities associated with the proposed Project could expose sensitive receptors near the Project site to a maximum estimated cancer risk of 30.4 (in a million) due to toxic air contaminants (TAC) emissions that could exceed the BAAQMD threshold for annual cancer risk of 10 per million by 20.4 per million.
- **Impact BIO-1:** Construction activities on the Project site could potentially result in disturbance of the American peregrine falcon, nesting raptors, or other migratory birds.
- **Impact HAZ-1:** Documented concentrations of volatile organic compounds (VOCs) in soil vapor in excess of preliminary San Francisco Bay Regional Water Quality Control Board screening levels could impact future Project occupants.
- **Impact NOI-1:** Project construction would exceed the City's General Plan Policy EC-1.7 construction noise standards and would temporarily result in substantial noise-generating activities for more than 12 months within 500 feet of residential uses (to the north) and 200 feet of commercial (to the east/south).
- **Impact NOI-2:** Nighttime project construction activities and 24-hour concrete pours over a 5-day period, could result in hourly average noise levels exceeding the noise standard of 58.8 dBA by 14.7 dBA at the residences located north of the Project site and 1.7 dBA at the residences located east of the Project site.

Alternatives were considered with the objective of trying to avoid or further reduce the already less than significant impacts. The alternatives that were considered and the reasons that certain alternatives were rejected from further detailed analysis are discussed below.

8.1 ALTERNATIVES CONSIDERED AND REJECTED FROM FURTHER CONSIDERATION

ALTERNATE SITE ALTERNATIVE

In considering an alternative location in an EIR, the CEQA Guidelines advise that the key question is "whether any of the significant effects of the Project would be avoided or substantially lessened by putting the Project in another location." The proposed Project is a wholesale warehouse retail center located on a site developed with an existing commercial center, proximate to other commercial uses and residential uses.

The Project's effects concerning air quality and noise and vibration are related to the proximity of the Project site to sensitive receptors. An alternative location does have the potential to reduce the Project's significant impacts should the alternative location be sited further from sensitive receptors. However, several Project objectives seek to introduce benefits to urban areas through revitalization and convenience for employees and customers. As convenience is tied to proximity to employees and customers, an alternative location further from sensitive receptors may not be able to achieve these Project objectives and reduce the potentially significant air quality and noise and vibration impacts.

The Project's potentially significant impact to biological resources is related to the potential to disturb American peregrine falcon, nesting raptors, or other migratory birds via building demolition and tree removal at the Project site. An alternative location may locate the Project on a site with fewer existing trees, necessitating less tree removal than Project implementation. However, the potential to affect nesting birds during construction is not unique to the Project site, but rather to the nature of development. Accordingly, an alternative site would not avoid or substantially lessen the potential impacts to the American peregrine falcon and migratory birds associated with tree removals, building demolition, and Project construction.

The Project's potential impacts related to hazardous materials is related to the known hazardous materials on-site. Relocating the Project to another site could potentially avoid hazards related impacts as another site with no known hazardous materials could be selected. However, even if the Project site is not redeveloped by the Project, the Project site could be reoccupied or redeveloped by another use that would encounter a similar potential for a hazards impact as the known on-site VOC issues are not unique to the Project. Regardless, the Project's potentially significant impact related to hazardous materials would be mitigated to a less-than-significant level with Mitigation Measure HAZ-1.

The Project's impacts pertaining to construction-related air quality, construction noise, and nesting birds would be similar at any infill, urbanized location alternative if it is near sensitive receptors or contains on-site or adjacent trees. For these reasons, an alternative location to the Project site may not avoid the Project's construction related air quality, noise and vibration, or nesting bird impacts.

Furthermore, viable alternative locations for the Project are limited to those that would feasibly attain most of the Project objectives. The Project site's location in proximity to existing Costco customers results in a net decrease in VMT where another site further from the existing Costco warehouses may not offer a VMT reduction benefit. Per the applicable City VMT threshold for retail uses, a reduction in VMT is required to avoid a significant impact. Therefore, an alternative site could result in a new significant VMT impact as compared to the proposed Project.

Moreover, while it is possible that an alternative site could be selected for the Project, the Project applicant does not control other sites in the City of similar size and General Plan designation. For these independent reasons, an alternative location was not analyzed.

MIXED-USE ALTERNATIVE

An alternate use for the site was considered such that reduced retail development might avoid or reduce the Project's potentially significant impact to construction period air quality, noise and vibration, and biological resources. The Mixed-Use Alternative would redevelop the Project site with mixed-use multifamily residential and commercial uses, in addition to associated parking and circulation, landscaping, and infrastructure improvements.

Per the current General Commercial zoning, mixed use residential would only be allowed on-site with a conditional use permit if the Project site is designated on the land use/transportation diagram of the General Plan with a designation that allows residential use or through a General Plan or urban village policy that allows mixed-use development on a non-residential parcel. The Neighborhood/Community Commercial General Plan designation of the Project site only allows for 100 percent deed restricted affordable housing projects that are consistent with General Plan policies H-2.9 and IP-5.12. However, H-2.9 is only applicable if the site is 1.5 gross acres or less. As the Project site is larger than 1.5 gross acres, the requirements of General Plan policy H-2.9 cannot be met and residential development would not be permitted. The Paseo de Saratoga Urban Village also does not yet have an adopted urban village plan. Thus, the Project site does not have a designation that allows for residential use nor is it subject to a General Plan or urban village policy that allows mixed-use development on a non-residential parcel.

This alternative would require a General Plan Amendment and re-zoning to change the Project site's land use designation and zoning district to allow for residential mixed uses. This alternative considers that the City would amend the General Plan land use designation from Neighborhood/Community Commercial to Mixed Use Neighborhood and change the zoning district from Commercial General (CG) to Mixed Use Neighborhood (MUN). The MUN District allows for the development of medium density mixed use development at up to 30 dwelling units per acre with a maximum FAR of 2.0 for commercial uses. The MUN District allows for a maximum building height of 45 feet.

This alternative would not allow for the development of a Costco on-site as Costco warehouses are required to be a certain size in order to encompass the necessary business functions, which is not conducive to a mixed-use development. The Mixed-Use Alternative was explored to consider how the site could be used to increase the availability of housing within the City while also maintaining some job opportunities on-site. Though several Project objectives may be met by this alternative, none of the Project objectives related to the provision of Costco services could be met by this Alternative.

The Project's impacts pertaining to construction-related air quality could be similar or less under this Alternative. Construction period impacts related to air quality could be less as this Alternative may have a shorter construction schedule with less night work required compared to the Project, depending on the scale of development and the type of buildings proposed. However, reduction of the impacts is not guaranteed as multiple buildings of different types could be proposed, resulting in similar construction period impacts. Development of a mixed-use project would still require demolition, ground disturbance, and construction activities in proximity to the surrounding sensitive receptors. Specifically, development of this alternative may not avoid or substantially lessen the Project's construction related air quality emissions as would they still occur on-site near sensitive receptors.

The Project's potentially significant impact without mitigation to biological resources is related to tree removal at the Project site and construction-period disturbance of nesting birds. This alternative would not substantially lessen a significant effect of the Project because this alternative would likely result in similar tree removals for site development activities.

The Project's potential impact related to hazardous materials is related to the known hazardous materials on-site. Any soil disturbing development on-site would result in a similar hazards impact as the Project. This alternative would not substantially lessen a significant effect of the Project because this alternative would likely result in similar soil disturbance for site development activities. Further, the Project would reduce the potentially significant impact related to known VOC's on-site to less than significant with implementation of Mitigation Measure HAZ-1.

The Project's impacts on noise and vibration could be similar or less under this Alternative. Construction period impacts related to noise and vibration could be reduced due to the possibility of a shortened construction schedule with less night work, depending on the scale of development and the type of buildings proposed. However, reduction of the impacts is not guaranteed because multiple buildings of varying types could be proposed, which would result in similar construction period impacts. The development of a mixed-use project would still require demolition, ground disturbance, and construction activities in proximity to the surrounding sensitive receptors. Specifically, development of this alternative may not avoid or substantially lessen the Project's construction related noise impacts as noise generating activities on-site would still be located near sensitive receptors.

In addition to potentially not reducing the potentially significant impacts to air quality, noise and vibration, and biological resources, this alternative could result in a new potentially significant impact to VMT. For retail uses, VMT must decrease for there to be no potentially significant impact. For residential uses, VMT must be 15 percent or more below the existing average Citywide per capita VMT. Should either of these thresholds be exceeded, this alternative would result in a new significant impact to transportation. For these reasons, a mixed-use alternative was not analyzed further.

SUBTERRANEAN PARKING ALTERNATIVE

The Subterranean Parking Alternative would not include rooftop parking. Rather, a subterranean parking garage would be constructed under the proposed Costco building to provide the same amount of parking as the proposed Project. The proposed Costco building would remain the same size and would generally be located in the same place on-site as proposed by the Project.

While aesthetic impacts as result of the proposed Project lighting are less than significant, this alternative

would reduce the potential for fugitive light from the Project site as no rooftop lighting associated with the rooftop parking would be required, and lighting required for the subterranean parking garage would be less likely to be seen from neighboring properties.

Construction of the Subterranean Parking Alternative would require more earth moving activity than the proposed Project to excavate the underground garage. As a result, construction period air quality emissions associated with the construction equipment would likely be greater than the proposed Project, resulting in an increased effect related to health risks to nearby sensitive receptors, as compared to the Project. The increased amount of soil to be exported from the Project site would result in additional construction-period mobile emissions from trucks hauling soil away from the Project site.

The Alternative would have the same potential impacts to biological resources as the proposed Project since it would still require tree removal and building demolition.

Additionally, the excavation of more soil for the subterranean parking garage would result in an increased risk of exposure to hazardous material for construction workers than the proposed Project. As such, this alternative would not avoid any significant impacts of the Project and would potentially result in increased impacts as compared to the Project.

The Subterranean Parking Alternative would require increased construction activity from soil exporting, which results in more noise throughout the construction process. Additional construction would cause potentially similar or worse impacts from noise and vibration to nearby sensitive receptors.

For these reasons, this alternative was rejected and was not analyzed further.

8.2 PROJECT ALTERNATIVES ANALYSIS

An analysis of Project alternatives that might reduce or avoid the Project impacts that would be less than significant with mitigation are evaluated below.

NO PROJECT ALTERNATIVE

The CEQA Guidelines [Section 15126(d)4] require that an EIR specifically discuss a "No Project" alternative, which shall address both "the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the Project is not approved, based on current plans and consistent with available infrastructure and community services."

The No Project Alternative would retain the current Neighborhood Community Commercial General Plan land use designation and Commercial General zoning, maintain existing buildings, and continue the current operations on the Project site. No development of the proposed Project would occur, nor would other new development occur. Should Project development not occur and existing conditions persist, there would be no impacts to air quality, biological resources, hazardous materials, or noise.

If the Project site were not to be redeveloped, re-occupancy of the partially unoccupied spaces in Buildings F, H, and J with uses allowed by the existing NCC designation and existing CG zoning may well occur. Possible uses include but are not limited to retail, driving or post-secondary educational facilities, certain indoor recreation, catering or restaurant, veterinary or medical offices, and financial services. There would be no construction period impacts associated with this alternative because there would be no

construction, apart from the potential for minor tenant improvements. As identified in Section 3.17 of this EIR, the proposed Project would result in an overall reduction in VMT. Under this alternative, that VMT reduction may not be realized depending on the amount of and which uses are introduced to the site, should Buildings F, H, and J be re-occupied by allowed uses, by-right. Operation of the site at full occupancy, at a minimum, would result in no VMT reduction. Based on the City's retail VMT threshold, which requires a VMT reduction to avoid a CEQA impact, the re-occupancy of the partially unoccupied spaces in Buildings F, H, and J, allowed under the No Project Alternative, would result in a new VMT impact.

Conclusion: Implementation of the No Project Alternative would avoid the potentially significant Project impacts to air quality, biological resources, hazardous materials, and noise and vibration and all other less than significant impacts identified in this EIR as no development would occur. However, the No Project Alternative would not meet any of the Project objectives listed above and could result in a VMT impact compared to the Project.

ALTERNATE PLACEMENT ON-SITE ALTERNATIVE

To locate construction period emissions and noise further from sensitive receptors, thereby minimizing the Project's potentially significant construction period air quality and noise impacts, the Alternate Placement On-Site Alternative considers locating the proposed Costco building on a different portion of the Project site. Under this alternative, the development would maintain a similar building footprint and layout, including the positioning of loading docks on the south side of the Costco building. However, the alternative would locate the Costco building on the northwestern portion of the Project site, along the Lawrence Expressway frontage; see Figure 8.2-1: Alternative Placement On-Site Alternative. Site access would be provided by the existing driveway on the Lawrence Expressway frontage and the existing eastern driveway along Graves Avenue.

Given that there are existing residences north of Graves Avenue for the entirety of the Project site, this alternative would only result in additional distance between the proposed development and residences located to the east of the site. The Costco building cannot be located further south on the site due to site access constraints. The Costco building is of a scale that location any further south on-site would not allow for construction of the driveway required to reach the rooftop parking, see Figure 8.2-1: Alternative Placement On-Site Alternative. The additional distance between the proposed building and the residences to the east would minimize the construction emissions to the residences to the east. However, the residences to the north of Graves would remain the nearest sensitive receptors and those considered for evaluation under the CEQA thresholds. The Project mitigation measure would still apply to this alternative to mitigate air quality impacts. Therefore, this alternative would not reduce the potentially significant impacts to air quality due to construction emissions.

The Alternate Placement On-Site Alternative also would not avoid the Project's potentially significant impact to biological resources. The proposed building would have the same footprint and site improvements would still be required to facilitate on-site circulation and parking. Building demolition would remain the same and tree removal would likely be to a similar scale as the proposed Project. Thus, impacts to biological resources would not be reduced.

While hazardous materials on-site are primarily located within the previous Midas Muffler location and placing the Costco building in a different place on-site could potentially avoid this location, the Midas Muffler was located in center of the Project site. The Costco building and associated parking is large

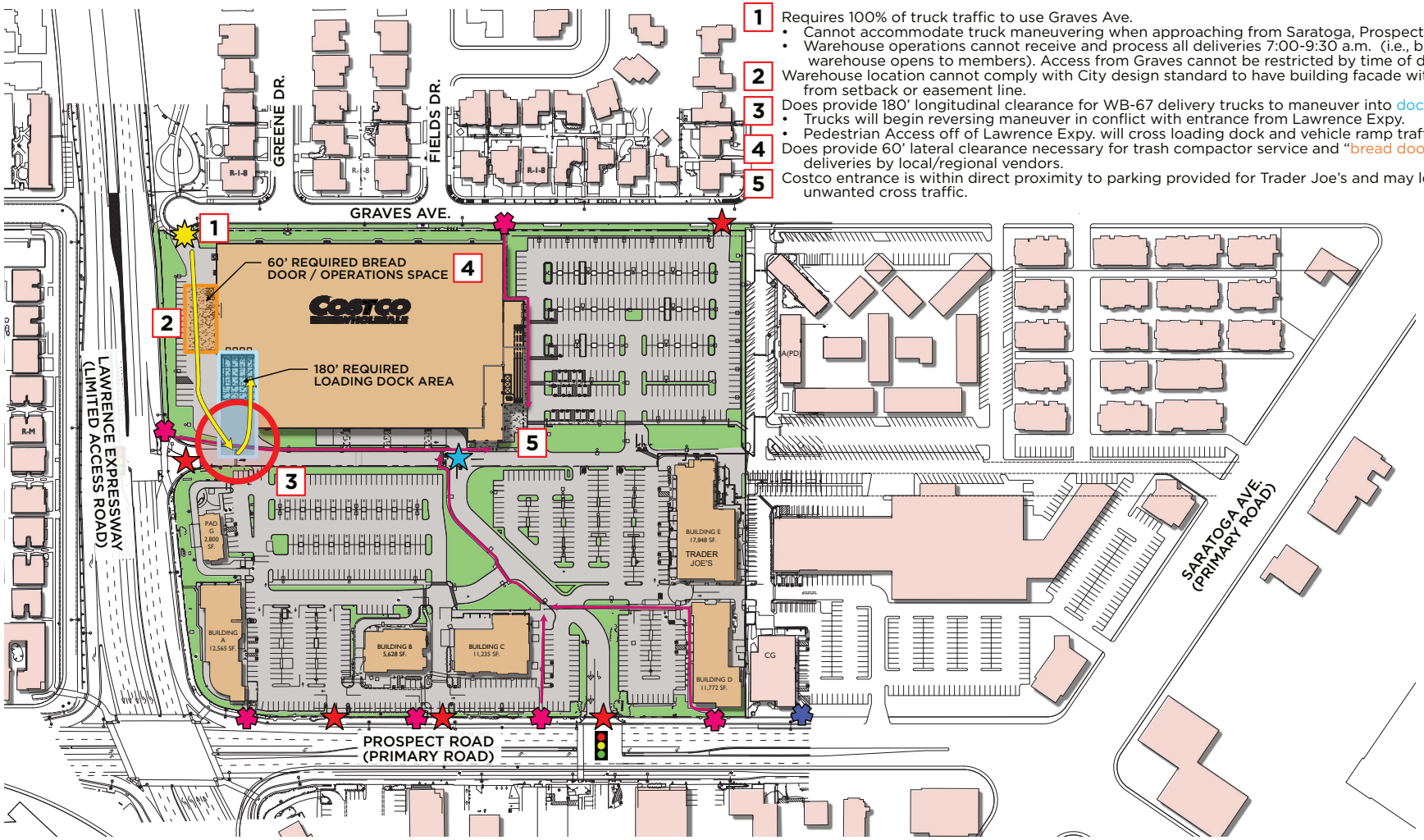
enough and the Project site is small enough that the proposed alternate placement shown in Figure 8.2-1: Alternative Placement On-Site Alternative would still require that the known hazardous materials from the Midas Muffler be disturbed by site development. The Project mitigation measures would still apply to this alternative to hazardous materials impacts. Therefore, this alternative would also reduce the potentially significant impacts related to hazards to a less than significant level with implementation of Mitigation Measure HAZ-1, and this alternative would have a similar potential for hazardous material impact as the Project.

The additional distance between the proposed building and the residences to the east would minimize the construction noise impacts for the residences to the east. However, the residences to the north of Graves would remain the nearest sensitive receptors and those considered for evaluation under the CEQA thresholds. The Project mitigation measure would still apply to this alternative to mitigate noise and vibration impacts. Therefore, this alternative could reduce the potentially significant impacts to noise and vibration for residents to the east, but it would not avoid impacts for residences to the north because of the construction noise.

This alternative would potentially reduce the Project's already less than significant impacts concerning lighting and glare, as lighting facilities would primarily be located along the Lawrence Expressway and surface parking areas, and further from residential uses to the east. However, City guidelines require lighting facilities to be directed away from residential uses and the proposed Project would implement the same design methods. Therefore, this alternative would not avoid the Project's already less than significant impacts to lighting and glare, nor would it substantially lessen the effect.

Due to the placement of the Costco Building along the Lawrence Expressway frontage, primary vehicle site access would be provided directly off the Lawrence Expressway, with limited internal drive aisles for vehicle queuing. As a result, this alternative would result in greater potential for queuing along the Lawrence Expressway. Increased queueing causes congestion that can lead to safety issues in the form of decreased access for emergency vehicles on Lawrence Expressway and increased emissions from greater VMT as vehicles maneuver around and through queues.

Further, due to reconfiguration of on-site circulation, this alternative would not provide adequate turning radii and access for delivery trucks to the site. Delivery trucks would be required to reverse in conflict with the primary vehicle entrance from the Lawrence Expressway and a pedestrian crossing along the internal access road. This would exacerbate queuing on the Lawrence Expressway and lead to hazardous interactions between delivery trucks and passenger vehicles and pedestrians accessing both Costco and the balance of the shopping center. This configuration would constitute a hazard as a result of geometric design features and result in a greater impact to transportation as compared to the proposed Project.



Source: Kimley-Horn, 2022

Figure 8.2-1: Alternative Placement On-Site Alternative

Westgate West Costco
Draft EIR

Not to scale

Kimley»Horn
Expect More. Experience Better.

Conclusion: The Alternate Placement On-Site Alternative would not have the potential to avoid or further reduce the Project's less than significant with mitigation effects related to air quality, biological resources, hazardous materials, and noise and vibration. Additionally, this Alternative would result in a greater impact to transportation as a result of a hazard as a result of geometric design features. Further, this alternative would not meet Project Objective 12 to "Minimize potential access and circulation conflicts between automobiles and pedestrians."

REDUCED SIZE ALTERNATIVE

The Reduced Size Alternative was considered to lessen the Project construction period impacts to air quality, noise and vibration, and biological resources. The Reduced Size Alternative considers the development of a Costco with its building size reduced by approximately thirty percent to be 108,000 square feet. The reduced building size on-site would shorten the construction timeline and length of nighttime concrete pours, allow construction to occur slightly further from existing sensitive receptors, and could require fewer trees to be removed. Additionally, a reduced size alternative could generate fewer operational vehicle trips and associated air quality emissions though operational impacts of the proposed Project are already less than significant.

Although a reduced size project would potentially have a shorter construction period, the use of nighttime concrete pours would still be required. The accelerated construction schedule would result in fewer construction emissions from equipment operation. However, though a reduced size project would have a smaller footprint, the distance from construction activities to the nearest sensitive receptor is dictated by the size of the Project site. Even with a reduced size, the furthest boundary of the Project site from the sensitive receptors to the north is located 500 feet away from the receptors and is still within the 1,000-foot impact analysis area recommended by BAAQMD. Therefore, any reduced amount of emissions would still be located near sensitive receptors and impacts would likely remain significant without mitigation incorporated.

The Reduced Size Alternative may necessitate less tree removal than Project implementation as the development footprint on-site would be smaller. However, the potential to affect nesting birds and American peregrine falcons during construction is not unique to the size of the Project, but rather to the nature of development. Accordingly, a reduced size project would still have the potential to impact nesting birds and American peregrine falcons as buildings would still be demolished and construction would still generate noise near existing trees. A reduced size development would not avoid or substantially lessen the potential impacts to the American peregrine falcon and migratory birds associated with tree removals and Project construction.

The Project's potential impact related to hazardous materials is related to the known hazardous materials on-site. Any soil disturbing development on-site would result in similar potential for hazards impacts. This alternative would not substantially lessen a significant effect of the Project because this alternative would result in soil disturbance for site development activities. Further, the Project would reduce the potentially significant impact related to known VOC's on-site to less than significant with implementation of Mitigation Measure HAZ-1.

Since the reduced size project may shorten the construction timeframe, the length of time for noise affecting sensitive receptors during project construction would decrease. It is important to note, however, that the same equipment with the same noise levels would be used in the construction process. At most, the shortened exposure to noise would further reduce an already less than significant impact with mitigation.

Additionally, Costco warehouses are required to be a certain size to encompass the business uses included as part of the Project, as listed in the Project Description. According to Costco, the average warehouse size for existing warehouses in the Bay Area is 147,287 square feet and the current template for any new warehouses is approximately 160,000 square feet. Based on these averages, the reduced size alternative represents a 27% reduction compared to the existing Costco warehouses in the Bay Area and a 32.5% reduction compared to any new Costco warehouses in the Bay Area. A reduced size Costco would not meet the basic project objectives to provide the goods and services expected by Costco members and would likely not be developed by Costco. Further, a reduced size Costco would also require more frequent restocks, and therefore more frequent truck delivery trips, as product storage space would be decreased. The inability for customers to attain as many goods and services at this location may cause some customers to travel to other regular-sized Costco locations further away in this region. As a result, this Alternative may not attract as many existing Costco customers to shop at the Project site in lieu of their currently frequented Costco locations. As such, the VMT decrease for this alternative may be smaller than the VMT decrease for the proposed Project, resulting in increased impacts to transportation and air quality as compared to the Project.[91]

Conclusion: The Reduced Size Alternative would not have the potential to avoid or further reduce the Project's potentially significant without mitigation effects to air quality, biological resources, hazardous materials, and noise and vibration. Additionally, this alternative could result in greater impacts to transportation and air quality as the resulting VMT may not be as decreased as compared to the proposed Project. Further, this alternative would not meet Project Objective 9 to "Develop a Costco warehouse that is large enough to accommodate all the uses and services Costco provides to its members."

NO ROOFTOP PARKING ALTERNATIVE

The No Rooftop Parking Alternative considers removing the proposed rooftop parking, screening, and associated circulation infrastructure from the proposed Costco building, while maintaining the same building footprint as the proposed Project. The removal of rooftop parking would result in both the Costco and the Westgate shopping center being under parked as compared to ITE requirements. Due to the functional characteristics of the proposed retail warehouse building and member demand for services, a reduced building footprint to address parking deficiencies would not be feasible. With the required size of the building, no parking stalls beyond those proposed by the Project would be developed. Alternative site configurations would also not provide sufficient parking stalls to satisfy ITE or shopping center requirements.

This alternative would entail similar construction-period effects as the Project as construction activities would still require use of construction equipment for ground disturbance activities, including

[91] Personal Communications with Kittelson & Associates, Inc., 2023.

earthmovers, material handlers, and portable generators. Construction activities would occur throughout the Project site, would disturb similar amounts of soil and remain proximate to nearby sensitive receptors. Therefore, this alternative would not avoid the Project's already less than significant impacts to construction-period air quality.

The No Rooftop Parking Alternative would also not avoid the Project's already less than significant impacts concerning tree removals and construction-period impacts to nesting birds associated with site redevelopment. The proposed Costco building would have the same footprint and site improvements for biological resources would still be required to facilitate on-site circulation and parking.

The Project's potential impact related to hazardous materials is related to the known hazardous materials on-site. Any soil disturbing development on-site would result in similar potential for hazards impacts. This alternative would not substantially lessen a significant effect of the Project because this alternative would result in soil disturbance for site development activities. Further, the Project would reduce the potentially significant impact related to known VOC's on-site to less than significant with implementation of Mitigation Measure HAZ-1.

The construction schedule for this alternative would not reduce any of the potentially significant impacts of the Project since construction would neither be lessened nor moved further from sensitive receptors.

Due to the absence of rooftop parking, this alternative would not meet the City of San José parking requirements, which require 1 space/200 square feet of gross building area. Accordingly, the Project is required to provide 702 parking stalls; see the discussion of TRANS-2 in Section 3.17 Transportation of this document. Under this alternative, the project would only provide 306 parking stalls, resulting in a deficiency of 396 stalls. Due to this deficiency, the project would have greater potential to result in air quality impacts concerning mobile source emissions associated with vehicles queuing and circling the parking lot for parking spaces. Additionally, off-site parking within surrounding neighborhoods might occur, as well as resulting traffic delays on surrounding roadways due to greater queuing. Though not a CEQA consideration, any potential for off-site parking was a concern raised by the community during the EIR process.

Conclusion: The No Rooftop Parking Alternative would not have the potential to avoid or further reduce the Project's potentially significant without mitigation effects to air quality, biological resources, hazardous materials and noise and vibration.

Further, the No Rooftop Parking Alternative would result in conflicts with City of San José parking requirements due to insufficient on-site parking, leading to queuing on nearby roadways and potential off-site parking impacts resulting in greater transportation impacts compared to the Project. The mobile source emissions associated with vehicles queuing and circling the parking lot for parking spaces could result in increased operational air quality emissions under this alternative. Further, this alternative would not meet Project Objectives concerning on-site circulation. Specifically, this alternative would not meet the following objectives:

12. Minimize potential access and circulation conflicts between automobiles and pedestrians.
13. Provide sufficient on-site parking to meet the needs of warehouse members and to minimize parking spillover into parking spaces for other business and nearby residences.

As mentioned above, the lack of available parking from the omission of rooftop parking spots would result in increased circulation of vehicles searching for parking. Increased frequency of vehicles circling the parking lot would increase the opportunity for a pedestrian to encounter, be blocked by, or be followed by a moving vehicle. Moreover, limited parking may cause vehicles to park offsite or in unapproved parking spots, blocking pedestrian accessibility and creating traffic congestion.

8.3 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA Guidelines state that an EIR shall identify an environmentally superior alternative. If the environmentally superior alternative is the No Project Alternative, the EIR shall identify an environmentally superior alternative among the other alternatives. The environmentally superior alternative is the No Project Alternative, therefore another alternative must be identified among the other alternatives. Since the Alternate Placement On-Site Alternative would reduce the noise and vibration impact for residences located to the east of the Project site, the Alternate Placement On-Site Alternative is the environmentally superior alternative.

Table 8.3-1: Summary of Project and Alternative Impacts

Impact	Project Impact	Impact Relative to Project		
		No Project Alternative	Alternate Placement On-Site Alternative	No Rooftop Parking Alternative
Aesthetics	Less than Significant	Decrease	No Change	No Change
Agricultural Resources	No Impact	No Change	No Change	No Change
Air Quality	Less than Significant with Mitigation	Decrease	No Change	Increase
Biological Resources	Less than Significant with Mitigation	Decrease	No Change	No Change
Cultural Resources	Less than Significant	Decrease	No Change	No Change
Energy	Less than Significant	Decrease	No Change	No Change
Geology and Soils	Less than Significant	Decrease	No Change	No Change
Greenhouse Gas Emissions	Less than Significant	Decrease	No Change	No Change
Hazardous Materials	Less than Significant with Mitigation	Decrease	No Change	No Change
Hydrology and Water Quality	Less than Significant	Decrease	No Change	No Change

Impact	Project Impact	Impact Relative to Project		
		No Project Alternative	Alternate Placement On-Site Alternative	No Rooftop Parking Alternative
Land Use and Planning	Less than Significant	Decrease	No Change	No Change
Mineral Resources	No Impact	No Change	No Change	No Change
Noise and Vibration	Less than Significant with Mitigation	Decrease	No Change	No Change
Population and Housing	Less than Significant	Decrease	No Change	No Change
Public Services	No Impact	No Change	No Change	No Change
Recreation	Less than Significant	Decrease	No Change	No Change
Transportation	Less than Significant	Increase	Increase	Increase
Tribal Cultural Resources	Less than Significant	Decrease	No Change	No Change
Utilities and Service Systems	Less than Significant	Decrease	No Change	No Change
Wildfire	Less than Significant	Decrease	No Change	No Change

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