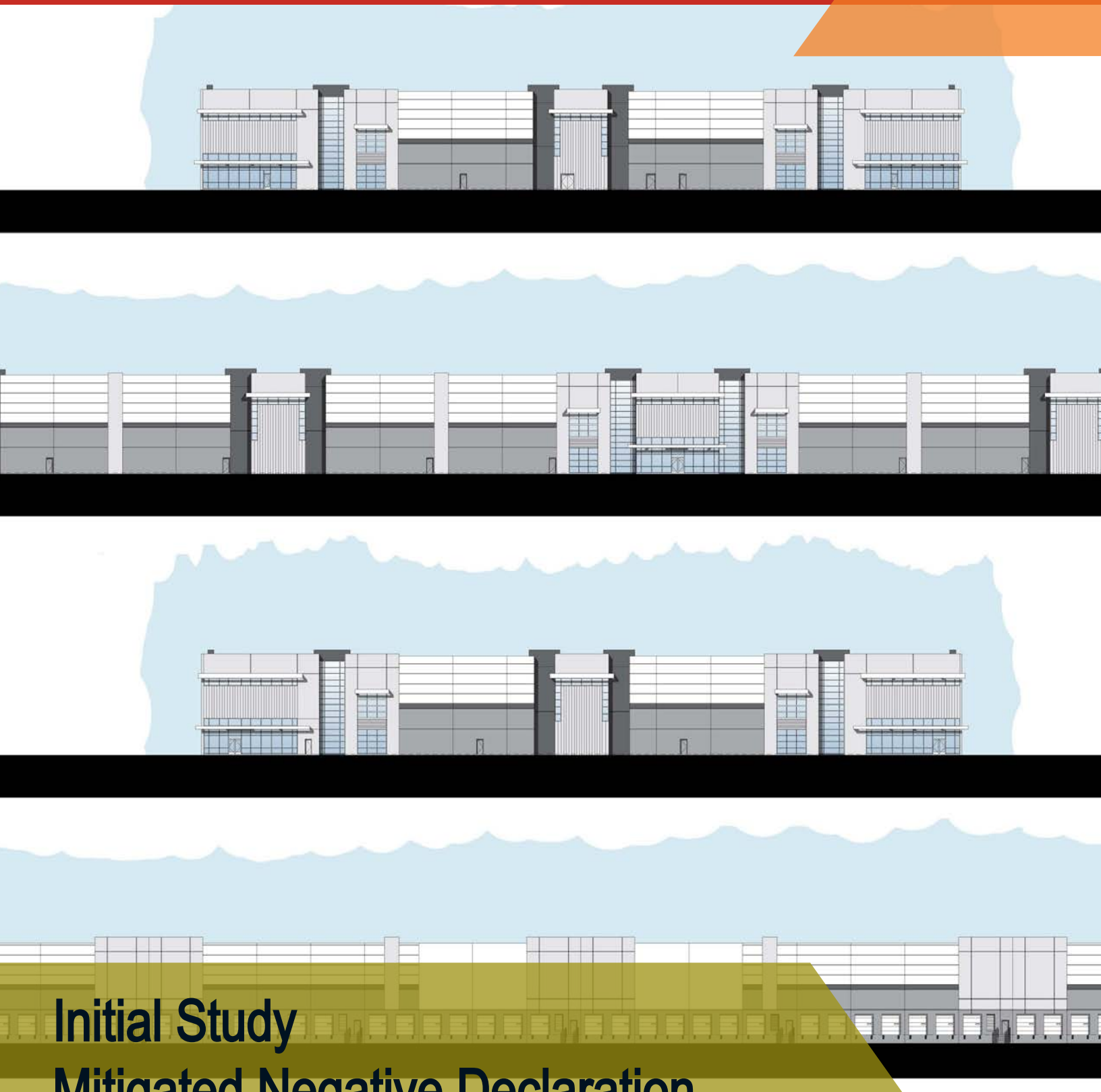

Initial Study
Mitigated Negative Declaration

5853 Rue Ferrari Project

H21-006

January 2022

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

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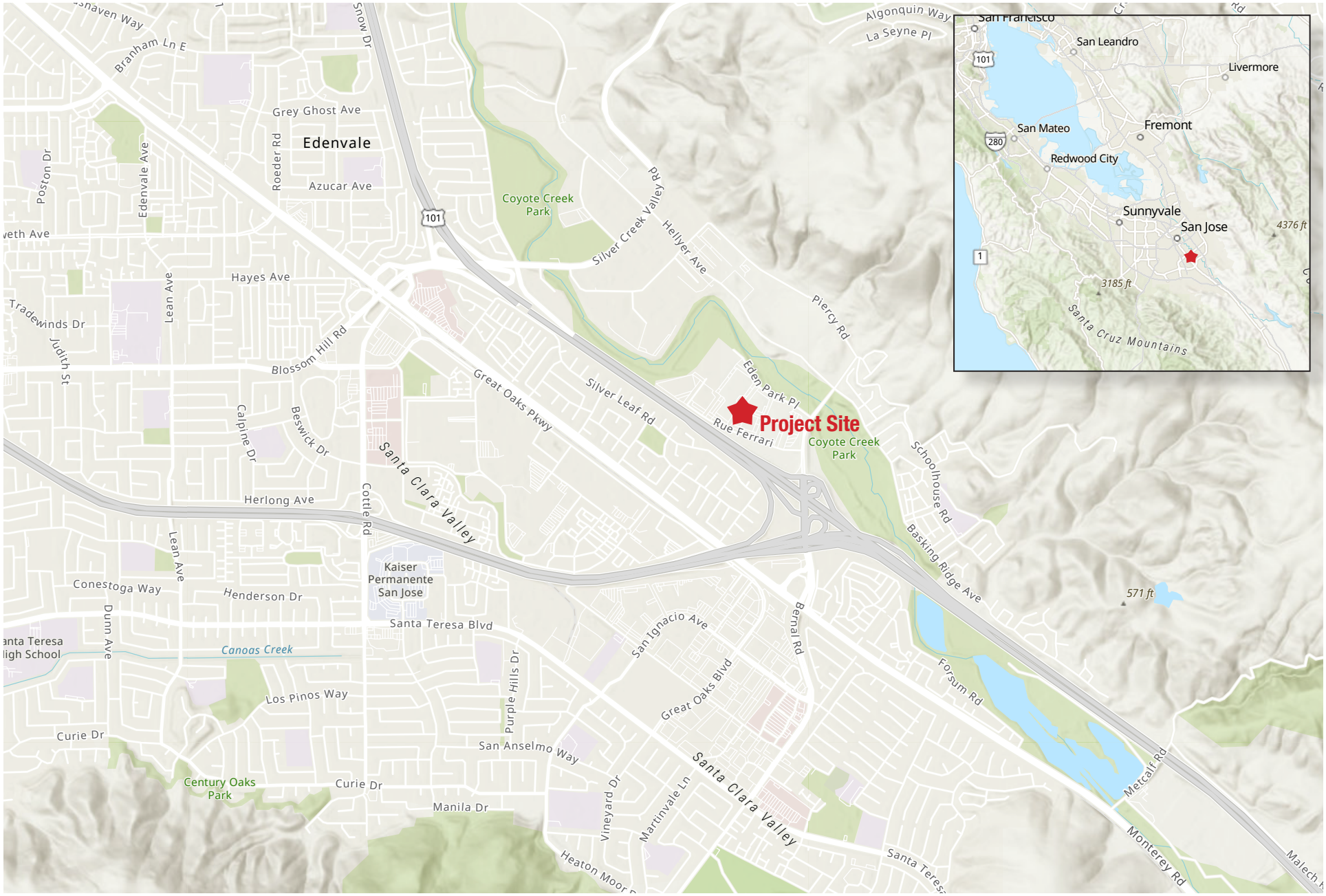
Appendices

1.0 INTRODUCTION & PURPOSE

1.1 Project History

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

The project site is located at 5853 Rue Ferrari in the City of San José. The project site is bound by Eden Park Place to the north and Rue Ferrari to the south. See **Figure 1-1: Regional Map** and **Figure 1-2: Project Vicinity Map**.



Source: USGS, 2021

Figure 1-1: Regional Map

5853 Rue Ferrari Project
Initial Study

Not to scale

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Source: Nearmap, 2021

Figure 1-2: Project Vicinity Map

5853 Rue Ferrari Project
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2.0 PROJECT INFORMATION

2.1 Project Title and File Number

5853 Rue Ferrari Project
File Nos. H21-006 and ER21-022

2.2 Project Location

The 17.38-acre project site is located at 5853 Rue Ferrari in the City of San José. The project site bound by Eden Park Place to the north and Rue Ferrari to the south. See **Figure 1-1: Regional Map** and **Figure 1-2: Project Vicinity Map**.

2.3 Lead Agency Contact

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

Environmental Project Manager: Thai-Chau Le
Phone: (408) 535-5624
Email: Thai-Chau.Le@sanjoseca.gov

2.4 Property Owner/Project Applicant

Contact: Drew Hess, Regional Senior Vice President
Duke Realty
200 Spectrum Drive, Suite 1600
Irvine, CA 92618

2.5 Assessor's Parcel Number

APN 678-05-057

2.6 Zoning District and General Plan Designation

General Plan: Combined Industrial/Commercial (CIC)
Zoning: Industrial Park (IP)

2.7 Habitat Plan Designation

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

2.8 Project-Related Approvals, Agreements and Permits

Site Development Permit
Demolition Permit
Grading Permit
Building Permit
Public Improvement Permit
Other Public Works Clearances

3.0 DESCRIPTION OF PROPOSED PROJECT

3.1 Existing Project Site

The 17.38-acre project site is located at 5853 Rue Ferrari (APN: 678-05-057) in the City of San José. Currently, the project site is developed with two industrial use buildings totaling 286,330 square feet (sf). The existing buildings are located in the center of the parcel and include loading docks along the eastern and western elevations.

The project site is located in an urban area with a mix of surrounding uses including commercial, office, and industrial uses. The project site is bound by Eden Park Place to the north and Rue Ferrari to the south. Immediately to the west of the project site, at 5801 Rue Ferrari, is a single-story commercial warehouse building. North of the project site is Coyote Creek Trail located immediately north of Eden Park Place. Immediately east of the project site is Duck Pond Playspace, an indoor playground, and Carrington College. Immediately south of the project site is emergency interim housing for at-risk and unsheltered people.[1]

U.S. Route 101 (US 101) runs in a north-south orientation and is located approximately 120 feet south of the project site immediately beyond Rue Ferrari. State Route 85 (SR 85) runs in a north-south orientation and is located approximately 0.50 mile south of the project site. The nearest transit stop is the Monterey Road and Tennant Avenue bus stop located approximately 0.40 mile south of the project site. The nearest VTA light rail station is the Santa Teresa Station, which is located on Santa Teresa Boulevard, approximately 0.90 mile southwest of the project site.

Land Use and Zoning

The project site is designated as Combined Industrial/Commercial (CIC) by the General Plan, which allows for warehouse uses. The project site is zoned as Industrial Park (IP). The IP Zoning District allows for a warehouse and distribution facility.

Parking and Site Access

Surface parking is available throughout the site, with automobile parking along all sides of the existing buildings. Currently, there are four driveways that allow access to the project site, two from Rue Ferrari and two from Eden Park Place. There is existing utility access (water, sewer, electricity, gas) to the project site.

Trees and Landscaping

The project site has existing landscaping along all site boundaries. There are 345 existing trees throughout the project site. Of these 345 existing trees, 195 are ordinance-sized trees per the City of San José Tree Ordinance and the remaining are non-ordinance-sized trees.

[1] City of San José. Emergency Interim Housing, *Response to COVID-19 and City Shelter Crises Declaration.* https://www.sanjoseca.gov/home/showdocument?id=57132

Lighting

Existing light fixtures are located throughout the project site and along the street frontages of Rue Ferrari and Eden Park Place.

3.2 Proposed Development

Building Program and Design

The project site is located at 5853 Rue Ferrari in the City of San José, California on an approximate 17.38-acre parcel. The proposed 5853 Rue Ferrari project (proposed project or project) would demolish the two existing warehouse buildings and construct one industrial warehouse building with a loading dock area on the west side of the building, see **Figure 3-1: Site Plan**. The maximum height of the proposed building would be 48 feet. **Figure 3-2: Proposed Elevations** and **Figure 3-3: Proposed Elevations B**, show the proposed architectural elevations.

The proposed project would demolish the two existing warehouse buildings, totaling 289,330 sf, and construct a 302,772 sf tilt-up warehouse building. The project intends to redevelop the property as a modern industrial facility. While no end users have been identified, the building is programmed and designed to attract users such as logistics, e-commerce, warehouse/distribution, wholesaling, industrial services, and light to medium manufacturing. The new warehouse building would contain approximately 292,772 sf of warehouse space and 10,000 sf of office space. Because office space is considered an incidental or ancillary use to the permitted warehouse use, the analysis in this document integrates office space into the primary warehouse use to be consistent with industry standards and municipal code. The office space may serve as additional office/research and design (R&D) space, storage or a variety of other uses.

Parking and Circulation

Access to the project site would be provided by four driveways, two off Rue Ferrari and two off Eden Park Place. The eastern driveways off both roads are at least 32 feet wide. These driveways would be used for automobile access to the project including automobile parking. The western driveways off both roads are 34 feet wide. These driveways would be used for truck access to the project including trailer truck parking and truck loading docks. See **Figure 3-1: Site Plan**.

The proposed warehouse building would include 47 loading dock doors for trailer, box, and recycling trucks on the west side of the warehouse building. The proposed project also includes surface parking with 108 trailer truck stalls and 296 automobile stalls on site. Automobile parking would be located north, east, and south of the warehouse building while the trailer truck parking would be located west of the warehouse building. Additionally, 11 motorcycle parking spaces and 64 bicycle parking spaces would be included on-site. The primary pedestrian entrance to the building would be provided from Rue Ferrari.

City code requires 2 parking spaces per 5,000 sf of warehouse space up to 5,000 sf, 5 parking spaces per 5,000 sf of warehouse space up to 25,000 sf, and 1 parking space per 5,000 sf of warehouse space above 25,000 sf provided that office space represents less than 15 percent of the total building square footage and 1 parking space per 250 sf of office space. The proposed parking plan assumes a maximum buildout of 302,772 square feet which includes 292,772 square feet of warehouse/manufacturing space and 10,00 square feet of office space requiring at least 101 parking stall be provided on-site. The proposed parking

plan meets City code requirements and is sized to be flexible and to accommodate a range of anticipated users. Manufacturing and advanced manufacturing firms tend to have a higher employee headcount and therefore greater parking demand with fewer logistics needs while other anticipated uses have different parking and logistics needs. Thus, depending on the future tenant and final design plans, the parking area can be configured to accommodate the end user while still meeting City code requirements.

Landscaping

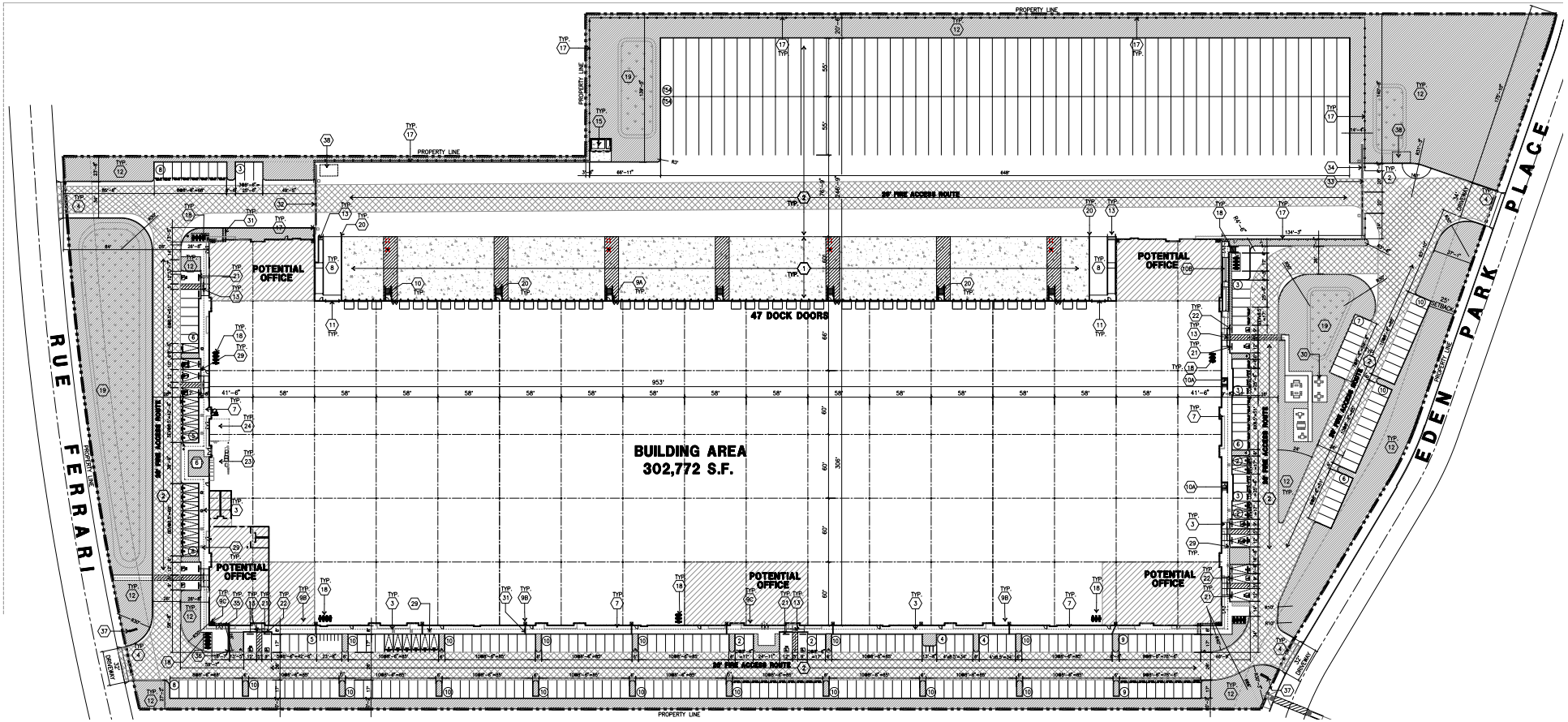
The proposed landscaping plan and plant palette is provided as **Figure 3-4: Landscape Plan**. The project site has mature landscape vegetation including trees and shrubs along the site boundary and throughout the surface parking lot. There are currently 345 existing trees within the project site. Project implementation would remove existing vegetation on site, including 141 ordinance-sized trees and 79 non-ordinance sized trees, for a total of 220 trees. However, 125 existing trees would remain. The removed trees would be replaced according to tree replacement ratios required by the City (refer to Section 4.4, Biological Resources). Landscaping throughout the site would include a mix of grasses, shrubs, and groundcover. Additionally, landscape coverage would be provided for the required 15-feet frontage setbacks beyond the sidewalk along Rue Ferrari.

The proposed landscape plan would meet the City of San José Water Efficient Landscape Requirements. Proposed features include an automatic timer-controlled drip irrigation system equipped with an automatic controller that utilizes evapotranspiration data, repeat cycling irrigation zones, and a rain sensor. On site landscaping would meet State water efficient landscape standards. Final landscape plans would be subject to review during Development Plan Review to ensure compliance.

Project Utilities

Storm water on the north side of the project site would be conveyed from catch basins to a storm drain by 8-inch storm drain line on the north west side of the project site. An additional storm water catch basin would also be installed along the west side of the proposed warehouse building which would feed into a storm drain along the western frontage of the project site via 12-inch storm drain line. A bubbler would also be installed on the south west corner of the project site where it would be fed from a catch basin located on the south west side of the project site via 24-inch storm drain line. Stormwater from the north, west, and south sides of the project site would be conveyed to existing stormwater facilities on the south west side of the project site within Rue Ferrari, see **Figure 3-5: Preliminary Grading Plan A** and **Figure 3-6: Preliminary Grading Plan B**.

Construction of the proposed project is expected to commence in February 2022 and last for approximately one year.



Source: Duke Realty, 2021

Figure 3-1: Site Plan

5853 Rue Ferrari Project
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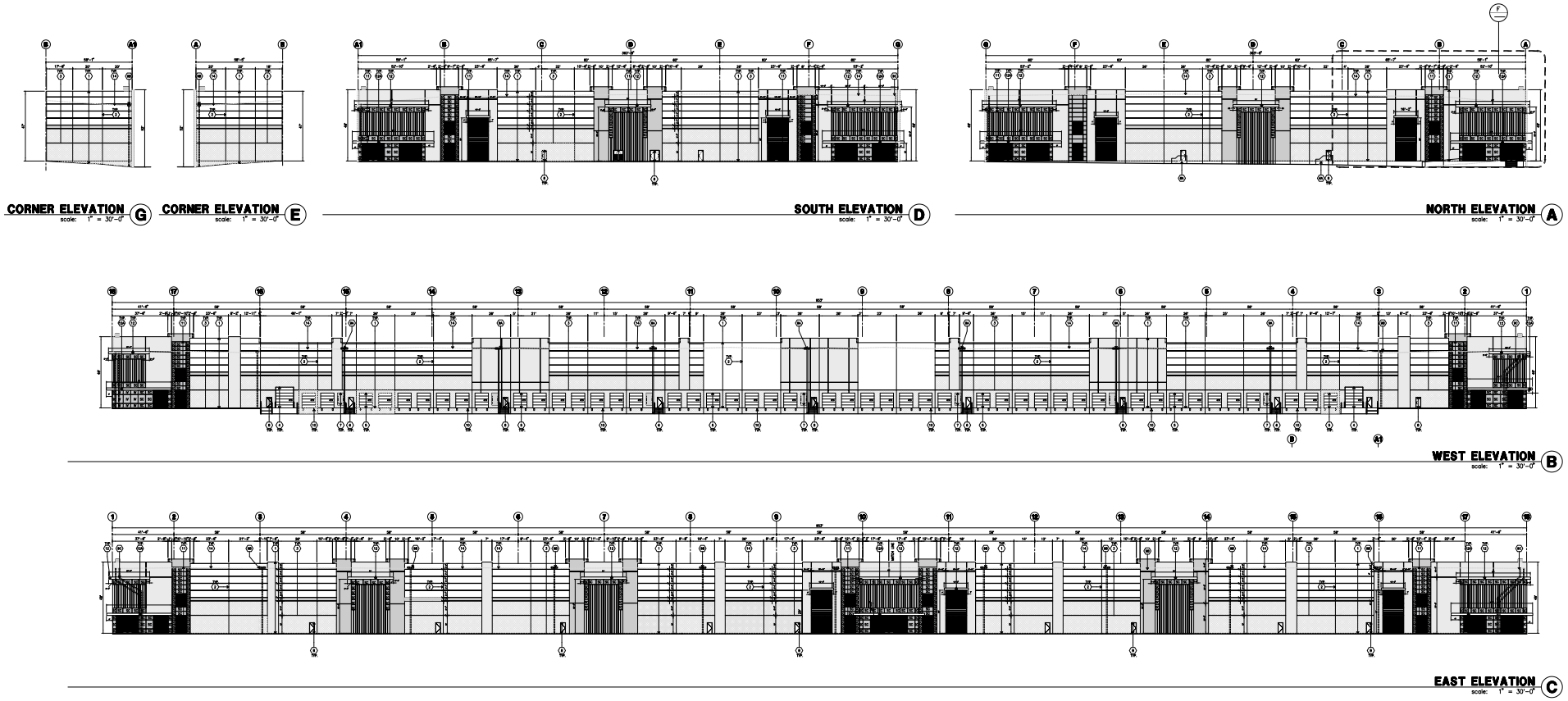

Source: Duke Realty, 2021

Figure 3-2: Proposed Elevations A

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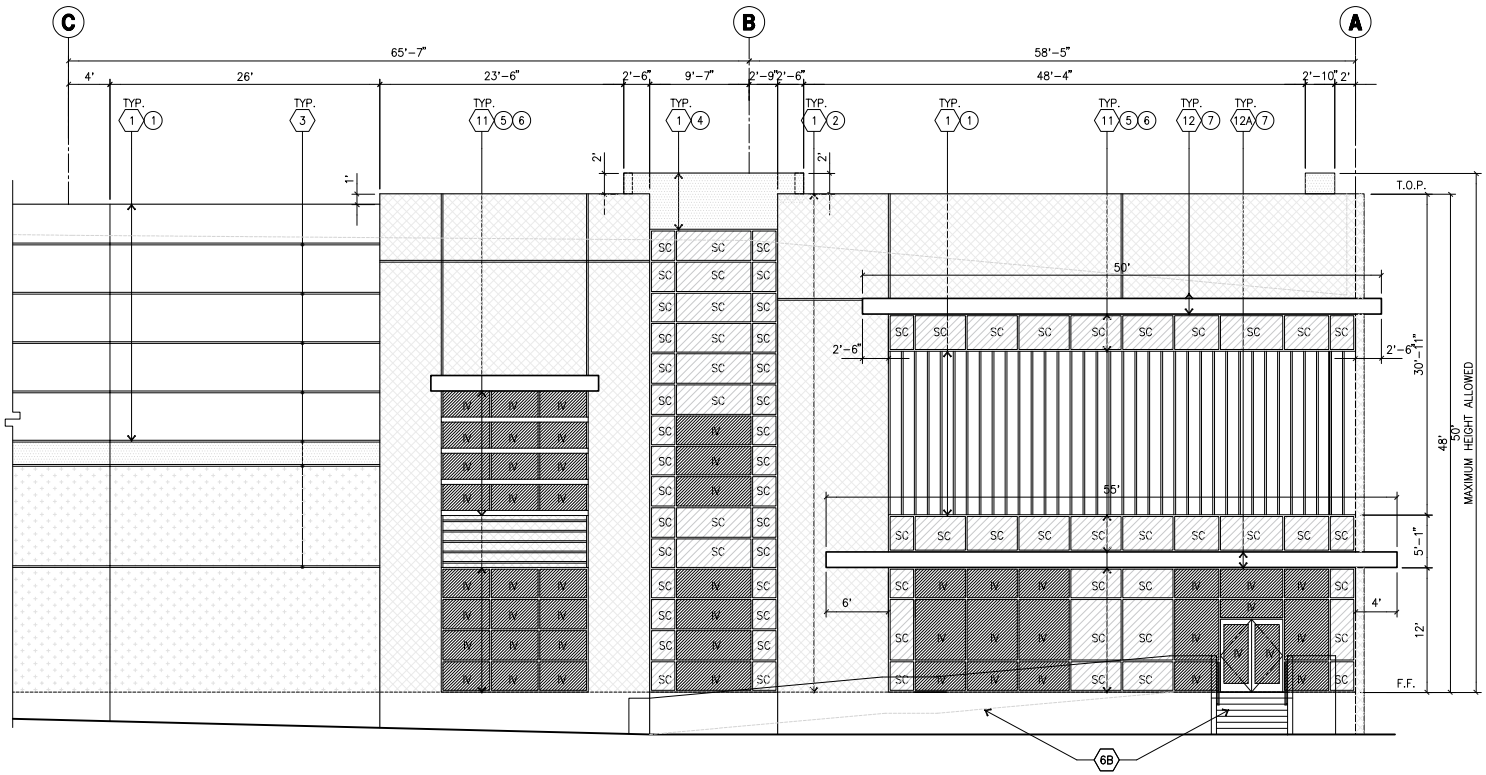

ENLARGED NORTH ELEVATION F

scale: 1/8" = 1'-0"

Source: Duke Realty, 2021

Figure 3-3: Proposed Elevations B

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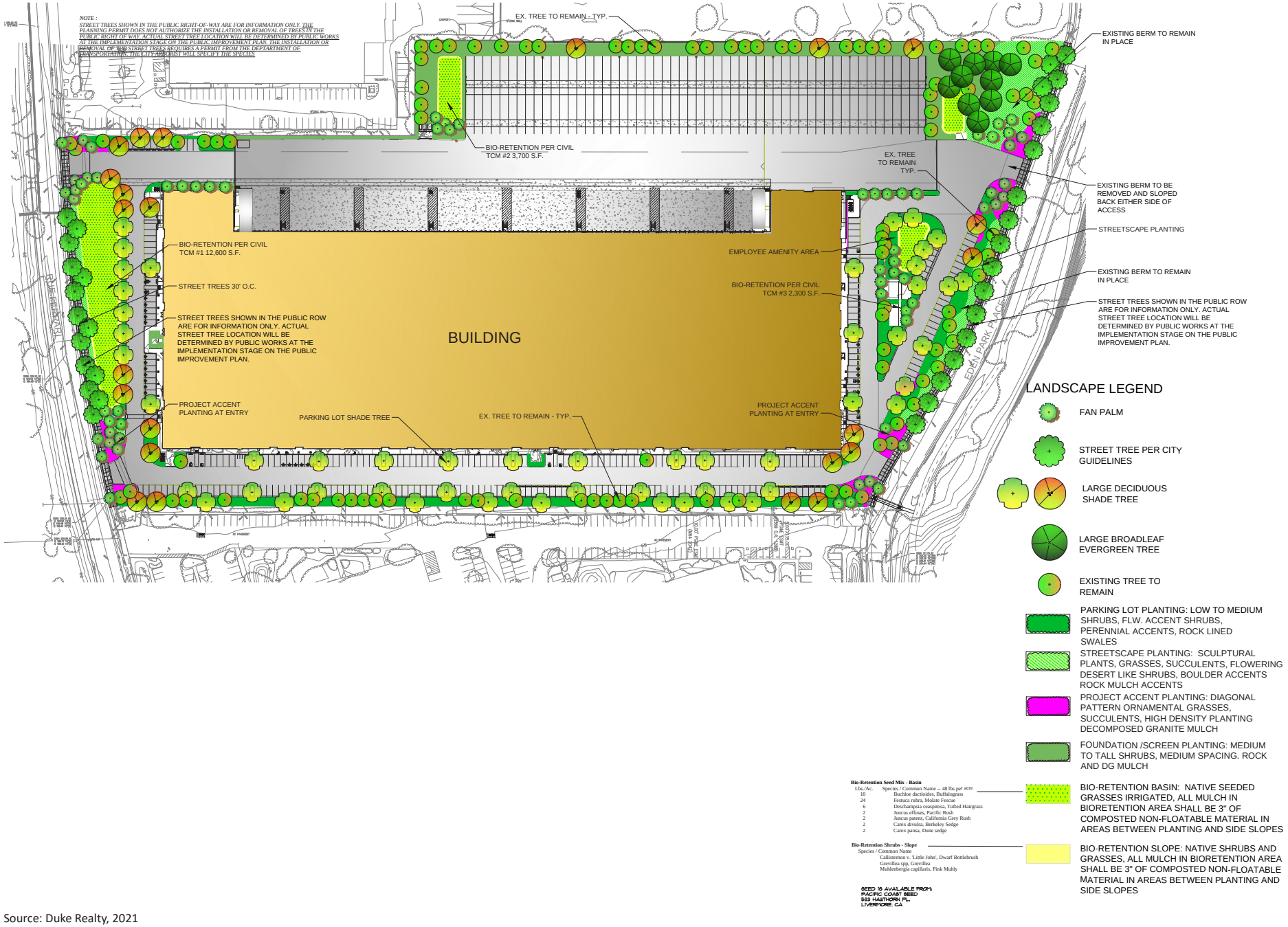

Source: Duke Realty, 2021

Figure 3-4: Landscape Plan

5853 Rue Ferrari Project
Initial Study

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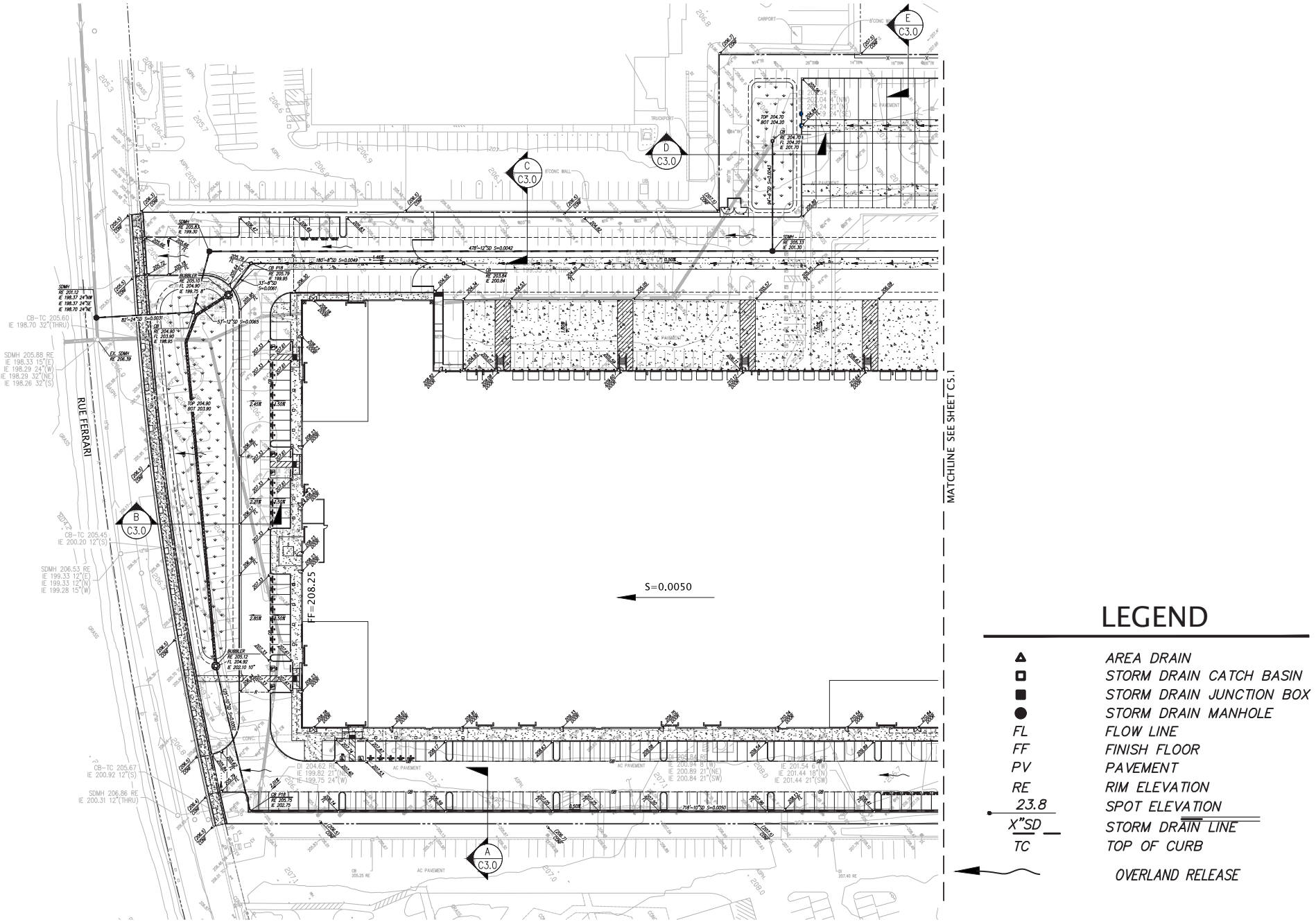

Source: Duke Realty, 2021

Figure 3-5: Preliminary Grading Plan A

5853 Rue Ferrari Project
Initial Study

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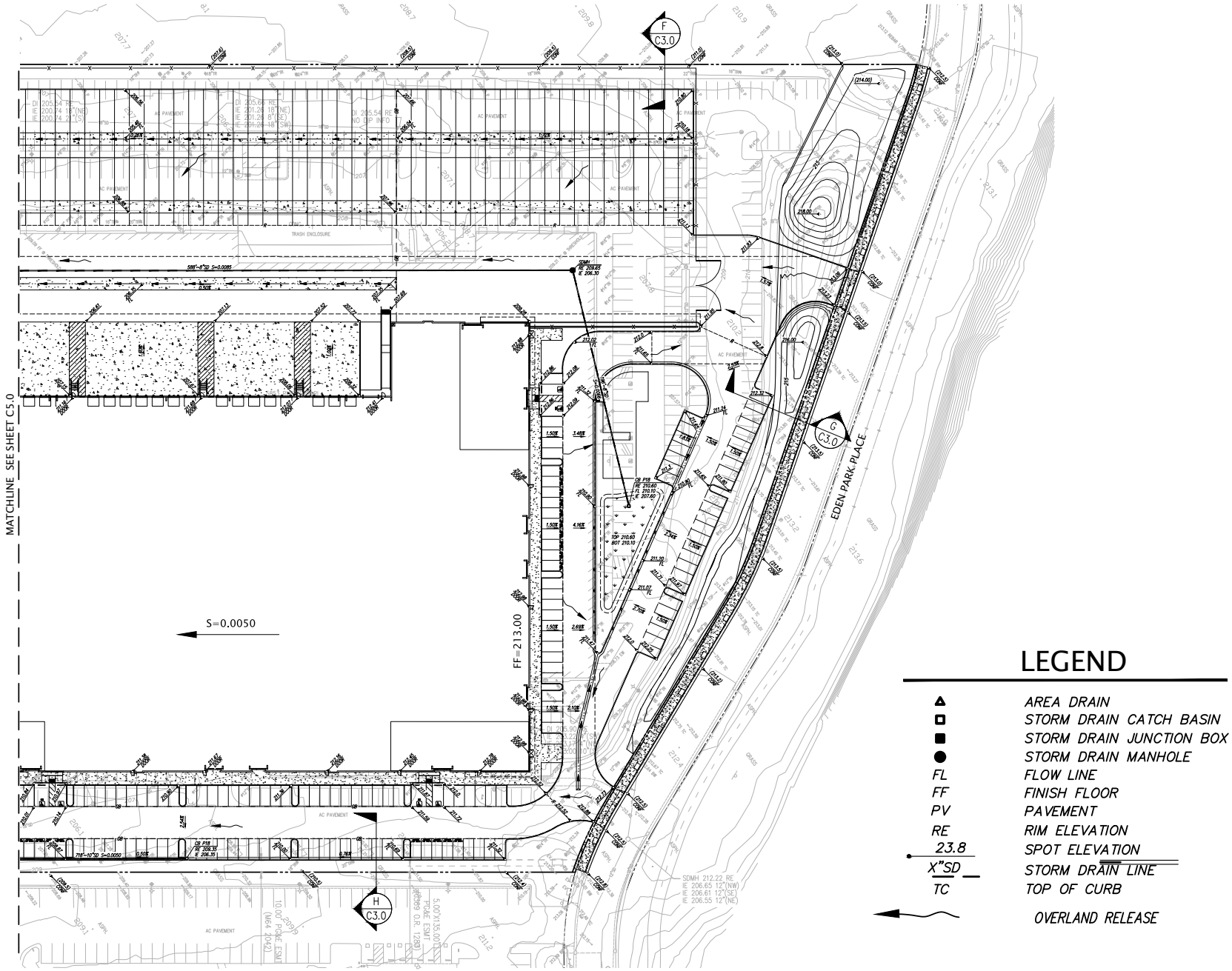

Source: Duke Realty, 2021

Figure 3-6: Preliminary Grading Plan B

5853 Rue Ferrari Project
Initial Study

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4.0 ENVIRONMENTAL ANALYSIS

4.1 Aesthetics

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

Existing Setting

The 17.38-acre project site is currently developed with two industrial use buildings totaling 286,330 square foot. The existing buildings are a single-story buildings with ancillary office space, truck loading docks, and automobile parking. The project site is bordered on two sides by streets, Rue Ferrari to the south and Eden Park Place to the north. There is existing landscaping and trees along all frontages of the project site and additional landscaping within the surface parking lot. Surface parking stalls are located off Rue Ferrari and Eden Park Place near the entrance of the existing buildings.

The project site is located within the Edenvale Redevelopment Project boundary. In general, the land within the Edenvale Redevelopment Project boundary is visually mixed. The project site is located within Sub-area 4 of the Edenvale Redevelopment Project, which is characterized by a mix of agricultural and rural residential land uses and recently constructed industrial developments. Buildings and transportation

infrastructure (i.e., freeways, and roadways) dominate the aesthetic character. Surrounding uses are a mix of light manufacturing, residential uses, and warehouse/retail. All existing buildings are of similar industrial design and development scale and several surrounding properties include street trees and landscaping along the street frontages. Silver Creek Hills, considered to be part of the topographic landmarks and features within the City, as shown in Figure 3.12-1 of the Envision San José 2040 General Plan, are visible to the east of the project site from The US-101 and Rue Ferrari.[2] Scenic vistas of the natural and man-made environment can be viewed from roadways and freeways and public trails throughout the City. Most of these views are intermittent, interrupted by street trees, tall buildings (especially those built close the roadways) and utility infrastructure.

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 three miles north, or the Santa Cruz Mountains, approximately 13 miles southwest, of the project site. Intermittent views of the Silver Creek Hills, which are a designated rural scenic resource in the City of San José, are visible from the project site. However, due to its urban location, existing buildings, trees, and infrastructure (e.g., utility lines, elevated roadways, etc.) obscure most viewpoints and viewsheds of Silver Creek Hills.

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

Nighttime Lighting

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

Applicable Plans, Policies, and Regulations

City of San José Municipal Code

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

City Council Outdoor Lighting Policy 4-3

City Council Policy 4-3 contains guidelines for the use of outdoor lighting. The purpose of this policy is to promote energy-efficient outdoor lighting on private development in the City of San José that provides

[2] City of San José Envision San José 2040 General Plan EIR, page 723. https://www.sanjoseca.gov/home/showpublisheddocument/22041/636688304350830000. Accessed October 2021.

adequate light for nighttime activities while benefiting the continued enjoyment of the night sky and continuing operation of the Lick Observatory by reducing light pollution and sky glow.

Envision San José 2040 General Plan

Policy CD-1.1	Require the highest standards of architecture and site design, and apply strong design controls for all development projects, both public and private, for the enhancement and development of community character and for the proper transition between areas with different types of land uses.
Policy CD-1.8	Create an attractive street presence with pedestrian-scaled building and landscaping elements that provide an engaging, safe, and diverse walking environment. Encourage compact, urban design, including use of smaller building footprints, to promote pedestrian activity throughout the City.
Policy CD-1.12	Use building design to reflect both the unique character of a specific site and the context of surrounding development and to support pedestrian movement throughout the building site by providing convenient means of entry from public streets and transit facilities where applicable, and by designing ground level building frontages to create an attractive pedestrian environment along building frontages. Unless it is appropriate to the site and context, franchise-style architecture is strongly discouraged.
Policy CD-1.13	Use design review to encourage creative, high-quality, innovative, and distinctive architecture that helps to create unique, vibrant places that are both desirable urban places to live, work, and play and that lead to competitive advantages over other regions.
Policy CD-1.17	Minimize the footprint and visibility of parking areas. Where parking areas are necessary, provide aesthetically pleasing and visually interesting parking garages with clearly identified pedestrian entrances and walkways. Encourage designs that encapsulate parking facilities behind active building space or screen parked vehicles from view from the public realm. Ensure that garage lighting does not impact adjacent uses, and to the extent feasible, avoid impacts of headlights on adjacent land uses.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-4.9	For development subject to design review, ensure the design of new or remodeled structures is consistent or complementary with the surrounding neighborhood fabric (including but not limited to prevalent building scale, building materials, and orientation of structures to the street).
Policy CD-9.3:	Ensure that development along designated Rural Scenic Corridors preserves significant views of the Valley and mountains, especially in, or adjacent to, Coyote

Valley, the Diablo Range, the Silver Creek Hills, the Santa Teresa Ridge and the Santa Cruz Mountains.

Discussion

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

And,

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

No Impact. The project site is surrounded by a combination of industrial and commercial buildings with a warehouse design. Silver Creek Hills, which are a designated scenic resource in the City of San José, are visible to the east of the project site. However, the project area is relatively flat and views of protected scenic views other than nearby buildings are limited. In addition, the project site is not located along a State scenic highway or designated scenic corridor. The nearest Officially Designated State Scenic Highway is Highway 9 located approximately 10 miles west of the proposed project site. Santa Clara County has two Eligible State Scenic Highway sections- Highway 280 and Highway 17- approximately 8.5 miles and 9.1 miles northwest of the project site, respectively. The project site would not be visible from these eligible State Scenic highway segments. The project would not result in an adverse effect a scenic vista or damage scenic resources within a State-designated scenic highway. Thus, there would be no impact.

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

Less than Significant Impact. The project site is located within an urbanized area and is surrounded by a combination of light-industrial and commercial buildings with an industrial warehouse design. Project implementation would demolish the two existing, 2-story, warehouse buildings and construct a one-story, 302,772 sf, tilt-up warehouse building. The maximum height of the proposed building is 48 feet, within the allowed height of 50 feet in the IP Zoning District and similar in scale to the existing building. See **Figure 3-2: Proposed Elevations A** and **Figure 3-3: Proposed Elevations B** for proposed elevations. Therefore, the proposed project would not substantially degrade the existing visual character of the project site and would remain consistent with the character of the surrounding area. Further, the proposed project would be consistent with all applicable zoning requirements related to aesthetics, including maximum height, setbacks, and size.

Per Section 20.50.200 of the City Municipal Code, the proposed project would be subject to development regulations for the IP zone that requires a front building setback of 15 feet from the building and parking/circulation for passenger vehicles; side setback of zero feet from automobile parking and driveways, truck parking, and buildings; a rear setback of zero feet; and maximum building height of 50 feet. The proposed building would meet all setback requirements and have maximum height of 48 feet, which is consistent with development regulations for the proposed zoning of industrial park. Further, the proposed landscape plan would include landscape plantings throughout the project site boundary and setback areas, consistent with the City of San José Industrial Zone landscape requirements. For these

reasons, the proposed project would ensure that the building would be visually compatible with the surrounding area.

The project site currently has 345 trees and proposes to remove 220 trees to facilitate the construction of the project. Landscaping would be replanted or otherwise mitigated in accordance with Section 20.50.260 of the City Municipal Code to enhance the visual appearance of the site and street frontages. In addition, the proposed project would be required to comply with the City's Industrial Design Guidelines related to aesthetics, including building form, setbacks, size, and landscaping. For these reasons, the proposed project would ensure that the building would be visually compatible with the surrounding area.

With adherence to the policies set forth in the General Plan, the proposed project would not substantially degrade the existing visual character or quality of the project site and its surroundings. Thus, impacts would be less than significant.

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

Less than Significant Impact. The project site is currently developed with two warehouse buildings and businesses that are an existing source of lighting. Additional ambient sources of nighttime 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. Glare within the project area is created by the reflection of sunlight and electric lights from windows and building surfaces. The proposed project would include outdoor lighting on the site typical of an industrial warehouse development. As such, the proposed outdoor lighting would be similar to that of the existing on-site development and would not substantially increase the amount of lighting on the project site. The project would also include the planting of trees within the site interior and around the site perimeter that would help limit errant light emanating from the project site.

The proposed project would go through a design review process during the planning review and would be reviewed for consistency with the General Plan, San José Municipal Code, and related City Council Development policies such as Outdoor Lighting on Private Developments (Policy 4-3). Compliance with General Plan policies and existing regulations and adopted plans would avoid substantial light and glare impacts. Thus, impacts would be less than significant.

4.2 Agriculture and Forestry Resources

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

Existing Setting

The project site is located within the Edenvale area, which was used for agricultural purposes since the early 1830's for grazing, grain growing, and row crops. However, the project area is identified as urban and built-up land on the State of California Important Farmland Map. Urban and built-up land is defined as land occupied by structures with a building density of at least one unit to a 1.5-acre parcel (or

approximately six structures to a 10-acre parcel). Residential, industrial, institutional facilities, cemeteries, and sanitary landfills are common examples of Urban Built-Up Land. There is no designated farmland on or adjacent to the project site. The project site is also not subject to a Williamson Act contract.[3]

Applicable Plans, Policies, and Regulations

Williamson Act

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

Farmland Mapping and Monitoring Program

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

Forest Land and Timberland

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

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

Discussion

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

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

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

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

[3] California, State of, Department of Conservation, Williamson Act/Land Conservation Act. Available at http://www.conservation.ca.gov/dlrp/lca. Accessed July 17, 2020.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

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

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

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

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

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

4.3 Air Quality

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?		X		
d) Result in other emissions (such as those leading to odors adversely affecting a substantial number of people?			X	

An Air Quality Assessment and Health Risk Assessment were prepared for the project and are both included as Appendix A.

Existing Setting

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

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

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

The project site is located in an industrial area in City of San José. The surrounding land uses are predominantly commercial and industrial, with some housing to the east and west. The southeastern boundary of the site is Rue Ferrari. **Table 4-1: Nearest Sensitive Receptors to Project Site** lists the distances and locations of the nearest sensitive receptors.

Table 4-1: Nearest Sensitive Receptors to Project Site

Sensitive Receptor Description		Distance and Direction from the Project Site
1	Carrington College	45 feet east
2	Gateway City Church and Daycare	45 feet east
3	Coyote Creek Trail	100 feet northeast
4	San José Emergency Interim Housing	300 feet southeast
5	Single family homes	400 feet southwest
6	Starlight High School	420 feet east

Applicable Plans, Policies, and Regulations

Air Pollutants of Primary Concern

The air pollutants emitted into the ambient air by stationary and mobile sources are regulated by federal and state laws. These regulated air pollutants are known as "criteria air pollutants" and are categorized into primary and secondary pollutants. Primary air pollutants are those that are emitted directly from sources. Carbon monoxide (CO), reactive organic gases (ROG), nitrogen oxide (NO_X), sulfur dioxide (SO_2), coarse particulate matter (PM_{10}), fine particulate matter ($PM_{2.5}$), and lead are primary air pollutants. Of these, CO, NO_X, SO_2, PM_{10}, and $PM_{2.5}$ are criteria pollutants. ROG and NO_X are criteria pollutant precursors and go on to form secondary criteria pollutants through chemical and photochemical reactions in the atmosphere. For example, the criteria pollutant ozone (O_3) is formed by a chemical reaction between ROG and NO_X in the presence of sunlight. O_3 and nitrogen dioxide (NO_2) are the principal secondary pollutants. Sources and health effects commonly associated with criteria pollutants are summarized in **Table 4-2: Air Contaminants and Associated Public Health Concerns**.

Ozone, or smog, is not emitted directly into the environment, but is formed in the atmosphere by complex chemical reactions between ROG and NO_X in the presence of sunlight. Ozone formation is greatest on warm, windless, sunny days. The main sources of NO_X and ROG, often referred to as ozone precursors, are combustion processes (including motor vehicle engines) the evaporation of solvents, paints, and fuels, and biogenic sources. Automobiles are the single largest source of ozone precursors in the Basin. Tailpipe emissions of ROG are highest during cold starts, hard acceleration, stop-and-go conditions, and slow speeds. They decline as speeds increase up to about 50 miles per hour (mph), then increase again at high speeds and high engine loads. ROG emissions associated with evaporation of unburned fuel depend on vehicle and ambient temperature cycles. Nitrogen oxide emissions exhibit a different curve; emissions decrease as the vehicle approaches 30 mph and then begin to increase with increasing speeds.

Ozone levels usually build up during the day and peak in the afternoon hours. Short-term exposure can irritate the eyes and cause constriction of the airways. Besides causing shortness of breath, it can aggravate existing respiratory diseases such as asthma, bronchitis and emphysema. Chronic exposure to high ozone levels can permanently damage lung tissue. Ozone can also damage plants and trees, and materials such as rubber and fabrics.

Table 4-2: Air Contaminants and Associated Public Health Concerns

Pollutant	Major Man-Made Sources	Human Health Effects
Particulate Matter (PM_{10} and $PM_{2.5}$)	Power plants, steel mills, chemical plants, unpaved roads and parking lots, wood-burning stoves and fireplaces, automobiles and others.	Increased respiratory symptoms, such as irritation of the airways, coughing, or difficulty breathing; asthma; chronic bronchitis; irregular heartbeat; nonfatal heart attacks; and premature death in people with heart or lung disease. Impairs visibility.
Ozone (O_3)	Formed by a chemical reaction between reactive organic gases/volatile organic compounds (ROG or VOC)[1] and nitrogen oxides (NO_X) in the presence of sunlight. Motor vehicle exhaust industrial emissions, gasoline storage and transport, solvents, paints and landfills.	Irritates and causes inflammation of the mucous membranes and lung airways; causes wheezing, coughing, and pain when inhaling deeply; decreases lung capacity; aggravates lung and heart problems. Damages plants; reduces crop yield.
Sulfur Dioxide (SO_2)	A colorless gas formed when fuel containing sulfur is burned and when gasoline is extracted from oil. Examples are petroleum refineries, cement manufacturing, metal processing facilities, locomotives, and ships.	Respiratory irritant. Aggravates lung and heart problems. In the presence of moisture and oxygen, sulfur dioxide converts to sulfuric acid which can damage marble, iron and steel. Damages crops and natural vegetation. Impairs visibility. Precursor to acid rain.
Carbon Monoxide (CO)	An odorless, colorless gas formed when carbon in fuel is not burned completely; a component of motor vehicle exhaust.	Reduces the ability of blood to deliver oxygen to vital tissues, affecting the cardiovascular and nervous system. Impairs vision, causes dizziness, and can lead to unconsciousness or death.
Nitrogen Dioxide (NO_2)	A reddish-brown gas formed during fuel combustion for motor vehicles and industrial sources. Sources include motor vehicles, electric utilities, and other sources that burn fuel.	Respiratory irritant; aggravates lung and heart problems. Precursor to ozone. Contributes to global warming and nutrient overloading which deteriorates water quality. Causes brown discoloration of the atmosphere.
Lead (Pb)	Lead is a metal found naturally in the environment as well as in manufactured products. The major sources of lead emissions have historically been motor vehicles (such as cars and trucks) and industrial sources. Due to the phase out of leaded gasoline, metals processing is the major source of lead emissions to the air today. The highest levels of lead in air are generally found near lead smelters. Other stationary sources are waste incinerators, utilities, and lead-acid battery manufacturers.	Exposure to lead occurs mainly through inhalation of air and ingestion of lead in food, water, soil, or dust. It accumulates in the blood, bones, and soft tissues and can adversely affect the kidneys, liver, nervous system, and other organs. Excessive exposure to lead may cause neurological impairments such as seizures, mental retardation, and behavioral disorders. Even at low doses, lead exposure is associated with damage to the nervous systems of fetuses and young children, resulting in learning deficits and lowered IQ.

[1] Volatile Organic Compounds (VOCs or Reactive Organic Gases [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. The major sources of hydrocarbons are combustion engine exhaust, oil refineries, and oil-fueled power plants; other common sources are petroleum fuels, solvents, dry cleaning solutions, and paint (via evaporation).

Source: California Air Pollution Control Officers Association (CAPCOA), *Health Effects*, capcoa.org/health-effects/, accessed March 2, 2021.

Toxic Air Contaminants

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

The California Air Resources Board (CARB) identified diesel particulate matter (DPM) as a toxic air contaminant. DPM differs from other TACs in that it is not a single substance but rather a complex mixture of hundreds of substances. Diesel exhaust is a complex mixture of particles and gases produced when an engine burns diesel fuel. DPM is a concern because it causes lung cancer; many compounds found in diesel exhaust are carcinogenic. DPM includes the particle-phase constituents in diesel exhaust. The chemical composition and particle sizes of DPM vary between different engine types (heavy-duty, light-duty), engine operating conditions (idle, accelerate, decelerate), fuel formulations (high/low sulfur fuel), and the year of the engine. Some short-term (acute) effects of diesel exhaust include eye, nose, throat, and lung irritation, and diesel exhaust can cause coughs, headaches, light-headedness, and nausea. DPM poses the greatest health risk among the TACs. Almost all diesel exhaust particle mass is 10 microns or less in diameter. Because of their extremely small size, these particles can be inhaled and eventually trapped in the bronchial and alveolar regions of the lung.

Ambient Air Quality

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

Ozone (O_3) and particulate matter (PM_{10} and $PM_{2.5}$) are pollutants of concern in the BAAQMD. The closest air monitoring station to the project site that monitors ambient concentrations of these pollutants is the San José-Jackson Street Monitoring Station located approximately 9.2 miles northwest of the project site. Local air quality data from 2017 to 2019 is provided in **Table 4-3: Ambient Air Quality Data** lists the monitored maximum concentrations and number of exceedances of federal or state air quality standards for each year. Particulate matter (PM_{10} and $PM_{2.5}$) were both exceeded in 2018 at one of the closest monitoring stations.

Table 4-3: Ambient Air Quality Data

Pollutant	San Jose- Jackson Street[1]		
	2017	2018	2019
Ozone (O_3)			
1-hour Maximum Concentration (ppm)	0.121	0.078	0.095
8-hour Maximum Concentration (ppm)	0.098	0.061	0.081
Number of Days Standard Exceeded			
CAAQS 1-hour (>0.09 ppm)	3	0	1
NAAQS 8-hour (>0.070 ppm)	4	0	2
Carbon Monoxide (CO)			
1-hour Maximum Concentration (ppm)	2.15	2.51	1.71
Number of Days Standard Exceeded			
NAAQS 1-hour (>35 ppm)	0	0	0
CAAQS 1 hour (>20 ppm)	0	0	0
Nitrogen Dioxide (NO_2)			
1-hour Maximum Concentration (ppm)	0.0675	0.0861	0.0598
Number of Days Standard Exceeded			
NAAQS 1-hour (>0.100 ppm)	0	0	0
CAAQS 1-hour (>0.18 ppm)	0	0	0
Particulate Matter Less Than 2.5 Microns ($PM_{2.5}$)			
National 24-hour Maximum Concentration	49.7	133.9	27.6
State 24-hour Maximum Concentration	49.7	133.9	34.4
Number of Days Standard Exceeded			
NAAQS 24-hour (>150 µg/m^3)	6	15	0
CAAQS 24-hour (>50 µg/m^3)	11	13	13
Particulate Matter Less Than 10 Microns (PM_{10})			
National 24-hour Maximum Concentration	69.4	115.4	75.4
State 24-hour Maximum Concentration	69.8	121.8	77.1
Number of Days Standard Exceeded			
NAAQS 24-hour (>150 µg/m^3)	0	0	0
CAAQS 24-hour (>50 µg/m^3)	6	4	4

NAAQS = National Ambient Air Quality Standards; CAAQS = California Ambient Air Quality Standards; ppm = parts per million; µg/m^3 = micrograms per cubic meter; NM = not measured

[1] Measurements taken at the San Jose-Jackson Street Monitoring Station located at 156B Jackson Street, San Jose, California 95112 (CARB# 43383).

Source: All pollutant measurements are from the CARB Aerometric Data Analysis and Management system database (arb.ca.gov/adam) except for CO, which were retrieved from the CARB Air Quality and Meteorological Information System (https://www.arb.ca.gov/aqmis2/aqdselect.php, https://www.arb.ca.gov/qaweb/siteinfo.php).

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, NO_2, CO, SO_2, PM_{10}, $PM_{2.5}$, 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 4-4.**

National Emissions Standards for Hazardous Air Pollutants Program

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

California Air 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, 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 "nonattainment" for $PM_{2.5.}$ 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 4-4**.

Table 4-4: 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/m^3)	N[9]	0.070 ppm	N[4]
	1 Hour	0.09 ppm (180 µg/m^3)	N	NA	N/A[5]
Carbon Monoxide (CO)	8 Hour	9.0 ppm (10 mg/m^3)	A	9 ppm (10 mg/m^3)	A[6]
	1 Hour	20 ppm (23 mg/m^3)	A	35 ppm (40 mg/m^3)	A
Nitrogen Dioxide (NO_2)	1 Hour	0.18 ppm (339 µg/m^3)	A	0.100 ppm[11]	U
	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	-	0.053 ppm (100 µg/m^3)	A
Sulfur Dioxide[12] (SO_2)	24 Hour	0.04 ppm (105 µg/m^3)	A	0.14 ppm (365 µg/m^3)	A
	1 Hour	0.25 ppm (655 µg/m^3)	A	0.075 ppm (196 µg/m^3)	A
	Annual Arithmetic Mean	NA	-	0.03 ppm (80 µg/m^3)	A
Particulate Matter (PM_{10})	24-Hour	50 µg/m^3	N	150 µg/m^3	-U
	Annual Arithmetic Mean	20 µg/m^3	N[7]	NA	-
Fine Particulate Matter ($PM_{2.5}$) [15]	24-Hour	NA	-	35 µg/m^3	U/A
	Annual Arithmetic Mean	12 µg/m^3	N[7]	12 µg/m^3	N
Sulfates (SO_{4-2})	24 Hour	25 µg/m^3	A	NA	-
Lead (Pb)[13, 14]	30-Day Average	1.5 µg/m^3	-	NA	A
	Calendar Quarter	NA	-	1.5 µg/m^3	A
	Rolling 3-Month Average	NA	-	0.15 µg/m^3	-
Hydrogen Sulfide (H_2S)	1 Hour	0.03 ppm (42 µg/m^3)	U	NA	-
Vinyl Chloride (C_2H_3Cl)	24 Hour	0.01 ppm (26 µg/m^3)	-	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/m^3 = micrograms per cubic meter; mg/m^3 = milligrams per cubic meter; – = not indicated or no information available.

1. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1-hour and 24-hour), nitrogen dioxide, suspended particulate matter - PM_{10}, and visibility reducing particles are values that are not to be exceeded. The standards for sulfates, Lake Tahoe carbon monoxide, lead, hydrogen sulfide, and vinyl chloride are not to be equaled or exceeded. If the standard is for a 1-hour, 8-hour or 24-hour average (i.e., all standards except for lead and the PM_{10} annual standard), then some measurements may be excluded. In particular, measurements are excluded that CARB determines would occur less than once per year on the average. The Lake Tahoe CO standard is 6.0 ppm, a level one-half the national standard and two-thirds the state standard.
2. National standards shown are the "primary standards" designed to protect public health. National standards other than for ozone, particulates and those based on annual averages are not to be exceeded more than once a year. The 1-hour ozone standard is attained if, during the most recent three-year period, the average number of days per year with maximum hourly concentrations above the standard is equal to or less than one. The 8-hour ozone standard is attained when the 3-year average of the 4th highest daily concentrations is 0.070 ppm (70 ppb) or less. The 24-hour PM_{10} standard is attained when the 3-year average of the 99th percentile of monitored concentrations is less than 150 µg/m$_3$. The 24-hour $PM_{2.5}$ standard is attained when the 3-year average of 98th percentiles is less than 35 µg/m^3.
   Except for the national particulate standards, annual standards are met if the annual average falls below the standard at every site. The national annual particulate standard for PM_{10} is met if the 3-year average falls below the standard at every site. The annual $PM_{2.5}$ standard is met if the 3-year average of annual averages spatially-averaged across officially designed clusters of sites falls below the standard.
3. National air quality standards are set by the EPA at levels determined to be protective of public health with an adequate margin of safety.

4. On October 1, 2015, the national 8-hour ozone primary and secondary standards were lowered from 0.075 to 0.070 ppm. An area will meet the standard if the fourth-highest maximum daily 8-hour ozone concentration per year, averaged over three years, is equal to or less than 0.070 ppm. EPA will make recommendations on attainment designations by October 1, 2016, and issue final designations October 1, 2017. Nonattainment areas will have until 2020 to late 2037 to meet the health standard, with attainment dates varying based on the ozone level in the area.
5. The national 1-hour ozone standard was revoked by U.S. EPA on June 15, 2005.
6. In April 1998, the Bay Area was redesignated to attainment for the national 8-hour carbon monoxide standard.
7 In June 2002, CARB established new annual standards for $PM_{2.5}$ and PM_{10}.
8 Statewide VRP Standard (except Lake Tahoe Air Basin): Particles in sufficient amount to produce an extinction coefficient of 0.23 per kilometer when the relative humidity is less than 70 percent. This standard is intended to limit the frequency and severity of visibility impairment due to regional haze and is equivalent to a 10-mile nominal visual range.
9. The 8-hour CA ozone standard was approved by the Air Resources Board on April 28, 2005 and became effective on May 17, 2006.
10. On January 9, 2013, EPA issued a final rule to determine that the Bay Area attains the 24-hour $PM_{2.5}$ national standard. This EPA rule suspends key SIP requirements as long as monitoring data continues to show that the Bay Area attains the standard. Despite this EPA action, the Bay Area will continue to be designated as "nonattainment" for the national 24-hour $PM_{2.5}$ standard until such time as the Air District submits a "redesignation request" and a "maintenance plan" to EPA, and EPA approves the proposed redesignation.
11. To attain this standard, the 3-year average of the 98th percentile of the daily maximum 1-hour average at each monitor within an area must not exceed 0.100ppm (effective January 22, 2010). The US Environmental Protection Agency (EPA) expects to make a designation for the Bay Area by the end of 2017.
12. On June 2, 2010, the U.S. EPA established a new 1-hour SO_2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The existing 0.030 ppm annual and 0.14 ppm 24-hour SO_2 NAAQS however must continue to be used until one year following U.S. EPA initial designations of the new 1-hour SO_2 NAAQS.
13. CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure below which there are no adverse health effects determined.
14. National lead standard, rolling 3-month average: final rule signed October 15, 2008. Final designations effective December 31, 2011.
15. In December 2012, EPA strengthened the annual $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS) from 15.0 to 12.0 micrograms per cubic meter ($\mu g/m^3$). 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.

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

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

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

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

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.

California 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, by the BAAQMD.

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. 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.

Construction TAC and $PM_{2.5}$ Health Risks

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

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

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

City of San José General Plan

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

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

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

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

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

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

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

Policy MS-11.6: Develop and adopt a comprehensive Community Risk Reduction Plan that includes: baseline inventory of toxic air contaminants (TACs) and particulate matter smaller than 2.5 microns (PM2.5), emissions from all sources, emissions reduction targets, and enforceable emission reduction strategies and performance measures. The Community Risk Reduction Plan will include enforcement and monitoring tools to ensure regular review of progress toward the emission reduction targets, progress reporting to the public and responsible agencies, and periodic updates of the plan, as appropriate.

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

Policy MS-11.8: For new projects that generate truck traffic, require signage which reminds drivers that the State truck idling law limits truck idling to five minutes.

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

Policy MS-13.1: Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum,

conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.

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

Discussion

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

Less than Significant Impact. The BAAQMD adopted the 2017 Clean Air Plan: Spare the Air, Cool the Climate on April 19, 2019, by the BAAQMD. The 2017 Clean Air Plan outlines how the San Francisco area will attain air quality standards, reduce population exposure and protect public health, and reduce GHG emissions.

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

The project is anticipated to generate 303 jobs within the City. ABAG predicts that job opportunities in the City of San José will grow from 387,510 in 2010 to 554,875 by 2040. As of 2015, there are 359,128 job opportunities in the City[4]. The project is consistent with the City General Plan, therefore the addition of 303 new jobs would be within the ABAG growth projections for the City of approximately 554,875 job by 2040 and would not exceed the ABAG growth projections for the City. As identified in the General Plan FEIR, the City currently has an existing ratio of jobs per resident of 0.8. The General Plan FEIR identified that at full buildout of the General Plan, the existing ratio of jobs per employed resident would be increased to a job per employed resident ratio of 1.3. The increase in jobs would incrementally decrease the overall jobs/housing imbalance within the City. The project would not exceed the level of population or housing in regional planning efforts. Additionally, the proposed project would not significantly affect regional vehicle miles travelled pursuant to the CEQA Guidelines (Section 15206). Therefore, population growth from the project would be consistent with ABAG's projections for the City and with the City's General Plan.

A project would be consistent with the 2017 Clean Air Plan Progress Report if it would not exceed the growth assumptions in the plan. The primary method of determining consistency with the 2017 Clean Air Plan growth assumptions is consistency with the General Plan land use designations and zoning designations for the site. It should be noted that the Clean Air Plan does not make a specific assumption for development on the site, but bases assumptions on growth in population, travel, and business, based on socioeconomic forecasts. As noted above, the project would not exceed the growth assumptions in the General Plan. Therefore, the growth assumptions in the Clean Air Plan would not be exceeded.

Given that approval of a project would not result in significant and unavoidable air quality impacts after the application of all feasible project conditions, the project is considered consistent with the 2017 Clean

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Air Plan. In addition, projects are considered consistent with the 2017 Clean Air Plan if they incorporate all applicable and feasible control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of any 2017 Clean Air Plan control measures.

The project is consistent with the 2017 Clean Air Plan policies that are applicable to the project site. As discussed in **Table 4-5: Project Consistency with Applicable Air Plan Control Measures**, the project would comply with City, State, and regional requirements.

Table 4-5: Project Consistency with Applicable Air Plan Control Measures

Control Measure	Project Consistency
Stationary Source Control Measures	
SS21: New Source Review of Toxic Air Contaminants	**Consistent**. Any future sources of TACs would be subject to the new source rule, would require permits, and would be required to implement best available control measures.
SS25: Coatings, Solvents, Lubricants, Sealants and Adhesives	**Consistent**. The project would comply with Regulation 8, Rule 3: Architectural Coatings, which would dictate the ROG content of paint available for use during construction.
SS26: Surface Prep and Cleaning Solvent	
SS29: Asphaltic Concrete	**Consistent**. Paving activities associated with the project would be required to utilize asphalt that does not exceed BAAQMD emission standards in Regulation 8, Rule 15.
SS30: Residential Fan Type Furnaces	**Consistent**. BAAQMD is the responsible party for implementation of this regulation. The project would use the latest central furnaces that comply with the applicable regulations. The project would not conflict with BAAQMD's implementation of that measure.
SS31: General Particulate Matter Emissions Limitation	**Consistent**. This control measure is implemented by the BAAQMD through Regulation 6, Rule 1. This Rule Limits the quantity of particulate matter in the atmosphere by controlling emission rates, concentration, visible emissions and opacity. The project would be required to comply with applicable BAAQMD rules.
SS32: Emergency Back-up Generators	**Consistent**. Use of back-up generators by the project is currently not anticipated. However, if emergency generators were to be installed, they would be required to meet the BAAQMD's emissions standards for back-up generators.
SS33: Commercial Cooking Equipment	**Consistent**. The project does include the potential development of additional restaurant facilities. However, if any kitchen facilities or restaurants occur and they install a charbroiler, a catalytic oxidizer system must also be installed pursuant to BAAQMD Rule 6-2.
SS34: Wood Smoke	**Consistent**. The project would comply with BAAQMD Regulation 6, Rule 3 and prohibit the construction of wood burning appliances/ fireplaces.
SS36: Particulate Matter from Trackout	**Consistent**. Mud and dirt that may be tracked out onto the nearby public roads during construction activities would be removed promptly by the contractor based on BAAQMD's dust control measures and City Standard Permit Conditions.
SS37: Particulate Matter from Asphalt Operations	**Consistent**. Paving and roofing activities associated with the project would be required to utilize best management practices to minimize the particulate matter created from the transport and application of road and roofing asphalt.

Control Measure	Project Consistency
SS38: Fugitive Dust	**Consistent**. Material stockpiling and track out during grading activities as well as smoke and fumes from paving and roofing asphalt operations would be required by BAAQMD and the City of San José to utilize best management practices, such as watering exposed surfaces twice a day, covering haul trucks, keeping vehicle speeds on unpaved roads under 15 mph, to minimize the creation of fugitive dust. See City of San José Standard Permit Conditions for a more detailed list.
SS40: Odors	**Consistent**. The project is an industrial development and is not anticipated to generate odors. The project would comply with BAAQMD Regulation 7 to strengthen odor standards and enhance enforceability.
Transportation Control Measures	
TR2: Trip Reduction Programs	**Consistent**. The project would include a number of vehicle miles traveled (VMT) reduction strategies such as Tier 1 – Project Characteristics such as project density, activity mix, and employment density. Additionally, the project includes Tier 2- Multimodal Infrastructure such as travel demand measures (TDM) such as network connectivity/design improvements, pedestrian improvements, and bike access improvements. These VMT reduction strategies would help reduce vehicle miles traveled (VMT) and mobile greenhouse gas emissions.
TR8: Ridesharing and Last-Mile Connections	
TR9: Bicycle and Pedestrian Access Facilities	**Consistent**. There are no bicycle facilities in the area which provide Class II bike lanes with buffered striping to separate the vehicle and bike travel way. However, the proposed project would include 30 bicycle parking spaces.
TR10: Land Use Strategies	**Consistent**. This measure is a BAAQMD funding tool to maintain and disseminate information on current climate action plans and other local best practices and collaborate with regional partners to identify innovative funding mechanisms to help local governments address air quality and climate change in their general plans. In addition, the proposed project site is located within 2,000 feet of a transit stop at Monterey Road / Tennant Avenue intersection. Therefore, these employment opportunities would be easily accessible via transit, furthering the City's General Plan goals to support a healthy community, reduce traffic congestion and decrease greenhouse gas emissions and energy consumption. The project would not conflict with implementation of this measure.
TR13: Parking Policies	**Consistent.** The proposed project would create approximately 348 new parking spaces (47 trailer spaces and 301 automobile spaces). The proposed parking is sufficient for the proposed uses.
TR19: Medium and Heavy Duty Trucks	**Consistent.** The project includes a warehousing use that would generate truck trips. However, per the transportation analysis prepared for the project indicated there would be approximately 112 daily truck trips. The project would not conflict with the implementation of this measure.
TR22: Construction, Freight and Farming Equipment	**Consistent**. The project would comply through implementation of the BAAQMD standard condition, which requires construction equipment to be properly maintained.

Control Measure	Project Consistency
Energy and Climate Control Measures	
EN1: Decarbonize Electricity Generation	**Consistent**. The project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance.
EN2: Decrease Electricity Demand	
Buildings Control Measures	
BL1: Green Buildings	**Consistent**. The project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance.
L2: Decarbonize Buildings	
BL4: Urban Heat Island Mitigation	**Consistent**. The project would demolish the two existing warehouse buildings and associated asphalt surfaces. The project would include some landscaping.
Natural and Working Lands Control Measures	
NW2: Urban Tree Planting	**Not Applicable**. The project site is in an existing warehouse building. The project includes landscaping with native vegetation and trees.
Waste Management Control Measures	
WA1: Landfills	**Consistent**. The waste service provider for the project would be required to meet the AB 341 and SB 939, 1374, and 1383 requirements that require waste service providers to divert and recycle waste. Per Cal Green requirements the project would recycle construction waste.
WA3: Green Waste Diversion	
WA4: Recycling and Waste Reduction	
Water Control Measures	
WR2: Support Water Conservation	**Consistent**. The project would implement water conservation measures and low flow fixtures as required by Title 24, CalGreen, and the City of San Jose's Municipal Code Section 15-11 Water Efficient Landscaping Ordinance, which includes various specifications for plant types, water features, and irrigation design etc.
Source: BAAQMD, Clean Air Plan, 2017 and Kimley-Horn & Associates, 2021.	

The addition of 303 new jobs as a result of the proposed project would be within the ABAG growth projections for the City of approximately 554,875 jobs by 2040. Therefore, population growth from the project would be consistent with ABAG's projections for the City and with the City's General Plan. In addition, the City of San José is "housing-rich", and the increase of jobs would promote a jobs/housing balance that is closer to 1 to 1. Population growth from the project would be consistent with ABAG's projections for the City and with the City's General Plan. Thus, the project would not exceed the assumptions in the General Plan or the Clean Air Plan.

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

Less than Significant Impact.

Construction Emissions

Project construction activities would generate short-term emissions of criteria air pollutants. The criteria pollutants of primary concern within the project area include ozone-precursor pollutants (i.e., ROG and

NO_x) and PM_{10} and $PM_{2.5}$. Construction-generated emissions are short term and temporary, lasting only while construction activities occur, but would be considered a significant air quality impact if the volume of pollutants generated exceeds the BAAQMD's thresholds of significance.

Construction results in the temporary generation of emissions during demolition, site preparation, site grading, road paving, motor vehicle exhaust associated with construction equipment and worker trips, and the movement of construction equipment, especially on unpaved surfaces. Emissions of airborne particulate matter are largely dependent on the amount of ground disturbance associated with site preparation activities, as well as weather conditions and the appropriate application of water.

The duration of construction activities associated with the project are estimated to last approximately 12 months, beginning in February 2022 and last approximately one year. The project's construction-related emissions were calculated using the BAAQMD-approved CalEEMod computer program, which is designed to model emissions for land use development projects, based on typical construction requirements. Project demolition and site preparation are anticipated to begin in February 2022 and last approximately two months. Project grading and construction is anticipated to begin in March 2022 and last approximately eight months and would import approximately 5,000 cubic yards (cy) of soil. Paving and architectural coating were modeled to be completed February 2023. The exact construction timeline is unknown; however, to be conservative, earlier dates were utilized in the modeling. This approach is conservative given that emissions factors decrease in future years due to regulatory and technological improvements in cleaner construction fleets. Therefore, by utilizing earlier start dates for the construction schedule, less efficient equipment was modeled which results in more conservative outputs. See Appendix A for additional information regarding the construction assumptions used in this analysis. The project's predicted maximum daily construction-related emissions are summarized in **Table 4-6: Construction-Related Emissions**.

Table 4-6: Construction-Related Emissions

Construction Year	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
2022	36.82	50.75	1.66	1.53	33.31	10.14
2023	34.06	1.41	0.07	0.73	0.45	0.12
Maximum	**36.82**	**50.75**	**1.66**	**1.53**	**33.31**	**10.14**
BAAQMD Significance Threshold [2, 3]	*54*	*54*	*82*	*54*	*BMPs*	*BMPs*
Exceed BAAQMD Threshold?	**No**	**No**	**No**	**No**	**N/A**	**N/A**

1. Emissions were calculated using CalEEMod. Emissions include compliance with the BAAQMD's Basic Construction Mitigation Measures Recommended for All projects and the City of San José Environmental Standard Conditions. These measures include the following: water exposed surfaces two times daily; cover haul trucks; clean track outs with wet powered vacuum street sweepers; limit speeds on unpaved roads to 15 miles per hour; complete paving as soon as possible after grading; limit idle times to 5 minutes; properly maintain mobile and other construction equipment; and post a publicly visible sign with contact information to register dust complaints and take corrective action within 48 hours. These emissions do not include MM HRA-1 Tier 4 Final construction equipment. That would result in further reduction in NO_x and exhaust PM.
2. Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, updated May 2017.

Construction Year	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxide (NO_x)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
3. BMPs = Best Management Practices. The BAAQMD recommends the implementation of all Basic Construction Mitigation Measures, whether or not construction-related emissions exceed applicable significance thresholds. Implementation of Basic Construction Mitigation measures are considered to mitigate fugitive dust emissions to be less than significant.						
Source: Refer to the CalEEMod outputs provided in Appendix A, *Air Quality Modeling Data*.						

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

BAAQMD Standard Permit Condition

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

i. Water active construction areas at least twice daily or as often as needed to control dust emissions.
ii. Cover trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard.
iii. Remove visible mud or dirt track-out onto adjacent public roads using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
iv. Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
v. Pave new or improved roadways, driveways, and sidewalks as soon as possible.
vi. Lay building pads as soon as possible after grading unless seeding or soil binders are used.
vii. Replant vegetation in disturbed areas as quickly as possible.
viii. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
ix. Minimizing idling times either by shutting off equipment when not in use, or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Provide clear signage for construction workers at all access points.
x. Maintain and properly tune construction equipment in accordance with manufacturer's specifications. Check all equipment by a certified mechanic and record a determination of running in proper condition prior to operation.
xi. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints.

Construction Equipment and Worker Vehicle Exhaust. Exhaust emission factors for typical diesel-powered heavy equipment are based on the CalEEMod program defaults. Variables factored into estimating the total construction emissions include: level of activity, length of construction period, number of pieces/types of equipment in use, site characteristics, weather conditions, number of construction personnel, and the amount of materials to be transported onsite or offsite. Exhaust emissions from construction activities include emissions associated with the transport of machinery and supplies to and from the project site, emissions produced on site as the equipment is used, and emissions from trucks transporting materials and workers to and from the site. Emitted pollutants would include ROG, NO_X, PM_{10}, and $PM_{2.5}$. The BAAQMD recommends the implementation of all Basic Construction Control Measures, whether or not construction-related emissions exceed applicable significance thresholds. See the above listed BAAQMD Standard Permit Conditions. As detailed in **Table 4-6**, project construction emissions would not exceed BAAQMD thresholds and construction emissions would not result in a potentially significant impact. Therefore, construction air quality impacts would be less than significant.

ROG Emissions. In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O_3 precursors. In accordance with the methodology prescribed by the BAAQMD, the ROG emissions associated with paving have been quantified with CalEEMod.

The highest concentration of ROG emissions would be generated from architectural coating beginning in fall 2022 and lasting approximately four months. This phase includes the interior and exterior painting as well as striping of all paved parking areas and driveways. Paints would be required to comply with BAAQMD Regulation 8, Rule 3: Architectural Coating. Regulation 8, Rule 3 provides specifications on painting practices and regulates the ROG content of paint.

Summary. As shown in **Table 4-6: Construction-Related Emissions**, all criteria pollutant emissions would remain below their respective thresholds. BAAQMD considers fugitive dust emissions to be potentially significant without implementation of the Construction Control Measures which help control fugitive dust. NO_X emissions are primarily generated by engine combustion in construction equipment, haul trucks, and employee commuting, requiring the use of newer construction equipment with better emissions controls would reduce construction-related NO_X emissions. With implementation of the Standard Permit Condition, project condition of approval, the proposed project's construction would not worsen ambient air quality, create additional violations of federal and state standards, or delay the Basin's goal for meeting attainment standards. Impacts would be less than significant.

Operational Emissions

Operational emissions for industrial developments are typically generated from mobile sources (burning of fossil fuels in cars); energy sources (cooling and heating); and area sources (landscape equipment and household products). **Table 4-7: Maximum Daily Project Operational Emissions** shows that the project's maximum emissions would not exceed BAAQMD operational thresholds.

Table 4-7: Maximum Daily Project Operational Emissions

Emissions Source	Pollutant (maximum pounds per day)[1]					
	Reactive Organic Gases (ROG)	Nitrogen Oxides (NO_X)	Exhaust		Fugitive Dust	
			Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)	Coarse Particulate Matter (PM_{10})	Fine Particulate Matter ($PM_{2.5}$)
Existing Project Site						
Area	7.45	0.00	0.00	0.00	0.00	0.00
Energy	0.03	0.26	0.02	0.02	0.00	0.00
Mobile	13.54	19.66	0.25	0.23	18.40	5.14
Total Emissions	**21.02**	**19.93**	**0.27**	**0.25**	**18.40**	**5.14**
Proposed Project						
Area	7.52	0.00	0.00	0.00	0.00	0.00
Energy	0.03	0.28	0.02	0.02	0.00	0.00
Mobile	7.69	32.22	0.32	0.30	25.18	6.77
Total Project Emissions	**15.23**	**32.50**	**0.34**	**0.32**	**25.18**	**6.77**
Net Emissions						
Existing Project Site	20.92	19.93	0.27	0.25	18.40	5.14
Proposed Project	15.23	30.01	0.34	0.32	25.18	6.77
Net Change	**-5.69**	**+10.08**	**+0.07**	**+0.07**	**+6.78**	**+1.63**
BAAQMD Significance Threshold[2]	*54*	*54*	*82*	*54*	*N/A*	*N/A*
BAAQMD Threshold Exceeded?	**No**	**No**	**No**	**No**	**N/A**	**N/A**

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

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

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

Energy Source Emissions. Energy source emissions would be generated as a result of electricity and natural gas usage associated with the project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics.

Mobile Sources. Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO_X, PM_{10}, and $PM_{2.5}$ are all pollutants of regional concern (NO_X and ROG react with sunlight to form O_3 [photochemical smog], and wind currents readily transport PM_{10} and $PM_{2.5}$). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. Trip generation rates associated with the project were based on the project Transportation Analysis prepared by Kimley-Horn (2021). Based on the Transportation Analysis, the project would result in a gross total of 2,477 daily vehicle trips. However, with applicable trip reductions including location-based mode-share the project would

result in 2,155 new trips. The existing site generates 2,789 vehicle trips, therefore the project would not generate any additional daily trips.

Total Operational Emissions. As indicated in **Table 4-7: Maximum Daily Project Operational Emissions**, net project operational emissions would not exceed BAAQMD thresholds. As noted above, the BAAQMD has set its CEQA significance threshold based on the trigger levels for the federal NSR Program and BAAQMD's Regulation 2, Rule 2 for new or modified sources. The NSR Program was created to ensure projects are consistent with attainment of health-based federal ambient air quality standards. The federal ambient air quality standards establish the levels of air quality necessary, with an adequate margin of safety, to protect the public health. Therefore, the project would not violate any air quality standards or contribute substantially to an existing or projected air quality violation and no criteria pollutant health impacts would occur. Project operational emissions would be less than significant.

Cumulative Short-Term Emissions
The SFBAAB is designated nonattainment for O_3, PM_{10}, and $PM_{2.5}$ for State standards and nonattainment for O_3 and $PM_{2.5}$ for Federal standards. discussed above, the project's construction-related emissions would not have the potential to exceed the BAAQMD significance thresholds for criteria pollutants.

Since these thresholds indicate whether an individual project's emissions have the potential to affect cumulative regional air quality, it can be expected that the project-related construction emissions would not be cumulatively considerable. The BAAQMD recommends Basic Construction Control Measures for all projects whether or not construction-related emissions exceed the thresholds of significance. Compliance with BAAQMD construction-related mitigation requirements 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.

Cumulative Long-Term Impacts
The BAAQMD has not established separate significance thresholds for cumulative operational emissions. The nature of air emissions is largely a cumulative impact. As a result, no single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The BAAQMD developed the operational thresholds of significance based on the level above which a project's individual emissions would result in a cumulatively considerable contribution to the Basin's existing air quality conditions. Therefore, a project that exceeds the BAAQMD operational thresholds would also be a cumulatively considerable contribution to a significant cumulative impact.[5]

As shown in **Table 4-7: Maximum Daily Project Operational Emissions**, the project's operational emissions would not exceed BAAQMD thresholds. As a result, operational emissions associated with the

[5] 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).

project would not result in a cumulatively considerable contribution to significant cumulative air quality impacts.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact 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. CO concentrations would be well below the state and Federal standards according to the General Plan Final EIR. The maximally exposed individual (MEI) during construction (i.e., the closest sensitive receptor) to the project site are the church/daycare, as shown in **Table 4-1: Nearest Sensitive Receptors to Project Site** and **Figure 4-2: Sensitive Receptors** (approximately 45 feet east).

Construction Toxic Air Contaminants

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

As noted in the Health Risk Assessment prepared by Kimley-Horn (Appendix A), maximum (worst case) $PM_{2.5}$ exhaust construction emissions over the entire construction period were used in AERMOD to approximate construction DPM emissions. See the HRA for additional methodology on the modeling analysis. Risk levels were calculated with the CARB Hotspots Analysis and Reporting Program (HARP) Risk Assessment Standalone Tool (RAST) based on the California Office of Environmental Health Hazard Assessment (OEHHA) guidance document, Air Toxics Hot Spots Program Risk Assessment Guidelines (February 2015). Results of this assessment are summarized in **Table 4-8: Construction Risk**.

Table 4-8: Construction Risk

Emissions Sources	Pollutant Concentration (µg/m³)	Cancer Risk (per Million)	Chronic Hazard	Acute Hazard
Unmitigated				
Construction	0.088	27.93	0.018	0.173
BAAQMD Threshold	*0.3*	*10*	*1.0*	*1.0*
Threshold Exceeded?	**No**	**Yes**	**No**	**No**
Mitigated				
Construction	0.011	3.47	0.002	0.022
BAAQMD Threshold	*0.3*	*10*	*1.0*	*1.0*
Threshold Exceeded?	**No**	**No**	**No**	**No**
1. Heavy-duty off-road construction equipment would also meet CARB Tier 4 Final emissions standards per Mitigation Measure AQ-1. Refer to Appendix A.				

Maximum unmitigated concentration of $PM_{2.5}$ during construction would be 0.09 µg/m^3, which would not exceed the BAAQMD threshold of 0.3 µg/ m^3. The highest calculated unmitigated carcinogenic risk from project construction would be approximately 28 per million, which would exceed the BAAQMD threshold of 10 in one million. The MEI during construction (i.e., the closest sensitive receptor) to the project site are the church/daycare (approximately 45 feet away).

Mitigation Measure AQ-1 requires the use of construction equipment that would meet CARB Tier 4 Final emissions standards in order to reduce diesel exhaust construction emissions. Mitigation Measure AQ-1 would reduce the project's maximum cancer risk to 3.47 per million, which are below the BAAQMD thresholds of 10 in one million. Non-cancer hazards for DPM would be below BAAQMD threshold, with a chronic hazard index computed at 0.009 and an acute hazard index of 0.16 without mitigation and 0.002 and 0.022 with mitigation. Acute and chronic hazards would be below the BAAQMD significance threshold of 1.0. As described above, construction risk levels would be below the BAAQMD's thresholds with Mitigation Measure AQ-1. Construction risk levels would be less than significant with mitigation.

Impact AQ-1: Project construction would temporarily exceed BAAQMD threshold limit of 10 per million for cancer risk.

Mitigation Measure

MM AQ-1 ***Additional Construction Mitigation Measures***

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

- For all construction equipment larger than 25 horsepower operating on the site for more than two days continuously or 20 total hours, shall, at a minimum meet U.S. EPA Tier 4 Final emission standards.

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

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

- List of activities and estimated timing.
- Equipment that would be used for each activity.
- Manufacturer's specifications for each equipment that provides the emissions level; or the manufacturer's specifications for devices that would be added to each piece of equipment to ensure the emissions level meet the thresholds in the mitigation measure.
- How the construction contractor will ensure that the measures listed are monitored.
- How the construction contractor will remedy any exceedance of the thresholds.
- How often and the method the construction contractor will use to report compliance with this mitigation measure.

Operational Toxic Air Contaminants

The project would demolish the existing buildings onsite and construct a new 302,772 square feet office/warehouse industrial building. According to the Transportation Analysis prepared, the project would include passenger vehicles, vans, and trucks. The project is anticipated to generate approximately 2,155 daily vehicle trips. As shown in **Table 4-9: Operational Risk Assessment Results**, the highest calculated carcinogenic risk resulting from the project is 0.31 per million residents, which is below the BAAQMD threshold of 10 per million. Acute and chronic hazards also would be below the BAAQMD significance threshold of 1.0. Operational mobile impacts would be less than significant.

Table 4-9: Operational Risk Assessment Results

Exposure Scenario	Pollutant Concentration ($\mu g/m^3$)	Maximum Cancer Risk (Risk per Million)	Chronic Noncancer Hazard	Acute Noncancer Hazard
Particulate Matter ($PM_{2.5}$)	0.001	0.31	0.0001	0.001
Threshold	*NA*	*10*	*1.0*	*1.0*
Exceed Threshold?	**No**	**No**	**No**	**No**

Refer to Appendix A.

1. The maximum cancer would be experienced at the temporary housing shelters located southeast along Rue Ferrari based on worst-case exposure durations for the project, 95th percentile breathing rates, and 30-year averaging time.

The pollutant concentrations modeled in AERMOD represent the exposure levels outdoors. The BAAQMD conservatively does not include indoor exposure adjustments for residents. However, the typical person

spends the majority of time indoors rather than remaining outdoors in the same location for 24 hours a day.[6] Therefore, the AERMOD outdoor pollutant concentrations are not necessarily representative of actual exposure at the project site, and tend to overestimate exposure.

Cumulative Health Risk Analysis

In addition to mobile sources, stationary sources within a 1,000-foot radius of the project site were reviewed using BAAQMD's Stationary Source Screening Analysis Tools. There was one stationary source located within a 1,000-foor radius of the project site. **Table 4-10: Cumulative Operational Health Risk**, below shows the cumulative health risk values for the proposed project.

Table 4-10: Cumulative Operational Health Risk

Emissions Sources	$PM_{2.5}$ ($\mu g/m^3$)	Cancer Risk (per million)	Hazard
Mobile Emissions			
Project Mobile Emissions	0.001	0.31	0.0001
Major Street Sources[1]	0.001	0.07	0.004
Highway Sources[1]	0.43	30.65	1.72
Railway Sources[1]	0.002	1.17	0.01
Stationary Sources			
San José Behavioral Health	0.00	0.12	0.00
Cumulative Health Risk Values	**0.434**	**32.32**	**1.734**
BAAQMD Cumulative Threshold	*0.8*	*100*	*10*
Threshold Exceeded?	**No**	**No**	**No**

1. BAAQMD GIS data.
Source: BAAQMD's Stationary Source Data and GIS Mapping Tools, 2021.

As described above in **Table 4-10: Cumulative Operational Health Risk**, cumulative impacts related to residential $PM_{2.5}$, cancer risk and chronic hazard would be less than cumulatively considerable and within acceptable limits. Therefore, the project's net cumulative impacts would be less than significant.

Mobile Sources

The project would not place sensitive receptors within 1,000-feet of a major roadway (mobile TAC source). Additionally, the project's effects to existing vehicle distribution and travel speeds would be nominal. According to the Transportation Analysis, the project would not generate any net new daily trips. Any changes to vehicle distribution and travel speeds can affect vehicle emissions rates, although these changes would be minimal and would not substantially change criteria pollutant emissions, which are primarily driven by vehicle miles travelled (VMT). Traffic is also predominantly light-duty and gasoline powered and therefore any shifts in traffic would not constitute a change in substantial cancer risk. The

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

project does not involve the increase of transit trips or routes and would not generate increased emissions from expanded service (e.g., increased bus idling service).

Carbon Monoxide Hotspots

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

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

According to the Transportation Analysis prepared for the project (Appendix I), the project would not generate any net new daily trips. The project's effects to existing vehicle distribution and travel speeds would be nominal. Therefore, the project would not involve intersections with more than 24,000 or 44,000 vehicles per hour. As a result, the project would not have the potential to create a CO hotspot and impacts would be less than significant.

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

Less than Significant Impact.

Construction

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

Construction activities associated with the project may generate detectable odors from heavy duty equipment (i.e., diesel exhaust), as well as from architectural coatings and asphalt off-gassing. Odors generated from the referenced sources are common in the man-made environment and are not known to be substantially offensive to adjacent receptors. Any construction-related odors would be short-term

in nature and cease upon project completion. As a result, impacts to existing adjacent land uses from construction-related odors would be short-term in duration and therefore would be less than significant.

Operational

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

Additionally, the BAAQMD CEQA Guidelines provide project screening trigger levels for potential odor sources. BAAQMD has developed a list of recommended odor screening distances for specific odor generating facilities.[7] The project includes a 302,772 SF industrial/office building which is not list as an odor generating source by BAAQMD. The activities would be primarily indoors, and the building construction would be built to local and State requirements. Further, none of the BAAQMD listed odor generating uses are located near the project site. Impacts would be less than significant.

[7] Bay Area Air Quality Management District. 2009. Draft California Environmental Quality Act Air Quality Guidelines Table 3-3 Odor Screening Distances. December 2009.

4.4 Biological Resources

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

A Biological Technical Report has been prepared by Live Oak Associates, Inc. (Appendix B) to address potential impacts to biological resources associated with implementation of the proposed project. The following discussion is based on the Biological Technical Report, and the report is included as Appendix B.

Existing Setting

The project site is developed and consists of two existing warehouse buildings, loading docks, and a parking lot. The project site has mature landscape vegetation including trees and shrubs along the site boundary and throughout the surface parking lot. There are currently 345 existing trees within the project site. Project implementation would remove existing vegetation and 220 trees. However, 125 existing trees would remain. The nearest waterway is Coyote Creek, located approximately 0.03 miles north of the project site (Google Earth, 2020). Bird species observed on site included turkey vulture, scrub jay, black phoebe, bush tit, and California towhee.

Applicable Plans, Policies, and Regulations

Threatened and Endangered Species

State and federal "endangered species" legislation has provided the California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (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; 16 USC 703-712). 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.

Birds of Prey

Birds of prey are protected in California under provisions of the State Fish and Game Code, Section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes nest abandonment and/or loss of reproductive effort is considered "taking" by the CDFW.

Bats

Section 2000 and 4150 of the California Fish and Game Code states that it is unlawful to take or possess a number of species, including bats, without a license or permit, as required by Section 3007. Additionally, Title 14 of the California Code of Regulations states it is unlawful to harass, herd, or drive a number of species, including bats. To harass is defined as "an intentional act which disrupts an animal's normal behavior patterns, which includes, but is not limited to, breeding, feeding or sheltering." For these reasons, bat colonies in particular are considered to be sensitive and therefore, disturbances that cause harm to bat colonies are unlawful.

Wetlands and Other "Jurisdictional Waters"

Jurisdictional waters include waters of the United States subject to the regulatory authority of the U.S. Army Corps of Engineers (USACE) and waters of the State of California subject to the regulatory authority of the California Department of Fish and Wildlife (CDFW) and the California Regional Water Quality Control Board (RWQCB).

Clean Water Act Section 404. 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 definition of waters of the U.S. have changed several times in recent years. Most recently, the Environmental Protection Agency (EPA) and USACE jointly issued the Navigable Waters Protection Rule in January 2020. The new rule was published in the Federal Register on April 21, 2020, and took effect on June 22, 2020. Waters of the U.S. definitions can be found in the Navigable Waters Protection Rule (33 CFR §328.3(a)).

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 RWQCB issues a Section 401 Water Quality Certification (or waiver of such certification) verifying that the proposed activity will meet state water quality standards.

Porter-Cologne Water Quality Control Act. 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.

California Department of Fish and Game, Section 1602. 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.

Santa Clara Valley Habitat Plan/ Natural Community Conservation Plan

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

City of San José Tree Ordinance

The City of San José tree ordinance (Chapter 13.32 of the Municipal Code) regulates the removal of trees. A tree removal permit is required by the City prior to the removal of any trees covered under the ordinance. An "ordinance-size tree" is:

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

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

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

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

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

Riparian Corridor Protection and Bird-Safe Design (Policy 6-34)

Riparian habitats have high conservation value due to their importance for water quality, biological diversity, and/or habitat connectivity. Historically, riparian habitats throughout the west have been substantially altered and degraded. As such, cities, counties and other land planning agencies throughout the west have given high priority to preserving functioning riparian systems by establishing suitable setbacks to lessen indirect effects from construction of new roads and associated development on existing riparian habitats.

Relevant to the proposed project, the conditions of the Santa Clara Valley Habitat Plan (SCVHP) and the City of San José's Council Policy 6-34 (Council Policy 6-34), and the City's Envision 2040 General Plan (2040 Plan) address riparian setback distances between extant riparian habitat and planned development. The following content addresses the proposed setback with respect to the SCVHP, Council Policy 6-34, and the 2040 Plan.

City of San José General Plan

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

Policy ER-1.5: Preserve and protect oak woodlands, and individual oak trees. Any loss of oak woodland and/or native oak trees must be fully mitigated.

Policy ER-2.2: Ensure that a 100-foot setback form riparian habitat is the standard to be achieved in all but a limited number of instances, only where no significant environmental impacts would occur.

Policy ER-4.4: Require that development projects incorporate mitigation measures to avoid and minimize impacts to individuals of special status species.

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

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

Policy MS-21.4: Encourage the maintenance of mature trees, especially natives, on public and private property as an integral part of the community forest. Prior to allowing the removal of any mature tree, pursue all reasonable measures to preserve it.

Policy MS-21.5: As part of the development review process, preserve protected trees (as defined by the Municipal Code), and other significant trees. Avoid any adverse effect on the health and longevity of protected or other significant trees through appropriate design measures and construction practices. Special priority should be given to the preservation of native oaks and native sycamores. When tree preservation is not feasible, include appropriate tree replacement, both in number and spread of canopy.

Policy MS-21.6: As a condition of new development, require, where appropriate, the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.

Discussion

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

Less than Significant Impact with Mitigation. As part of the Biological Technical Report, a field survey was conducted on July 14, 2021. The project site is fully developed and located within an urban area. No special status plants were observed or are known to occur on the project site. The Biological Technical Report identified 23 species that could occur in the project area. Of these, 20 species were determined to be absent or unlikely to occur on the project site due to a lack of suitable habitat for these species. Thus, the project site is not considered to be habitat for 20 of these species.

The three remaining special status animals have some potential to occur on the project site as foragers or transients, may be resident on site, or may occur adjacent to the site. These three species include the white-tailed kite, Townsend's big-ear bat, and the pallid bat. While these species or evidence of them were not observed on site, the project may provide potential nesting habitat for white-tailed kite, and foraging habitat for Townsend's big-ear bat and the pallid bat. Redevelopment at this site results in, at most, a very small loss of regional breeding opportunities for white-tailed kite and foraging opportunities for the Townsend's big-ear bat and the pallid bat. Thus, the project will result in a less than significant impact to potential nesting habitat for white-tailed kite and potential foraging habitat for Townsend's big-ear bat and the pallid bat.

The trees and shrubs on the site provide suitable habitat for nesting migratory birds and raptors. Construction related activities such as demolition, initial site grading, soil excavation, and tree or vegetation removal pose a risk of nest abandonment and could be considered significant. Implementation of the following mitigation measure would ensure that the impact to nesting migratory birds and raptors would be less than significant.

Impact BIO-1: Construction activities on the project site could result in disturbance to potentially suitable nesting raptors or other migratory birds.

Mitigation Measure

MM BIO-1

- **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. 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 it is not possible to schedule demolition and construction cannot be scheduled to occur between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist to ensure that no nests shall be

disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of construction activities during the early part of the breeding season (February 1st through April 30th inclusive) and no more than 30 days prior to the initiation of these activities during the late part of breeding season (May 1st through August 31st inclusive). During this survey the ornithologist shall inspect all trees and other possible nesting habitats within 250 feet of the construction areas for nests.

- **Buffer Zones**: If an active nest is found within 250 feet of the work areas to be disturbed by construction, the 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 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**: 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.

Burrowing owls are currently considered absent from the site. The project site is more than 10 miles outside of the burrowing owl fee area for the SCVHP and the site does not currently support nesting or overwintering habitat. While it is unlikely burrowing owls would nest adjacent to or on site, the species can occasionally colonize new sites. Thus, burrowing owls could occur adjacent to or onsite in the future. If burrowing owls are present adjacent to or on site during the breeding season (February 1 through August 31) (inclusive) or winter (September 1 through January 31) (inclusive), construction activities could harm, or result in injury or nest abandonment. These impacts would be considered significant. These impacts were anticipated by the SCVHP and compliance with Mitigation Measure **MM BIO-2**, and Condition 15 of the SCVHP, would reduce the potential impact to less than significant.

Implementation of the following mitigation measure would ensure that the impact to burrowing owls would be less than significant.

Impact BIO-2: Construction activities on the project site could result in disturbance to burrowing owl nests (should any occur adjacent to the site).

Mitigation Measure

MM BIO-2

- **Pre-construction survey:** Prior to the issuance of any demolition, grading, or building permits, a qualified biologist shall conduct preconstruction surveys to ascertain whether or not burrowing owls occupy burrows on or in the ruderal habitat adjacent to the site. These surveys consist of a minimum of two surveys, with the first survey no more than 14 days prior to initial construction activities (i.e., vegetation removal, grading, excavation, etc.) and the second survey conducted no more than 2 days prior to initial construction activities. If no burrowing owls or fresh sign of burrowing owls are observed during pre-construction surveys, construction may proceed. If

burrowing owls or their recent sign are observed during these surveys, occupied burrows shall be identified by the monitoring biologist and appropriate buffers shall be established.

- **Buffers:** A 250-foot non-disturbance buffer shall be established around all active burrowing owl burrows or nest sites as identified and defined by a qualified biologist. If the biologist determines that a nest is vacant, the non-disturbance buffer zone around that nest may be removed. The Santa Clara Valley Habitat Plan (SCVHP) specifies that a vacation from the site for a week or more by a burrowing owl, as determined by a qualified biologist, would constitute a voluntary relocation by the owl, and the qualified biologist could then take measures to collapse suitable burrows of the site to discourage reoccupation. The biologist shall supervise hand excavation of the burrow to prevent reoccupation only after receiving approval from the wildlife agencies (SCVHP, Chapter 6, Condition 15).

  For permission to encroach within 250 feet of such burrows during the nesting season (February 1 through August 31), an Avoidance, Minimization, and Monitoring Plan would need to be prepared and approved by the Implementing Entity and the Wildlife Agencies prior to encroachment. A copy of the Plan and approval by the required agencies shall be submitted to the Director of Planning, Building and Code Enforcement or the Director's designee.

  Should a burrowing owl be located onsite in the non-breeding season construction activities would not be allowed within this 250-foot buffer of the active burrow(s) used by any burrowing owl unless the following avoidance measures are adhered to:

  - A qualified biologist monitors the owls for at least 3 days prior to construction to determine baseline foraging behavior (i.e., behavior without construction).
  - The same qualified biologist monitors the owls during construction and finds no change in owl foraging behavior in response to construction activities.
  - If there is any change in owl nesting and foraging behavior as a result of construction activities, these activities will cease within the 250-foot buffer.
  - If the owls are gone for at least one week, the project applicant may request approval from the Implementing Entity that a qualified biologist excavate usable burrows to prevent owls from reoccupying the site. After all usable burrows are excavated, the buffer zone will be removed and construction may continue.

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

No Impact. Riparian habitat and sensitive natural communities, including wetlands, are absent from the site. The project site is currently developed and is therefore almost entirely paved. Coyote Creek and associated riparian habitat are located adjacent to the project site, approximately 60 feet north of the project site. The project is separated from Coyote Creek by Eden Park Place Road and the County Park Coyote Creek Park Trail and would not encroach on Coyote Creek or the associated riparian habitat. Possible direct impacts to the Coyote Creek and the associated riparian habitat could be any that result from physical alteration of the water body and/or riparian corridor. Given that the project is separated from the Coyote Creek and the associated riparian corridor by the Eden Park Place Road and the County

Park Coyote Creek Park Trail and the project would occur entirely within the existing developed parcel, the project would not result in any direct impacts to the Coyote Creek and the associated riparian corridor.

Additionally, the project would not result in any indirect effects to the adjacent riparian habitat. Indirect effects could be those resulting from any construction disturbances, night lighting, shading effects, a degraded vegetative buffer between the water body and Project causing altered movement of wildlife, or any invasive on-site landscaping moving into the riparian corridor. At the nearest location, the riparian corridor associated with Coyote Creek is approximately 60 feet from the existing developed site, across an existing two-lane road with a paved sidewalk (Eden Park Place Road) and a paved multi-use trail (County Park Coyote Creek Park Trail). [8] Construction disturbances such as loud noises associated with demolition, grading, and building would be temporary and any potential effects to nesting migratory birds would be reduced to a less-than-significant level with standard permit conditions. Given the distance and physical obstacles between the site and the Coyote Creek, there would be no indirect effects. Additionally, all on-site landscaping would comply with City standards to be native vegetation.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological?

No Impact. The project site is fully developed and does not contain any wetlands. There are no sensitive or natural habitats on the project site. The nearest waterway is Coyote Creek, located approximately 0.03 miles north of the project site (Google Earth, 2020). Therefore, there would be no impact.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less than Significant Impact with Mitigation. In conformance with the MBTA and General Plan Policy ER-5.2, the project would implement Mitigation Measure **MM BIO-1** 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.

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

Less than Significant Impact. Within the City of San José, the urban forest as a whole is considered an important biological resource because most trees provide some nesting, cover, and foraging habitat for birds and mammals that are tolerant of humans, as well as providing necessary habitat for beneficial insects. While the urban forest is not as favorable an environment for native wildlife as extensive tracts of native vegetation, trees in the urban forest are often the best commonly or locally available habitat within urban areas. The project is located in an urban area and includes 345 existing trees throughout the project site. Of the 345 existing trees 220 trees would be removed upon project implementation. Of the 220 trees to be removed, 195 are ordinance size trees. See **Table 4-11** for a summary of the trees to be removed. These trees are considered part of the urban forest.

[8] Riparian boundary defined conservatively for this project as edge of outer dripline of riparian vegetation.

Table 4-11: Native and Non-Native Trees Removed by Project

Diameter	Native	Non-Native	Total Removed
12" or greater	*91*	50	141
6" – 11"	*20*	51	71
< 6"	*1*	7	8

Implementation of the following Standard Permit Conditions to replant the removed trees and pay in-lieu fees would ensure that the impact from the removal of the 220 on-site trees would be less than significant.

Standard Permit Conditions

Tree Replacement. The removed trees would be replaced according to tree replacement ratios required by the City, as provided in **Table 4-12: City of San José Tree Replacement Ratios** below, as amended.

Table 4-12: City of San José Tree Replacement Ratios

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

x:x = tree replacement to tree loss ratio
Note: Trees greater than or equal to 38-inch circumference shall not be removed unless a Tree Removal Permit, or equivalent, has been approved for the removal of such trees. For Multifamily Residential, Commercial, and Industrial properties, a permit is required for removal of trees of any size.
A 38-inch tree equals 12.1 inches in diameter.
A 24-inch box tree = two 15-gallon trees
Single Family and Two-dwelling properties may be mitigated at a 1:1 ratio.

In the event the proposed project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures will be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement. 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. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

Since 220 trees onsite would be removed, 91 native trees would be replaced at a 5:1 ratio, 50 non-native trees would be replaced at a 4:1 ratio, 20 native trees at a 3:1 ratio, 51 trees at a 2:1 ratio, and the remaining trees at a 1:1 ratio. Thus, the total number of replacement trees required to be planted would be 825 15 gallon trees or 413 24" box trees. For this project, 184 24" box trees will be replanted and 491 trees will be mitigated by an in-lieu. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

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

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

No Impact.

Habitat Conservation Plan

The project site is located within the Santa Clara Valley Habitat Plan (SCVHP) study area, however it is not designated as a natural community area or identified as an important habitat for endangered and threatened species. Further, native vegetation in the area has been cleared for residential, commercial, industrial, transportation, and recreational structures.

According to the Downtown Strategy 2040 EIR, the USFWS has indicated concerns regarding nitrogen deposition from air pollution that can affect plant composition in serpentine grasslands and the bay checkerspot butterfly in south Santa Clara County area. All major remaining populations of the butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area including the project area. Because serpentine soils tend to be nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species. The displacement of these species, and subsequent decline of several federally – listed species, including the butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County. Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. Fees collected under the Habitat Plan 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 Habitat Plan, which is based on the conclusion that no impacts to any of the Habitat Plan's covered species would occur under the project. With the implementation of the Habitat Plan, the 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. The project would implement the following Standard Permit Condition; therefore, no impact would occur.

Furthermore, consistent with the Plan and recent interpretation memorandum on Condition 11, the project site is fully developed with a building, surface parking lot, and landscaping. The redevelopment would keep to the existing disturbed footprint and therefore, would not be subject to the Condition 11 of the Habitat Plan. This was confirmed with the Habitat Agency, who stated, "The entire parcel can be considered existing developed because the presence of the roadway along the property line that separates the parcel from the riparian corridor AND because of the fact that the vegetation within the parcel is previously installed landscaping that is heavily impacted and not a true extension of the natural riparian habitat…no stream setback exception request would be necessary. Redevelopment of existing developed sites that do not result in new impacts to land cover are not covered by the plan (or Condition

11) and would only be subject to the Nitrogen Deposition Fee if the new development exceeds the ADT currently experienced at the site."[9]

Even so, the beginning of the project footprint is approximately 50 feet from the edge of vegetation. The site would continue to have landscaping to the northern portion of the site and would not encroach further into the setback or have new permanent disturbed area beyond the existing permanently disturbed area.

Standard Permit Condition

Santa Clara Valley Habitat Plan. The proposed project is subject to applicable SCVHP conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits.

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

City of San Jose Riparian Policy

Projects adjacent to creeks are subject to the City of San Jose's Council Policy 6-34, which requires a 100-foot setback from the edge of the riparian habitat (defined as the top of bank or the outer dripline of riparian vegetation, whichever is further from the channel). While the project would within the 100-foot setback area, it would not encroach within 50-feet any riparian habitat and the project would be completed within previously disturbed and developed areas which already exist within the minimum setback. Further, an existing 2-lane road with a paved sidewalk (Eden Park Place Road) and a paved multi-use trail (County Park Coyote Creek Park Trail) lie between the site and the Coyote Creek riparian corridor.

To receive an exception to the 100-foot setback in Council Policy 6-34, a project is required to substantiate that the five conditions listed in in Council Policy 6-34 are met. Each condition is discussed below:

- There is no reasonable alternative for the proposed project that avoids or reduces the encroachment into the setback area.

The project site exists on a previously disturbed and developed area within the minimum setback area. Thus, the current condition encroaches into the setback area and re-development of the site will not increase encroachment into previously undisturbed area within the setback. The project as proposed minimizes disturbance to the riparian corridor by redeveloping an existing site.

- The reduced setback will not significantly reduce or adversely impact the riparian corridor.

The proposed project will not reduce or directly impact the riparian corridor. The project site exists on a previously disturbed and developed area within the minimum setback area. The riparian corridor that occurs nearest to the project is separated from the project site by the Coyote Creek Trail and Eden Park Place, both of which run parallel to the creek. The portion of the project that is within the setback area does not contain riparian habitat; it is comprised of existing paved areas, ruderal vegetation on previously

[9] Personal Communications with Gerry Haas, Principal Planner, Santa Clara Valley Habitat Agency. November 10, 2021.

disturbed areas, and is in an upland area. Therefore, the project site does not currently provide beneficial habitat to the riparian corridor, and thus re-development of the project site would not reduce or adversely impact the riparian corridor.

For instance, vegetation of the development site is managed as patches of residential landscapes, or includes previously disturbed areas with ruderal vegetation or paved areas and thus the Coyote Creek's proximity does not support the maintenance or development of natural plant communities in the project area. Animals that currently arrive at and utilize the development site, mostly including birds, are expected to be common species that are used to developed landscapes. In addition, the site, which is in an area of industrial development, does not contribute in a significant way to the habitat values of Coyote Creek. Therefore, development of the project within the setback area and up to 60 feet from the riparian edge, while implementing the mitigations described in this analysis, would not be appreciably different from maintaining an arbitrary 100-foot setback.

- The proposed uses are not fundamentally incompatible with riparian habitats.

The riparian habitat within the setback area is confined to the trees at the top of the steep bank adjacent to the creek. As previously discussed, no work will occur in the riparian habitat. The project site exists on a previously disturbed and developed area and would not encroach on riparian habitats or create new uses.

In addition, the proposed use is consistent with the riparian habitat in the sense that the project would not include potentially deleterious qualities, similar to what might be the case with a chemical manufacturing plant, animal feed lot, or power generation facility. There is expected to be no potential direct harm to Coyote Creek from this project.

Work within the setback area would not negatively affect streambanks within the setback area. The project is separated from the streambank by the Coyote Creek Trail and Eden Park Place along the length of the project. The project would occur on an area that is already developed.

- The granting of the exception will not be detrimental or injurious to adjacent and/or downstream properties.

The project as designed and with successful implementation of the mitigation measures detailed in this analysis will not adversely impact Coyote Creek, therefore, there would be no impacts downstream of the adjacent reach. The buildings would not be constructed at a height or distance that would result in shade on the reach of the creek near the site. Additionally, the proposed project would be required to implement a SWIPP Plan and adhere to all City requirements, as well as the requirements of Condition 3 of the SCVHP.

There is no identified conflict with or constraint to development from Council Policy 6-34. Thus, the project area does not contain or encroach upon any riparian habitat or other sensitive natural community in any local or regional plans, policies or regulation and therefore there would be no impact.

4.5 Cultural Resources

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

Existing Setting

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

A California Historical Resources Information Systems (CHRIS) request was conducted for the site in August 2021, refer to Appendix C. The CHRIS request includes a review of pertinent Northwest Information Center (NWIC) base maps that reference cultural resources records and reports, historic-period maps, and literature for Santa Clara County.

Archaeological Resources

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

Based on the CHRIS request (see Appendix C) there is one recorded archeological resource located within the project area. Review of historical literature and maps indicated the possibility of historic-period activity within the project area. Early Santa Clara County Maps indicated the project area was located within the lands of Bernal et al and Tennant (see Appendix C). Thus, there is a moderate potential for unrecorded historic-period archaeological resources to be within the proposed project area.

Historic Resources

No historic districts designated on the local, State, or National levels 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 designated City of San José Conservation area (General Plan EIR, Figure 3.11-3). The project vicinity is characterized by two-story industrial and warehouse-commercial use buildings. The 17.38-acre project site is developed with two existing industrial use buildings. The existing industrial use buildings were built in the 1990s.

Additionally, a majority of the buildings within the project vicinity were constructed subsequent to 1985 and therefore do not include architectural styles, designs or methods of construction determined to have historical value. However, as discussed in the CHRIS request, the 1953 photo revised 1980 Santa Teresa Hills USGS 7.5-minute topographic quadrangle depicts two buildings or structures within the project area. If present, these unrecorded off-site buildings or structures may meet the Office of Historic Preservation's minimum age standard that buildings, structures, and objects 45 years or older may be of historical value.

Further, 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, lists no recorded buildings or structures within or adjacent to the proposed project area.

Applicable Plans, Policies, and Regulations

The National Historic Preservation Act of 1966 (as amended)

The National Historic Preservation Act (NHPA) established the National Register of Historic Places (National Register) to recognize resources associated with local, State, and national history and heritage. Structures and features must be at least 50 years old to be considered for listing on the National Register, barring exceptional circumstances.

Criteria for listing on the National Register (see 36 CFR Part 63), are significance in American history, architecture, archaeology, engineering, and culture as present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that:

> (A) are associated with events that have made a significant contribution to the broad patterns of our history;
>
> (B) are associated with the lives of persons significant in our past;
>
> (C) embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or,
>
> (D) have yielded, or may be likely to yield, information important in prehistory or history. Criterion D is usually reserved for archaeological and paleontological resources.

Federal regulations for cultural resources are primarily governed by Section 106 of the NHPA which applies to actions taken by federal agencies. Both archaeological resources and historic buildings in the City of San José are subject to review if federal funds or a federal permit/license is involved. As a Certified Local

Government (CLG), the City of San José is also afforded review and comment opportunities on federal undertakings within the city.

California Historical Building Code

The California Historical Building Code (CHBC) provides regulations for the preservation, restoration, rehabilitation, relocation, or reconstruction of buildings or structures designated as qualified historical buildings or properties by a local, state or federal jurisdiction. The CHBC intends to provide alternative solutions for the preservation of qualified historical buildings or properties, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users (California Code of Regulations, Title 24 Part 8).

The CHBC defines "qualified historical building" as "any building, site, structure, object, district or collection of structures, and their associated sites, deemed of importance to the history, architecture or culture of an area by an appropriate local, state or federal governmental jurisdiction." This includes designated buildings or properties on, or determined eligible for, national, state or local historical registers or official inventories including the National Register, the California Register, State Historical Landmarks, State Points of Historical Interest, and officially adopted city or county registers, inventories, or surveys of historical or architecturally significant sites, places or landmarks.

City of San José General Plan

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

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

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

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

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

Discussion

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

No Impact. The project site is currently developed with two existing industrial use buildings constructed in the 1990s. Because the buildings are less than 50 years old, they are not eligible historical resources on the local, State, or National level under CEQA.

Additionally, a majority of the buildings within the project vicinity were constructed subsequent to 1985[10] and therefore do not include architectural styles, designs or methods of construction determined to have historical value. Further, 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, lists no recorded buildings or structures within or adjacent to the proposed project area. Additionally, the project site is not located in a designated historic district.

Known historic resources located nearest to the project site include the Guadalupe/Washington Conservation Area which is roughly bounded by Grant Street, 1st, McLellan Avenue, and Willow Street (approximately 7.0 mi north), Richmond Ranch located at 7500 San Felipe Road (approximately 2.50 mi north), and the Pedro Bernal Residence, Jacoba Bernal Fisher Residence, and Bernal Milk House Site located approximately 1.70 mi south. These historic resources located to the north and south of the site are more than one mile from the project site and project construction or operation would not result in potential impacts to these historic resources.

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

Less than Significant with Mitigation. As discussed above, there is one recorded archeological resource located off-site and within the project area. Review of historical literature and maps indicated the possibility of historic-period activity within the project area. Early Santa Clara County Maps indicated the project area was located within the lands of Bernal et al and Tennant (see Appendix C). There is a high potential for unrecorded Native American resources to be within the proposed site and a moderate potential for unrecorded historic-period archaeological resources to be within the proposed project area. Consultation with representative from Tamien Nation under AB52 also reconfirmed levels of sensitivity of the site, and therefore construction of the existing structure required site disturbance and excavation and there is a possibility that previously unknown unrecorded archaeological resources could potentially be discovered during ground disturbing construction operations.

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

[10] Parcelquest. *Map Search: 5853 Rue Ferrari, San Jose, CA 95138*. https://pqweb.parcelquest.com/#home. Accessed October 2021.

resources (including human remains) are encountered during excavation and construction, the project would implement the following Mitigation Measures and Standard Permit Conditions:

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

Mitigation Measure

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

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

i. Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
ii. Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
iii. Monitoring schedules and individuals
iv. Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
v. Detailed field strategy to record, recover, or avoid the finds and address research goals.
vi. Analytical methods.
vii. Report structure and outline of document contents.
viii. Disposition of the artifacts.
ix. Security approaches or protocols for finds.

x. Appendices: all site records, correspondence, and consultation with Native Americans, etc. Implementation of the plan, by a qualified archaeologist, shall be required prior to the issuance of any grading permits. The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources.

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

With the mitigation measure above and in the Section 4.18 Tribal Cultural Resources, the project would continue to apply the following mitigation measure for accidental discovery outside of monitoring timeframes.

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:

xi. 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.
xii. The MLD identified fails to make a recommendation; or
xiii. The landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

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

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

Less than Significant Impact. Based on the review of the General Plan EIR, no evidence suggests that any un-marked human interments are present within or in the immediate vicinity of the project site. However as discussed above, there is one recorded archeological resource, P-43-000211, located within the project area and there is a moderate potential for unrecorded historic-period archaeological resources to be within the proposed project area. Therefore, there is the remote possibility that previously unknown Native American or other graves could be present and be uncovered during construction activities. California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and grave-associated items from vandalism and inadvertent destruction and any substantial change to or destruction of these resources would be a significant impact. Therefore, the City would require the project to comply with all applicable regulatory programs pertaining to subsurface cultural resources including the above-mentioned Mitigation Measures and Standard Permit Conditions for avoiding and reducing impacts if human remains are encountered and impacts would be less than significant.

4.6 Energy

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

Existing Setting

Pacific Gas and Electric Company (PG&E) is San José's energy utility provider, furnishing both natural gas and electricity for residential, commercial, industrial, and municipal uses. PG&E generates or buys electricity from hydroelectric, nuclear, renewable, natural gas, and coal facilities. In 2018, natural gas facilities provided 15 percent of PG&E's electricity delivered to retail customers; nuclear plants provided 34 percent; hydroelectric operations provided 13 percent; renewable energy facilities including solar, geothermal, and biomass provided 39 percent.[11]

Applicable Plans, Policies, and Regulations

Renewable Energy Standards

In 2002, California established its Renewable Portfolio Standard program[12] with the goal of increasing the annual percentage of renewable energy in the state's electricity mix by the equivalent of at least 1 percent of sales, with an aggregate total of 20 percent by 2017. The California Public Utilities Commission subsequently accelerated that goal to 2010 for retail sellers of electricity (*Public Utilities Code* Section 399.15(b)(1)). Then-Governor Schwarzenegger signed Executive Order S-14-08 in 2008, increasing the target to 33 percent renewable energy by 2020. In September 2009, then-Governor Schwarzenegger continued California's commitment to the Renewable Portfolio Standard by signing Executive Order S-21-09, which directs the California Air Resources Board under its AB 32 authority to enact regulations to help the State meet its Renewable Portfolio Standard goal of 33 percent renewable energy by 2020. In September 2010, the California Air Resources Board adopted its Renewable Electricity Standard regulations, which require all of the State's load-serving entities to meet this target. In October 2015,

[11] Pacific Gas and Electric, Exploring Clean Energy Solutions, https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy, accessed September 23, 2020.

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

then-Governor Brown signed into legislation Senate Bill 350, which requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030. Signed in 2018, SB 100 revised the goal of the program to achieve the 50 percent renewable resources target by December 31, 2026, and to achieve a 60 percent target by December 31, 2030. SB 100 also established a further goal to have an electric grid that is entirely powered by clean energy by 2045. Under the bill, the State cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

California 2007 Energy Action Plan Update

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

Building Codes

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

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

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

California Green Building Standards Code

The California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), commonly referred to as the CALGreen Code, is a statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to

comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary measures (CALGreen Tier 1 and Tier 2) that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2019 and took effect on January 1, 2020.

2006 Appliance Efficiency Regulations

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

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

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

City of San José Private Sector Green Building Policy

The San José City Council approved Policy 6-32 Private Sector Green Building Policy in October 2008 that establishes a baseline green building standard for private sector new construction within the City. Policy 6-32 is intended to enhance the public health, safety, and welfare of City residents, workers, and visitors by fostering practices in the design, construction, and maintenance of buildings that will minimize the use and waste of energy, water, and other resources. All projects are required to submit a Leadership in Energy and Environmental Design (LEED)13, GreenPoint14, or Build It Green checklist with the development proposal. Private developments are required to implement green building practices if they meet the Applicable Projects criteria defined by Council Policy 6-32 and shown in the **Table 4-13: Green Building Practices** below.

Table 4-13: Green Building Practices

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

Green Vision

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

[13] Created by the U.S. Green Building Council, LEED is a certification system that assigns points for green building measures based on a 110-point rating scale.
[14] Created by Build It Green, GreenPoint is a certification system that assigns points for green building measures based on a 381-point scale for multi-family developments and 341-point scale for single-family developments.

Sustainable City Strategy

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

Climate Smart San José

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

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

City of San José Smart Energy Plan

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

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

City Energy Programs

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

Silicon Valley Energy Watch (SVEW) program:

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

City of San José Green Building Policies:

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

- *Minimum Energy Performance*: establish the minimum level of energy efficiency for the base building and systems.
- *Optimize Energy Performance*: achieve increasing levels of energy performance above the minimum standard to reduce environmental impacts associated with excessive energy use.
- *Building Commissioning*: verify and ensure that the entire building is designed, constructed, and calibrated to operate as intended.
- *Measurement and Verification*: provide for the ongoing accountability and optimization of building energy and water consumption performance over time.
- *Renewable Energy*: encourage and recognize increasing levels of self-supply through renewable technologies to reduce environmental impacts associated with fossil fuel energy use.
- *Green Power*: encourage the development and use of grid-source, renewable energy technologies on a net zero pollution basis.
- *Reduce Ozone Depletion*: support early compliance with the Montreal Protocol by eliminating the use of CFC-based refrigerants and reducing the use of HCFCs and halons. As part of its promotion of Green Building policies, the City encourages participation in City sponsored organized educational and training events covering green building topics to increase the use of green building techniques in municipal, commercial, and residential building development projects in the City and create greater awareness of these practices.

Municipal Code

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

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

Envision San José 2040 General Plan

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

Policy MS-1.1	Demonstrate leadership in the development and implementation of green building policies and practices. Ensure that all projects are consistent with or exceed the City's Green Building Ordinance and City Council Policies as well as State and/or regional policies which require that projects incorporate various green building principles into their design and construction.
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Utilize solar orientation, (i.e., building placement), landscaping, design, and construction techniques for new construction to minimize energy consumption.
Action MS-2.8	Develop policies which promote energy reduction for energy-intensive industries. For facilities such as data centers, which have high energy demand and indirect greenhouse gas emissions, require evaluation of operational energy efficiency and inclusion of operational design measures as part of development review consistent with benchmarks such as those in EPA's EnergyStar Program for new data centers.
Action MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-3.1	Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial, and developer-installed residential development unless for recreation or other area functions.
Policy MS-5.5	Maximize recycling and composting from all residents, businesses, and institutions in the City.

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

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

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

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

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

Policy MS-17.2 Ensure that development within San José is planned and built in a manner consistent with fiscally and environmentally sustainable use of current and future water supplies by encouraging sustainable development practices, including low-impact development, water-efficient development and green building techniques. Support the location of new development within the vicinity of the recycled water system and promote expansion of the South Bay Water Recycling (SBWR) system in areas planned for new development. Residential development outside of the Urban Service Area can be approved only at minimal levels and only allowed to use non-recycled water at urban intensities. For residential development outside of the Urban Service Area, restrict water usage to well water, rainwater collection, or other similar sustainable practice. Non-residential development may use the same sources and potentially make use of recycled water, provided that its use will not result in conflicts with other General Plan policies, including geologic or habitat impacts. To maximize the efficient and environmentally beneficial use of water, outside of the Urban Service Area, limit water consumption for new development so that it does not diminish the water supply available for projected development in areas planned for urban uses within San José or other surrounding communities.

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

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

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

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

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.

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

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

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

Policy 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.

Action PR-6.9 Obtain applicable Leadership in Energy and Environmental Design (LEED) Certification (or its equivalent) for new and existing parks and recreation facilities, as dictated by applicable City policies.

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.

Discussion

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

Less Than Significant Impact.

Construction

The energy consumption associated with construction of the proposed project includes primarily diesel fuel consumption from on-road hauling trips and off-road construction diesel equipment, and gasoline consumption from on-road worker commute and vendor trips. Temporary electric power for as-necessary lighting and electronic equipment (such as computers inside temporary construction trailers, and heating, ventilation, and air conditioning) would be powered by a generator. The amount of electricity used during construction would be minimal; typical demand would stem from the use of electrically powered hand tools and several construction trailers by managerial staff during the hours of construction activities. The majority of the energy used during construction would be from petroleum. This analysis relies on the construction equipment list and operational characteristics, as stated in Section 4.3 (Air Quality) and Section 4.8 (Greenhouse Gas Emissions), as well as, Appendix D of this Initial Study. **Table 4-14: Project Energy Consumption During Construction** quantifies the construction energy consumption are provided for the project, followed by an analysis of impacts based on those quantifications.

Table 4-14: Project Energy Consumption During Construction

Source	Project Construction Usage	Santa Clara County Annual Energy Consumption	Percentage Increase Countywide
Electricity Use	**Megawatt Hours (MWh)**		
Water Consumption	38	16,708,080	0.0023%
Diesel Use	**Gallons**		
On-Road Construction Trips [1]	27,882	102,962,956	0.0271%
Off-Road Construction Equipment [2]	33,498	102,962,956	0.0325%
Construction Diesel Total	***61,379***	***102,962,956***	***0.0569%***
Gasoline	**Gallons**		
On-Road Construction Trips [1]	17,523	604,762,380	0.0029%

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

In total, construction of the project would consume approximately 61,379 gallons of diesel and 17,523 gallons of gasoline. The project's fuel from the entire construction period would increase fuel use in the County by approximately 0.06 percent for diesel and 0.003 percent for gasoline.

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

The CEQA Guideline Appendix G and Appendix F criteria requires the project's effects on local and regional energy supplies and on the requirements for additional capacity to be addressed. A 0.06 percent increase in construction fuel demand is not anticipated to trigger the need for additional capacity. Fuel consumption is based on a conservative construction phasing and conservative estimates for annual construction fuel consumption. Longer phases would result in lower construction intensity and a lower annual fuel consumption, resulting in lower annual demand on energy supplies. Additionally, use of construction fuel would cease once the project is fully developed. As such, project construction would have a nominal effect on the local and regional energy supplies. Therefore, it is expected that construction fuel consumption associated with the project would not be inefficient, wasteful, or unnecessary. The project would not substantially affect existing energy or fuel supplies, or resources and new capacity would not be required. Impacts would be less than significant in this regard.

Operational

The energy consumption associated with the proposed project would include building electricity, water, and natural gas usage, as well as fuel usage from on-road vehicles. Note that this energy resources analysis is consistent with the analysis presented in Section 4.3, Air Quality, and Section 4.8, Greenhouse Gas Emissions. Quantification of operational energy consumption are provided for the project in **Table 4-15**.

Table 4-15: Annual Energy Consumption During Operations

Source	Project Operational Usage	Santa Clara County Annual Energy Consumption	Percentage Increase Countywide
Electricity Use	**Megawatt Hour/Year (MWh/year)**		
Area [1]	1,183	16,664,461	0.0071%
Water[1]	389		0.0023%
Total Electricity	1,572		0.0094%
Natural Gas Use	**Therms/year**		
Area [1]	10,416	459,720,764	0.0023%
Diesel Use	**Gallons/Year**		
Mobile [2]	596,550	103,122,398	0.5785%
Gasoline Use	**Gallons/Year**		
Mobile [2]	320,486	**600,613,962**	0.0534%

Notes:
1. The electricity and natural gas usage are based on project-specific estimates and CalEEMod defaults.
2. Calculated based on the mobile source fuel use based on vehicle miles traveled (VMT) and fleet-average fuel consumption (in gallons per mile) from EMFAC2017 for operational year 2023.

Abbreviations: CalEEMod: California Emission Estimation Model; EMFAC2017: California Air Resources Board Emission Factor Model; MWh: Megawatt-hour

Source: Energy Calculations in Appendix D

Pacific Gas and Electric (PG&E) provides electricity to the project area. Electricity is currently used by the existing buildings on the project site. However, for a more conservative approach, the project energy analysis does not take credit for baseline use. The project site is expected to continue to be served by the existing PG&E electrical facilities. While PG&E facilities deliver electricity to the project site, electricity used by the project site could be sourced from San José Clean Energy (SJCE). The project site would automatically be enrolled in the GreenSource program from SJCE with the option to enroll in the TotalGreen program and the proposed permit would include this for enforcement. Total electricity demand in PG&E's service area is forecast to increase by approximately 12,000 GWh—or 12 billion kWh—between 2016 and 2028.[15] The project's anticipated electricity demand (approximately 1,455 MWh) would be nominal compared to overall demand in PG&E's service area.[16] Therefore, the projected electrical demand would not significantly impact PG&E's level of service.

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

In 2018, Californians consumed approximately 15,589,042,965 gallons of gasoline and approximately 3,107,823,655 gallons of diesel fuel. Santa Clara County annual gasoline fuel use in 2023 is estimated to be 610,613,962 gallons and diesel fuel use would be 103,122,398 gallons. Expected project operational use of gasoline and diesel would represent 0.05 percent of current gasoline use and 0.60 percent of current diesel use in the County.

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

Although the proposed project does not include on-site renewable energy resources, the proposed building would be built in conformance with San José Council Policy 6-32 and the City's Green Building Measures. Additionally, the project would also be required adhere to the provisions of CALGreen, which establishes planning and design standards for sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and internal air contaminants. The insulation and design code requirements would minimize wasteful energy consumption.

None of the project energy uses exceed one percent of Santa Clara County energy use. Therefore, it is expected that operational fuel and energy consumption associated with the project would not be inefficient, wasteful, or unnecessary. Impacts would be less than significant in this regard.

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

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

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

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

4.7 Geology and Soils

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

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Existing Setting

A Geotechnical Report was prepared for the project by Gularte & Associates, Inc. in November 2020, and is included in Appendix E. The information in this section is summarized primarily from this report. The City Geologist will review and approve the Geotechnical Investigation prior to issuance of final grading permits. The Geotechnical Report is consistent with the guidelines published by the State of California (CGS Special Publication 117A) and the Southern California Earthquake Center (SCEC, 1999). A recommended depth of 50 feet was explored and evaluated in the Geotechnical Report.

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 is predominantly flat. Soil conditions at the proposed project site consist of alluvial deposits consisting of interbedded layers of silt loam, clay, and gravel.[17]

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, the project area is not located within the Alquist-Priolo Earthquake Fault Zone[18] or the Santa Clara County Geologic Hazard Zone and no active faults have been mapped on the project site. The nearest fault to the project site is the Hayward Fault (Southeast Extension) which is located approximately 2.65 miles to the east along the foothills of the San José Foothills. The project site is not located within a designated Landslide Zone but is within a designated Liquefaction Zone[19].

[17] California, State of, Department of Conservation. Web Soil Survey. Available at: https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx. Accessed June 15, 2021.
[18] California, State of, Department of Conservation. Regulatory Maps. http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps. Accessed July 23, 2020.
[19] City of San José. General Plan Environmental Impact Report, Figure 3.6-1. https://www.sanJoséca.gov/home/showdocument?id=22039. Accessed August 24, 2020.

Applicable Plans, Policies, and Regulations

Alquist-Priolo Earthquake Fault Zoning Act

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

California Building Code

The California Building Code (CBC), Part 2 of Title 24 of the California Code of Regulations (CCR), is based on the International Building Code and prescribes a standard for constructing safer buildings throughout the State of California. It contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, strength of the ground and distance to seismic sources. The Code is renewed on a triennial basis every three years; the current version is the 2016 Building Standards Code. Building permits for individual projects within the Plan Area will be reviewed to ensure compliance with the CBC.

City of San José Envision San José 2040 General Plan

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

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

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

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

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

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

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

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

Discussion

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

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

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

ii. Strong seismic ground shaking?

Less than Significant Impact. The project site is located within a seismically active region and strong seismic ground shaking could occur. The project would be required to be in conformance with the California Building Code, City regulations, and other applicable seismic construction standards. Conformance with these standard engineering practices and design criteria would reduce the effects of seismic ground shaking. Furthermore, the project would be built and maintained in accordance with a site-specific geotechnical report, as required by the General Plan EIR and outlined in the Standard Permit Condition below. As such impacts related to strong seismic ground shaking would be less than significant.

Standard Permit Condition

To avoid or minimize potential damage from seismic shaking, the project shall be constructed using standard engineering and seismic safety design techniques. Building design and construction at the site shall be completed in conformance with the recommendations of an approved geotechnical investigation.

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

iii. Seismic-related ground failure, including liquefaction?

Less than Significant Impact. Liquefaction generally occurs as a "quicksand" type of ground failure caused by strong ground shaking. The primary factors influencing liquefaction potential include groundwater, soil type, relative density of the sandy soils, confining pressure, and the intensity and duration of ground shaking. As shown in Figure 3.6-1 in the General Plan EIR, the project site is located in a State seismic hazard zone specific to liquefaction. All structures and foundations requiring building permits would be required to meet CBC requirements to withstand ground shaking, minimizing potential impacts resulting from liquefaction. Adherence to the CBC would ensure that the seismic-related ground failure, including liquefaction impacts would be less than significant.

iv. Landslides?

No Impact. Landslides are mass movements of the ground that include rock falls, relatively shallow slumping and sliding of soil, and deeper rotational or transitional movement of soil or rock. The project site is relatively flat and is not located in an area mapped as an earthquake-induced landslide hazard area as shown in Figure 3.6-1 in the City's General Plan EIR. Therefore, there would be no impact.

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

Less than Significant Impact. Grading during the construction phase of the project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. However, erosion and loss of topsoil can be controlled using standard construction practices. Furthermore, the proposed project would be required 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.

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

Less than Significant Impact. As discussed above, based on General Plan EIR Exhibit 3.6-1, the project site is not within a designated Landslide Zone but does fall within a designated Liquefaction Zone. However, all structures and foundations requiring building permits would still be required to meet CBC requirements to withstand ground shaking, minimizing potential impacts resulting from liquefaction. Adherence to the CBC, City regulations, and other applicable standards would ensure that the seismic and liquefaction impacts are less than significant.

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

Less than Significant Impact. The proposed project would be required to be in conformance with the CBC, City regulations, and other applicable standards. Refer to response 5.7 (a) for more information. Conformance with standard engineering practices and design criteria would reduce impacts related to expansive soil potential to a less than significant level.

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

No Impact. The project would connect to the City sewer system and would not include the implementation of septic tanks or alternative wastewater disposal systems. Therefore, there would be no impact.

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

Less than Significant Impact. The project site has been previously graded and developed and does not support or contain any unique geologic features. Based on the age and type of surface soils, there is low potential to impact undiscovered paleontological resources during construction activities. While the project site is located within a low 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 Planning or Director's designee of the Department of Planning, Building and Code Enforcement (PBCE) shall be notified, and a qualified professional paleontologist shall assess the nature and importance of the find and recommend appropriate treatment.

Treatment may include, but is not limited to, preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds. The project applicant shall be responsible for implementing the recommendations of the qualified paleontologist. A report of all findings shall be submitted to the Director of Planning or Director's designee of the PBCE.

4.8 Greenhouse Gas Emissions

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

Existing Setting

A Greenhouse Gas Assessment was prepared for the project and is included as Appendix F.

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

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

GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants (TACs), which are pollutants of regional and local concern. Whereas pollutants with localized air quality effects have relatively short atmospheric lifetimes (approximately one day), GHGs have long atmospheric lifetimes (one to several thousand years). GHGs persist in the atmosphere for long enough time periods to be

dispersed around the globe. Although the exact lifetime of a GHG molecule is dependent on multiple variables and cannot be pinpointed, more CO_2 is emitted into the atmosphere than is sequestered by ocean uptake, vegetation, or other forms of carbon sequestration. Of the total annual human-caused CO_2 emissions, approximately 55 percent is sequestered through ocean and land uptakes every year, averaged over the last 50 years, whereas the remaining 45 percent of human-caused CO_2 emissions remains stored in the atmosphere (Intergovernmental Panel on Climate Change,2013).

Applicable Plans, Policies, and Regulations

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

Energy Independence and Security Act of 2007

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

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

U.S. Environmental Protection Agency Endangerment Finding

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

Federal Vehicle Standards

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

In 2010, President Barack Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated federal GHG and fuel economy standards for model years 2017 – 2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO2 in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017 – 2021, and NHTSA intends to set standards for model years 2022 – 2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022 – 2025 cars and light trucks. It should be noted that the EPA is currently proposing to freeze the vehicle fuel efficiency standards at their planned 2020 level (37 mpg), canceling any future strengthening (currently 54.5 mpg by 2026).

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014 – 2018. The standards for CO2 emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baseline.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO2 emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

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

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

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

Assembly Bill 1493

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

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

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

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

Senate Bill 375 – Sustainable Communities and Climate Protection Act

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

Senate Bills 1078 and 107

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

Senate Bill 1368

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

Senate Bill 32

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

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

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

CARB Scoping Plan

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

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

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

Santa Clara County Climate Action Plan 2009

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

City of San José Municipal Code

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

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

BAAQMD CEQA Guidelines and 2017 Bay Area Clean Air Plan

BAAQMD recently adopted new CEQA Guidelines (June 2010, Updated May 2017). The new guidelines supersede the previously adopted 2010 CEQA Guidelines and include new and updated thresholds for analyzing air quality impacts, including a threshold for GHG emissions. Under these thresholds, if a project would result in an operational-related GHG emission of 1,100 metric tons (MT) (or 4.6 MT per service population[20]) of carbon dioxide equivalents (CO2e) per year or more, it would make a cumulatively considerable contribution to GHG emissions and result in a cumulatively significant impact to global climate change. The BAAQMD CEQA Guidelines also outline a methodology for estimating GHGs.[21]

Envision San José 2040 General Plan

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

City of San José Greenhouse Gas Reduction Strategy

The City of San José updated its Greenhouse Gas Reduction Strategy, to the 2030 Greenhouse Gas Reduction Strategy (GHGRS), in August 2020, in alignment with SB 32. SB 23 has established an interim statewide greenhouse gas reduction goal for 2030 to meet the long-term target of carbon neutrality by 2045 (EO B-55-18). SB 32 expands upon AB 32, the Global Warming Solutions Act of 2006, and requires a reduction in greenhouse gas emissio0ns of at least 40% below the 1990 levels by 2030.

The 2030 GHGRS allows for tiering and streamlining of GHG analyses under CEQA because it serves as a qualified Climate Action Plan for the City of San José. The 2030 GHGRS identifies major General Plan strategies and polices to be implemented by development project such as green building practices, transportation strategies, energy use, water conservation, waste reduction and diversion, and other sectors that contribute to GHG reductions and advancements of the City's broad sustainability goals.

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

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

The GHG Reduction Strategy identifies GHG emissions reduction measures to be implemented by development projects in three categories: built environment and energy, land use and transportation, and recycling and waste reduction. Some measures are mandatory for all proposed development projects and others are voluntary. Voluntary measures could be incorporated as mitigation measures for proposed projects, at the City's discretion.

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

Reach Building Code

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

Discussion

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

Less than Significant Impact.

Short-Term Construction Greenhouse Gas Emissions

Construction of the proposed project would result in minor increases in GHG emissions from on-site equipment and emissions from construction workers' personal vehicle travelling to and from the project construction site. Construction-related GHG emissions vary depending on the level of activity, length of the construction period, specific construction operations, types of equipment, and number of construction workers. Neither the City of San José nor BAAQMD have an adopted threshold of significance for construction-related GHG emissions; however, BAAQMD recommends quantifying emissions and disclosing that GHG emissions would occur during construction. The GHG assessment prepared for the proposed project (refer to Appendix F) calculated emissions with project construction to be 764 $MTCO_2e$ for the total construction period (12 months). Because project construction will be a temporary condition and would not result in a permanent increase in emissions that would interfere with the implementation of AB32, the temporary increase in emissions would be less than significant.

Long-Term Operational Greenhouse Gas Emissions

The proposed project would include the partial demolition and remodeling of one industrial building. Operational or long-term emissions would occur over the project's life. GHG emissions would result from direct emissions such as project generated vehicular traffic, on-site combustion of natural gas, and operation of any landscaping equipment. Operational GHG emissions would also result from indirect sources, such as off-site generation of electrical power over the life of the project, the energy required to convey water to, and wastewater from the project site, the emissions associated with solid waste

generated from the project site, and any fugitive refrigerants from air conditioning or refrigerators. It should be noted that the project would comply with the 2019 Title 24 Part 6 Building Energy Efficiency Standards. The standards require updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa), residential and nonresidential ventilation requirements, and nonresidential lighting requirements that would cut residential energy use by more than 50 percent (with solar) and nonresidential energy use by 30 percent. The standards also encourage demand responsive technologies including battery storage and heat pump water heaters and improve the building's thermal envelope through high performance attics, walls and windows to improve comfort and energy savings (California Energy Commission, March 2018). The project would also comply with the appliance energy efficiency standards in Title 20 of the California Code of Regulations. The Title 20 standards include minimum levels of operating efficiency, and other cost-effective measures, to promote the use of energy- and water-efficient appliances. The project would be constructed according to the standards for high-efficiency water fixtures for indoor plumbing and water efficient irrigation systems required in 2019 Title 24, Part 11 (CALGreen).

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

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

As discussed in Impact Statement 4.8(b), below, the proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance which will ensure operational emissions reductions consistent with the 2030 GHG Reduction Strategy. The proposed project, therefore, would be consistent with the City's GHG Reduction and General Plan and would have a less than significant GHG emissions impact.

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

Less than Significant Impact.

City of San José Greenhouse Gas Reduction Strategy Compliance Checklist

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

Prior to project approval, the applicant is required to complete the Greenhouse Gas Reduction Strategy Compliance Checklist to demonstrate the project's compliance with the City of San José 2030 Greenhouse Gas Reduction Strategy, refer to Appendix F. Compliance with the checklist is demonstrated by completing Section A (General Plan Policy Conformance) and Section B (Greenhouse Gas Reduction Strategies). Projects that propose alternative GHG mitigation measures must also complete Section C (Alternative Project Measures and Additional GHG Reductions). As discussed above, the project would be constructed in accordance with the latest California Building Code and green building regulations/CalGreen. The proposed development would be constructed in compliance with the City's Council Policy 6-32 and the City's Green Building Ordinance. The project would include a number of vehicle miles traveled (VMT) reduction strategies such as project characteristics such as activity mix and density as well as multimodal infrastructure improvements (refer to Section 4.17 Transportation). These VMT reduction measures would help reduce vehicle miles traveled (VMT) and mobile greenhouse gas emissions. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a project's incremental contribution to a cumulative GHG emissions effect may be determined not to be cumulatively considerable if it complies with the requirements of the Greenhouse Gas Reduction Strategy.

As shown **Table 4-16: 2030 GHGRS Table A - Project Compliance with General Plan Polices** and

Table 4-17: 2030 GHGRS Table B GHGRS Compliance, the project would comply with the 2030 GHG Reduction Strategy.

Table 4-16: 2030 GHGRS Table A - Project Compliance with General Plan Polices

General Plan Measures	General Plan Policies	Project Compliance
1) Consistency with the Land Use/Transportation Diagram (Land Use and Density)	*Is the proposed Project consistent with the Land Use/Transportation Diagram?*	**Consistent**. The proposed project is consistent with the Land Use/Transportation Diagram.

General Plan Measures	General Plan Policies	Project Compliance
2) Implementation of Green Building Measures	***MS-2.2**: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.*	**Consistent.** The project would be solar-ready by including building roof space and conduit infrastructure for a "Future PV Array" per California Code. However, the option for installation of solar panel would be up to the discretion of the future tenant. However, the project would also enroll in San José Clean Energy (SJCE) GreenSource program which includes 55 percent renewable energy.
	***MS-2.3**: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.*	**Consistent**. The project would comply with the latest energy efficiency standards. The State goal is to increase the use of green building practices. The project would implement required green building strategies through existing regulation that requires the project to comply with various CalGreen requirements. Additionally, the project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 55 percent renewable energy.
	***MS-2.7**: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.*	**Consistent**. This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. The project would be solar-ready by including building roof space and conduit infrastructure for a "Future PV Array" per California Code. Future tenants within the project would be able to take advantage of incentives that are in place at the time of construction.
	***MS-2.11**: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy 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).*	**Consistent**. The State goal is to increase the use of green building practices. The project would implement required green building strategies through existing regulation that requires the project to comply with various CalGreen requirements to reduce energy use. Per section 4.6 Energy, the project would use approximately 1,572 MWh per year which is approximately 0.01 percent of Santa Clara County's total electricity use. The project anticipated natural gas usage would be approximately 10,416 therms of natural

General Plan Measures	General Plan Policies	Project Compliance
		gas per year or 0.002 percent of the County's natural gas demand. Therefore, the project would have a nominal electricity demand compared to the County.
	***MS-16.2**: Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.*	**Consistent.** The project would be solar-ready by ensuring roof space and conduit infrastructure for "Future PV Array" per California Code. Additionally, the project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 55 percent renewable energy.
	***CD-2.1**: Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan.*	**Not Applicable.** The proposed project is in a heavy industrial area. The project would not alter existing street, pedestrian walkways or bike lanes. However, the proposed project would include 30 bicycle racks as well as bicycle and pedestrian access on the driveways.
3) Pedestrian, Bicycle & Transit Site Design Measures	***CD-2.5**: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.*	**Consistent.** The proposed project would include landscaping and shading of the parking areas and walkways. Additionally, 16 percent of the site would be pervious. The project would comply with all applicable stormwater regulations.
	***CD-2.11**: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.*	**Not Applicable.** The proposed project is not located within the Downtown or Urban Village Overlay areas.
	***CD-3.2**: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.*	**Consistent.** The proposed project would include 30 bicycle parking spaces as well as bicycle and pedestrian improvements to the site.

General Plan Measures	General Plan Policies	Project Compliance
	***CD-3.4**: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.*	**Consistent** As discussed above, the proposed project would include bicycle parking spaces as well as access for bicyclists and pedestrian to access the site. The project would include day use lockers. This would promote safety and encourage employees to use alternative sources of transportation.
	***LU-3.5**: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.*	**Not Applicable.** The project is not located in the Downtown area.
	***TR-2.8:** Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.*	**Consistent.** The project includes connections to proposed (per Mitigation Measure TRANS-1) bicycle lane facilities, bicycle parking and day use storage lockers.
	***TR-7.1:** Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for car-sharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.*	**Consistent.** The project would include VMT reduction measures for employees such as increasing multimodal connectivity, pedestrian and bicycle network improvements. These infrastructure improvements would result in fewer GHG emissions related to employee trips.
	***TR-8.5**: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.*	**Consistent.** The project would include VMT reduction measures for employees such as increasing multimodal connectivity, pedestrian and bicycle network improvements. The project includes 29 clean air/vanpool spaces and 30 bike parking spaces.
	***MS-3.1**: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial and developer-installed residential development unless for recreation needs or other area functions.*	**Consistent**. The proposed project would comply with the State's Model Water Efficient Landscape Ordinance and the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code). Project landscaping would include all water efficient landscaping.

General Plan Measures	General Plan Policies	Project Compliance
4) Water Conservation and Urban Forestry Measures	***MS-3.2**: Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.*	**Consistent**. The project includes low-flow fixtures and appliances. These measures are required by City Code. The project would comply with measures to increase water efficiency and green building techniques per building codes.
	***MS-19.4**: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.*	**Consistent.** The City provides recycled water in the vicinity of the project site. The project would utilize recycled water for the outdoor landscaping based on availability.
	***MS-21.3**: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest.*	**Consistent**. The project would comply with City landscaping requirements through plan check and design review processes. This would include water-efficient landscaping, pest resistance, and diversity requirements.
	***MS-26.1**: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines.*	**Consistent.** The project would comply with City landscaping requirements and criteria to incorporate existing trees with new landscaping.

General Plan Measures	General Plan Policies	Project Compliance
	***ER-8.7**: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.*	**Consistent**. The Municipal Regional Permit (MRP) allows development projects to use infiltration, evapotranspiration, harvesting and use, or biotreatment to treat full water quality design flow or volume of stormwater runoff, as specified in MRP Provision C.3.d. Project applicants are no longer required to evaluate the feasibility of infiltration of rainwater harvesting and use before proceeding to biotreatment. If a project applicant desires to use rainwater harvesting systems to meet LID treatment requirements, there must be sufficient demand on the project site to use the water quality design volume, i.e., 80% of the average annual rainfall runoff, from the collection area. Appendix I from SCVURPPP provides guidance on how to estimate the required landscaping or toilet flushing demand to meet C.3.d requirements. If the project appears to have sufficient demand for captured rainwater, Appendix I provides guidance on sizing the cistern (or other storage facility) to achieve the appropriate combination of drawdown time and cistern volume.

Table 4-17: 2030 GHGRS Table B GHGRS Compliance

GHGRS Strategy and Consistency Options	Project Consistency
Renewable Energy Development 1. *Install solar panels, solar hot water, or other clean energy power generation sources on development sites,* *or* *2. Participate in community solar programs to support development of renewable energy in the community,* *or* *3. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project.* **Supports Strategies**: GHGRS #1, GHGRS #3	**Alternative Measure Proposed.** The project would be enrolled in San José Clean Energy (SJCE) GreenSource program which includes 55 percent renewable energy. Additionally, the project would be solar-ready by including building roof space and conduit infrastructure for a "Future PV Array" per California Code.

GHGRS Strategy and Consistency Options	Project Consistency
Building Retrofits – Natural Gas[22] This strategy only applies to projects that include a retrofit of an existing building. If the proposed project does not include a retrofit, select "Not Applicable" in the Project Conformance column. *1. Replace an existing natural gas appliance with an electric alternative (e.g., space heater, water heater, clothes dryer),* *or* *2. Replace an existing natural gas appliance with a high-efficiency model* **Supports Strategies:** GHGRS #4	**Not applicable.** The project does not include a retrofit.
Zero Waste Goal 1. *Provide space for organic waste (e.g., food scraps, yard waste) collection containers, and/or* *2. Exceed the City's construction & demolition waste diversion requirement.* **Supports Strategies:** GHGRS #5	**Consistent.** The proposed development includes an exterior trash enclosure with space for recycling and organic waste collection. Additionally, construction and demolition waste would be diverted to meet City requirements.
Caltrain Modernization *1. For projects located within ½ mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes* *or* *2. Develop a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project related VMT.* **Supports Strategies:** GHGRS #6	**Not Applicable.** The proposed project is not located within ½ mile of a Caltrain station. Therefore, this strategy is not applicable to the project.
Water Conservation 1. *Install high-efficiency appliances/fixtures to reduce water use, and/or include water-sensitive landscape design,* *and/or* *2. Provide access to reclaimed water for outdoor water use on the project site.* **Supports Strategies:** GHGRS #7	**Consistent.** The proposed project would comply with water conservation per the California Green Building Standards Code, which requires a 20 percent reduction in indoor water use. The project would include low flow appliances and fixtures. The project would also comply with the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code).

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

As demonstrated in **Table 4-16** and

Table 4-17, the project would not conflict with the 2030 GHG Reduction Strategy. GHG emissions caused by long-term operation of the proposed would be less than significant.

CARB Scoping Plan

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

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

The 2017 Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the First Update to the Climate Change Scoping Plan (2013). Although a number of these measures are currently established as policies and measures, some measures have not yet been formally proposed or adopted. It is expected that these measures or similar actions to reduce GHG emissions would be adopted as required to achieve statewide GHG emissions targets. As shown in **Table 4-18: Project Consistency with Applicable CARB Scoping Plan Measures** the project is consistent with most of the strategies, while others are not applicable to the project.

Table 4-18: Project Consistency with Applicable CARB Scoping Plan Measures

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Transportation	California Cap-and-Trade Program Linked to Western Climate Initiative	Regulation for the California Cap on Greenhouse Gas Emissions and Market-Based Compliance Mechanism October 20, 2015 (CCR 95800)	**Consistent.** The Cap-and-Trade Program applies to large industrial sources such as power plants, refineries, and cement manufacturers. However, the regulation indirectly affects people who use the products and services produced by these industrial sources when increased cost of products or services (such as electricity and fuel) are transferred to the consumers. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
			imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period.
	California Light-Duty Vehicle Greenhouse Gas Standards	Pavley I 2005 Regulations to Control GHG Emissions from Motor Vehicles	**Consistent**. This measure applies to all new vehicles starting with model year 2012. The project would not conflict with its implementation as it would apply to all new passenger vehicles purchased in California. Passenger vehicles, model year 2012 and later, associated with construction and operation of the project would be required to comply with the Pavley emissions standards.
		2012 LEV III Amendments to the California Greenhouse Gas and Criteria Pollutant Exhaust and Evaporative Emission Standards	**Consistent.** The LEV III amendments provide reductions from new vehicles sold in California between 2017 and 2025. Passenger vehicles associated with the site would comply with LEV III standards.
	Low Carbon Fuel Standard	2009 readopted in 2015. Regulations to Achieve Greenhouse Gas Emission Reductions Subarticle 7. Low Carbon Fuel Standard CCR 95480	**Consistent.** This measure applies to transportation fuels utilized by vehicles in California. The project would not conflict with implementation of this measure. Motor vehicles associated with construction and operation of the project would utilize low carbon transportation fuels as required under this measure.
	Regional Transportation-Related Greenhouse Gas Targets	SB 375. Cal. Public Resources Code §§ 21155, 21155.1, 21155.2, 21159.28	**Consistent**. The project would provide development in the region that is consistent with the growth projections in the Regional Transportation Plan/Sustainable Communities Strategy (SCS) (Plan Bay Area 2040).

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
	Goods Movement	Goods Movement Action Plan January 2007	**Not applicable**. The project does not propose any changes to maritime, rail, or intermodal facilities or forms of transportation.
	Medium/Heavy-Duty Vehicle	2010 Amendments to the Truck and Bus Regulation, the Drayage Truck Regulation and the Tractor-Trailer Greenhouse Gas Regulation	**Consistent**. This measure applies to medium and heavy-duty vehicles that operate in the state. The project would not conflict with implementation of this measure. Medium and heavy-duty vehicles associated with construction and operation of the project would be required to comply with the requirements of this regulation.
	High Speed Rail	Funded under SB 862	**Not applicable**. This is a statewide measure that cannot be implemented by a project Applicant or Lead Agency.
Electricity and Natural Gas	Energy Efficiency	Title 20 Appliance Efficiency Regulation	**Consistent.** The project would not conflict with implementation of this measure. The project would comply with the latest energy efficiency standards.
		Title 24 Part 6 Energy Efficiency Standards for Residential and Non-Residential Building	
		Title 24 Part 11 California Green Building Code Standards	
	Renewable Portfolio Standard/Renewable Electricity Standard.	2010 Regulation to Implement the Renewable Electricity Standard (33% 2020)	**Consistent**. The project would obtain electricity from the electric utility company, PG&E. PG&E obtained 39 percent of its power supply from renewable sources in 2018. Therefore, the utility would provide power when needed on site that is composed of a greater percentage of renewable sources.
		SB 350 Clean Energy and Pollution Reduction Act of 2015 (50% 2030)	
	Million Solar Roofs Program	Tax incentive program	**Consistent.** This measure is to increase solar throughout California, which is being done by various electricity providers and existing solar programs. Future tenants within the project would be able to take advantage of

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
			incentives that are in place at the time of construction.
Water	Water	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The project would comply with the California Green Building Standards Code, which requires a 20 percent reduction in indoor water use. The project would also comply with the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code).
		SBX 7-7—The Water Conservation Act of 2009	
		Model Water Efficient Landscape Ordinance	
Green Buildings	Green Building Strategy	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The State goal is to increase the use of green building practices. The project would implement required green building strategies through existing regulation that requires the project to comply with various CalGreen requirements.
Industry	Industrial Emissions	2010 CARB Mandatory Reporting Regulation	**Consistent.** The project includes light industrial uses such as a warehouse. However, the project would comply with CARB Mandatory Reporting Regulation.
Recycling and Waste Management	Recycling and Waste	Title 24 Part 11 California Green Building Code Standards	**Consistent.** The project would not conflict with implementation of these measures. The project is required to achieve the recycling mandates via compliance with the CALGreen code. The City has consistently achieved its state recycling mandates.
		AB 341 Statewide 75 Percent Diversion Goal	
Forests	Sustainable Forests	Cap and Trade Offset Projects	**Not applicable.** The project site is an existing disturbed site located in an urban area. No forested lands exist on-site.
High Global Warming Potential	High Global Warming Potential Gases	CARB Refrigerant Management Program CCR 95380	**Not applicable**. The regulations are applicable to refrigerants used by large air conditioning systems and large commercial and industrial refrigerators and cold storage system. The project is not expected to use large systems subject to the refrigerant management regulations adopted by CARB.

Scoping Plan Sector	Scoping Plan Measure	Implementing Regulations	Project Consistency
Agriculture	Agriculture	Cap and Trade Offset Projects for Livestock and Rice Cultivation	**Not applicable**. The project site is an infill site. No grazing, feedlot or other agricultural activities that generate manure currently exist on-site or are proposed to be implemented by the project.

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

As demonstrated in **Table 4-18: Project Consistency with Applicable CARB Scoping Plan Measures**, the project would not conflict with the CARB Scoping Plan. As discussed above, the Scoping Plan reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. GHG emissions caused by long-term operation of the proposed would be less than significant.

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

The project would implement a number of the Standard Permit Conditions during construction. For example, a few of the construction measures include enforcing idling time restrictions on construction vehicles, use of added exhaust muffling and filtering devices, replant vegetation in disturbed areas as quickly as possible, and posting a publicly visible sign with the telephone number and person at the lead agency to contact regarding dust complaints. The project Health Risk Assessment includes mitigation that would require construction vehicles to operate Tier 4 Final engines or equivalent. As indicated above, GHG reductions are also achieved as a result of State of California energy and water efficiency requirements for new non-residential developments. These efficiency improvements correspond to reductions in secondary GHG emissions. For example, in California, most of the electricity that powers homes is derived from natural gas combustion. Therefore, energy saving measures, such as Title 24, reduces GHG emissions from the power generation facilities by reducing load demand.

The project would be required to comply with existing regulations, including applicable measures from the City's General Plan, or would be directly affected by the outcomes (vehicle trips and energy consumption would be less carbon intensive due to statewide compliance with future low carbon fuel standard amendments and increasingly stringent Renewable Portfolio Standards). As such, the project would not conflict with any other state-level regulations pertaining to GHGs.

Regarding goals for 2050 under Executive Order S-3-05, at this time it is not possible to quantify the emissions savings from future regulatory measures, as they have not yet been developed; nevertheless, it can be anticipated that operation of the project would benefit from implementation of current and

potential future regulations (e.g., improvements in vehicle emissions, SB 100/renewable electricity portfolio improvements, etc.) enacted to meet an 80 percent reduction below 1990 levels by 2050.

Plan Bay Area

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

4.9 Hazards and Hazardous Materials

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	

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

Existing Setting

A Phase I Environmental Site Assessment (Phase I ESA) and Phase II Environmental Site Investigation (Phase II ESI) were prepared for the project by APEX in November of 2020 and October of 2021, respectively. These documents are included in Appendix G of this Initial Study. The Phase I ESA and Phase II ESI were prepared to review historical site usage information including aerial photographs and maps, search environmental databases, obtain previous environmental investigation records and documents, and identify Recognized Environmental Conditions (RECs) and collect current samples of soil and groundwater quality for detailed analysis.

Past Site Uses

The 17.38-acre project site is located within an urban area and is predominantly surrounded by industrial and commercial uses. Based on a review of historic aerial imagery, the project was primarily occupied by agricultural fields and roads until 1982. By 1994, the project site was developed, and the existing buildings were observed. From 1994 to 2000, Xerox Colografx Systems, Inc occupied the project site and between 2004 and 2006 it was used as a commercial distribution center and for Calient Networks, Inc. From 1997 to present, Western Digital used the Subject Property for office and data storage.

Onsite Sources of Contamination

A records search of the Santa Clara County Department of Environmental Health, Regional Water Quality Control Board's Geotracker database, and Department of Toxic Substances Control's Envirostor database found no record of the project site pertaining to open cases of a leaking underground storage tanks (LUSTs), toxic releases, or site cleanup requirements. Historic uses onsite include commercial warehouses and a distribution center with a wet lab for the research, development, and testing of computer parts. Hazardous materials used on-site included paint thinners, lubricating oils, laboratory hazardous waste including organic solids, oxygenated solvents (acetone, butanol, ethyl acetate, etc.) and soap/detergents.

As noted in Appendix G, no RECs were identified for the project site. Additional information is provided under threshold b) below.

Additionally, the Phase II ESI included the sampling of 8 soils borings to 2 feet below ground surface (bgs), on the project site. The objective of the investigation was to collect a soil sample from each boring to evaluate shallow soil for the presence of organochlorine pesticides and associated metals (arsenic and lead) related to former agriculture use.

Off-Site Sources of Contamination

The nearest offsite LUST cleanup site located at 6050 Monterey Highway is located approximately 0.60 miles south of the project site. The former operator was USA Petroleum and the potential contamination of concern on this site was gasoline. Remedial action was taken from 2004 to 2009. The case has been closed since 2009.

Airports

The Reid Hillview Airport and the Norman Y. Mineta San José International Airport are located approximately 6 miles north and 11 miles north west of the project site respectively. Federal Aviation Regulations, Part 77, "Objects Affecting Navigable Airspace" (referred to as FAR Part 77), requires that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways or which would otherwise stand at least 200 feet in height above ground. For the project site, the maximum allowable height is 50 feet in height above ground per the City of San José Municipal Code. The proposed building would be within the allowable height of 50 feet and FAA notification would not be required.

Wildland Fire Hazards

The project site is not located within a Very-High Fire Hazard Severity Zone for wildland fires.[23]

Applicable Plans, Policies, and Regulations

Hazardous waste generators and users in the City are required to comply with regulations enforced by several federal, State, and county agencies. The regulations are designed to reduce the risk associated with human exposure to hazardous materials and minimize adverse environmental effects. The San José Fire Department coordinates with the Santa Clara County Hazardous Materials Compliance Division to implement the Santa Clara County Hazardous Materials Management Plan and to ensure that commercial and residential activities involving classified hazardous substances are properly handled.

Government Code Section 65962.5 (Cortese List)

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the location of hazardous materials release sites. Government Code Section 65962.5 requires the California Environmental Protection Agency (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 State Water Resources Control Board (SWRCB).

California Department of Forestry and Fire Protection (CAL FIRE)

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped fire threat potential throughout California. CAL FIRE ranks fire threats based on the availability of fuel and the likelihood of an area burning (based on topography, fire history, and climate). The rankings include no fire threat, moderate, high, and very high fire threats.

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

City of San José Envision San José 2040 General Plan

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

Policy EC-6.6: Address through environmental review for all proposals for new residential, park and recreation, school, day care, hospital, church or other uses that would place a sensitive population in close proximity to sites on which hazardous materials are or are likely to be located, the likelihood of an accidental release, the risks posed to human health and for sensitive populations, and mitigation measures, if needed, to protect human health.

Action EC-6.8: The City will use information on file with the County of Santa Clara Department of Environmental Health under the California Accidental Release Prevention (CalARP) Program as part of accepted Risk Management Plans to determine whether new residential, recreational, school, day care, church, hospital, seniors or medical facility developments could be exposed to substantial hazards from accidental release of airborne toxic materials from CalARP facilities.

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

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

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

Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-based paint and asbestos containing materials, shall be implemented in accordance with State and federal laws and regulations.

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

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

Action EC-7.9: Ensure coordination with the County of Santa Clara Department of Environmental Health, Regional Water Quality Control Board, Department of Toxic Substances Control or other applicable regulatory agencies, as appropriate, on projects with contaminated soil and/or groundwater or where historical or active regulatory oversight exists.

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

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

Discussion

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

Less than Significant Impact. The project site is currently developed with two industrial use buildings. The proposed project would introduce a similar warehouse use to the current industrial use buildings. No end users have been identified for the project, but the proposed warehouse would be programmed and designed to attract users such as logistics, e-commerce, warehouse/distribution, wholesaling, industrial services, and light to medium manufacturing. Construction activities would include demolition, removal of demolition materials off-site, site preparation, grading, paving, building construction, and architectural coating. All construction would occur within the project site and any impacts as a result of the transport, use, or disposal of hazardous materials during construction would be temporary.

Though no end users have been identified, the proposed project is not programmed, designed, or anticipated to be used as a facility that would require the routine transport, use, or disposal of hazardous materials. The project site is zoned as Industrial Park (IP). IP zoning does not allow for the development of a hazardous materials storage facility or a hazardous waste facility. The project would be required to comply with the requirements of the zoning designation for the project site. Additionally, any materials and substances used by the end user of the project would be subject to applicable health and safety requirements. Compliance with applicable federal, local, and State requirements and the zoning of the project site would ensure no significant hazard to the public or the environment are created through the routine transport, use, or disposal of hazardous materials. Thus, impacts would be less than significant.

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

Less than Significant Impact. The project site was flagged in eight databases including Certified Unified Program Agency (CUPA) Listings, Resource Conservation Recovery Act (RCRA) Non-generator (NonGen)/No Longer Regulated (NLR), Emissions Inventory Database (EMI), Hazardous Material Facilities (HAZMAT), Facility Index System/Facility Registry System (FINDS), Enforcement and Compliance History Information (ECHO), Facility and Manifest Data (HAZNET), and Registered Hazardous Waste Transporter Database (HWTS). These listings show the project site generated small amounts of hazardous waste in organic solids, waste oil, oxygenated solvents (including acetone, butanol, ethyl acetate, etc.) and laboratory waste chemicals including detergent and soap. However, upon further review of the environmental records on the project site, the Phase I ESA did not find any RECs associated with the project site.

As discussed in the Phase II ESI, arsenic and lead were detected in all 8 soils samples. Although lead was detected at concentrations below ESL for construction workers and commercial/industrial sites, arsenic exceeded its respective ESL for construction workers and commercial/industrial sites. However, arsenic concentrations were all below the established background value of 11 mg/kg, and therefore are consistent with background concentrations for San Francisco Bay Area and no further actions are recommended. Additionally, of the organochlorine pesticides that were analyzed, only dieldrin exceeded its ESL for commercial/industrial sites. However, dieldrin was not detected in any of the other samples at concentrations above laboratory reporting limits (RLs), and therefore, appears to be localized. The primary exposure receptor during redevelopment of the project site will be the construction workers, however, none of the compounds exceeded their respective ESLs for construction workers. Therefore, the residual organochlorine pesticide detections in the soil do not constitute an unacceptable risk to the construction workers and no further actions are required.

The project is not anticipated to result in a release of hazardous materials into the environment. As discussed above, the proposed project is neither programmed, designed, nor anticipated to be used as a facility that would require the use or storage of hazardous materials nor does the project site zoning allow for the development of a hazardous materials storage or waste facility. All materials and substances used on-site would be subject to applicable health and safety requirements. Additionally, the project site has known uses of hazardous materials but no known releases of hazardous materials. As such, disturbance of on-site soils would not result in the release of hazardous materials. Thus, impacts would be less than significant.

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

No Impact. The closest school, Stratford School, is located approximately 1.4 miles southwest of the project site at 6670 San Anselmo Way. Because the project site would be located more than one-quarter mile from this school, any emissions and hazardous materials handling at the site, during construction or operations, would not pose a significant health risk to nearby schools. Thus, no impacts would occur.

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

Less than Significant Impact. As discussed above, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Additionally, the nearest offsite LUST cleanup site is located approximately 0.60 miles south of the project site at 6050 Monterey Highway, but has been remediated and the case has been closed since 2009.The Phase I prepared for the project site (Appendix E) also did not identify any RECs within the project site. Therefore, the proposed project would not be located on a hazardous materials site and would not create a significant hazard to the public or the environment. Impacts would be less than significant.

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

No Impact. The project site is not located within two miles of a public airport or private airstrip. The project site is located approximately 11 miles southeast of Mineta San José International Airport, the closest major airport. The project site is located approximately 6 miles south of the Reid Hillview Airport, the closest minor airport. 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 77 notification surface elevation over the site (e.g., 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.

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

Less than Significant Impact. Implementation of the project would not impair or physically interfere with an adopted emergency response or evacuation plan. The City of San José Emergency Operations Plan (EOP) was prepared by the City describing the City's response to emergency situations associated with natural disasters, technological incidents and nuclear defense operations. The EOP outlines the overall organizational and operational concepts in relation to response and recovery and includes the roles and responsibilities of the various committees and agencies during an emergency, and the activation and execution procedures of the emergency response system.

No revisions to the EOP would be required as a result of the proposed project. Primary access to all major roads would be maintained during construction of the proposed project. Additionally, during the building permit stage, the project would be reviewed for conformance with all applicable Fire Code and Building Code requirements.

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

No Impact. CAL FIRE identifies Fire Hazard Severity Zones (FHSZ) and designates State of Local Responsibility Areas within the State of California. New developments located in 'Very High' Fire Hazard Severity Zones are required to comply with exterior wildfire design and construction codes as well as vegetation clearance and other wildland fire safety practices for structures. As discussed above, the project is zoned as a "Non-Very High Fire Hazard Safety Zone" on the Very High Hazard Severity Zones on CAL FIRE's FHSZ Viewer.

The City's General Plan EIR contains development Wildland and Urban Fire policies specific to development within "Very High" hazard zones or near urban/wildlife interfaces. The proposed project is not located in a "Very High" zone and would not conflict with the wildland fire hazard policies identified in the General Plan EIR. The project site is in a developed urban area and it is not a wildland interface area or directly adjacent to a wildland interface area. Therefore, there would be no impact.

4.10 Hydrology and Water Quality

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

Existing Setting

The project site is located in an urban area with connections to the City's water and sewer infrastructure. The closest waterway to the project site is Coyote Creek, which is located approximately 0.03 miles north of the project site, and ultimately flows into the San Francisco Bay. The proposed project is located within the Coyote Creek watershed, the largest watershed in Santa Clara County. The water quality of the river is directly affected by pollutants contained in stormwater runoff from a variety of urban and non-urban uses. Stormwater from urban uses contains metals, pesticides, herbicides, and other contaminants, such as oil, grease, asbestos, lead, and animal wastes. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains.

Under Section 303(d)[24] of the 1972 Clean Water Act, states are required to identify impaired surface water bodies and develop total maximum daily loads (TMDLs) for contaminants of concern.[25] The TMDL is the quantity of pollutant that can be safely assimilated by a water body without violating water quality standards. Listing of a water body as impaired does not necessarily suggest that the water body cannot support the beneficial uses; rather, the intent is to identify the water body as requiring future development of a TMDL to maintain water quality and reduce the potential for future water quality degradation. Coyote Creek is listed on the 303(d) Impaired Water Bodies watch list and is listed as having a 2007 U.S. EPA approved TMDL for diazinon, whose sources include urban runoff and storm sewers that carry pesticide residue.

The Flood Insurance Rate Map (FIRM) classifies the project site as being Zone D. Zone D is considered an area of undermined but possible flood hazard.[26]. Zone D is defined as being outside a 100-year floodplain.

The project site is currently approximately 76 percent impervious (586,370 square feet).

Applicable Plans, Policies, and Regulations

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

Statewide Construction General Permit

The SWRCB has implemented a NPDES Construction General Permit (CGP) for the State. Projects disturbing one acre or more of soil must obtain permit coverage under the CGP by filing a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) with the SWRCB prior to commencement of

[24] The Clean Water Act, Section 303, establishes water quality standards and TMDL programs. The 303(d) list is a list of impaired water bodies.
[25] U.S. Environmental Protection Agency. California 303(d) Listed Waters. Accessed August 12, 2021. http://ofmpub.epa.gov/waters10/attains_impaired_waters.impaired_waters_list?p_state=CA&p_cycle=2010
[26] Federal Emergency Management Agency. FEMA Flood Map Service Center: Search by Address. Accessed at https://msc.fema.gov/portal/search#searchresultsanchor. Accessed on June 6, 2021.

construction. The CGP, which became effective July 1, 2010, includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The project disturbs less than one acre of soil and, therefore, would not require permit coverage under the CGP.

City of San José Grading Ordinance

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

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

The San Francisco Bay RWQCB 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.

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

The MRP mandates the City of San José use its planning and development review authority to require that stormwater management measures such as Site Design, Pollutant Source Control, and Treatment measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff.

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

The City's Post-Construction Hydromodification Management Policy (Council Policy 8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects. Development projects that create and/or replace one acre or more of impervious

surface and are located in a sub-watershed or catchment that is less than 65 percent impervious, must manage increases in runoff flow and volume so that post-project runoff shall not exceed estimated pre-project rates and durations. The project includes 533,137 square feet (12.24 acres) of impervious area. Therefore, the project will comply with the hydromodification requirements of Council Policy 8-14.

City of San José Envision San José 2040 General Plan

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

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

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

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

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

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

Discussion

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

Less than Significant Impact. The proposed project must comply with the C.3 Provision "New Development and Redevelopment" of the Municipal Regional Stormwater Permit (MRP) (NPDES Permit No. CAS612008) which aims to include appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff from projects. The provision requires regulated projects to include LID practices, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP also requires that stormwater treatment measures are properly installed, operated and maintained.

Construction Impacts

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

Standard Permit Conditions

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.

- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be covered and all trucks shall maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites shall be swept daily (with water sweepers).
- Vegetation in disturbed areas shall be replanted as quickly as possible.
- All unpaved entrances to the site shall be filled with rock to remove mud from tires prior to entering City streets. A tire wash system shall be installed if requested by the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Implementation of these Standard Permit Conditions would prevent stormwater pollution and minimize potential sedimentation during construction. Thus, impacts would be less than significant.

Post Construction Impacts

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

The General Plan EIR as supplemented, concluded that with the regulatory programs currently in place, stormwater runoff from new development would have a less than significant impact on stormwater quality. With implementation of a Stormwater Control Plan consistent with RWQCB and compliance with the City's regulatory policies pertaining to stormwater runoff, operation of the proposed project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality and impacts would be less than significant

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

No Impact. The project site is located within the Santa Clara Valley Groundwater Basin which spans from Diablo Mountains in the east, Santa Cruz Mountains in the west, and the San Francisco Bay in the north. The project site is currently supplied water by the San José Water Company. The proposed project would continue to be served by the San José Water Company, which utilizes groundwater as one of their water supply sources. As discussed further in Section 4.19, Utilities and Service Systems, the project would not decrease groundwater supplies in a manner that impedes with the sustainable groundwater management.

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

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

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

Less than Significant Impact. The project site does not include any streams or rivers, which could be altered by the proposed project. The closest waterway to the project site is Coyote Creek, which is located approximately 0.03 miles north of the project site. In addition, the proposed on-site flow through planters and unlined bioretention basins would limit the release of storm water from the project site; therefore, minimizing the potential for substantial erosion or siltation to occur on site or off site. Additionally, implementation of the standard permit conditions under threshold a) would further prevent any substantial erosion or siltation off-site. Thus, impacts would be less than significant.

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

Less than Significant Impact. As shown in **Table 4-19: Impervious and Pervious On-Site Surface Area**, the project site currently has approximately 584,209 square feet of impervious surface area. Development of the proposed project would result in approximately 666,237 square feet of impervious surface area, for a net addition of approximately 82,028 square feet of impervious surface area. This would result in approximately 88 percent impervious coverage on site.

The City has developed policies that implement Provision C.3, consistent with the Municipal Regional Permit. The City's Post-Construction Urban Runoff Management Policy (6-29) establishes specific requirements to minimize and treat stormwater runoff from new and redevelopment projects. The City's Post-Construction Hydromodification Management Policy (8-14) establishes an implementation framework for incorporating measures to control hydromodification impacts from development projects, including the rate or amount of surface runoff.

Table 4-19: Impervious and Pervious On-Site Surface Area

Site Surface	Existing Surface Area SF	Proposed Surface Area SF
Impervious Surfaces Total	584,209	666,237
Pervious Surfaces Total	170,256	88,228
Note: Impervious Surface Area represents site specific conditions excludes public streets Source: Duke Realty, 2021		

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

compliance with these requirements, the proposed project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, and impacts would be less than significant.

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

Less than Significant Impact. Where development or redevelopment results in an increase in impervious surfaces, increased runoff could exceed the capacity of local storm drain systems. As discussed above, 77 percent of the project site is currently impervious. The proposed project would increase this to 88 percent, with an increase of 82,028 square feet of impervious surface area.

The project would be required to comply with the C.3 Provision of the MRP which provides specific design requirements for capacity including: the implementation of stormwater BMPs, volume control design, flow hydraulic design, and combination flow and volume design. As required by the C.3 Provision of the MRP, a Storm Water Management Plan (SWMP) would be reviewed and approved by the City of San José Public Works Department, Environmental Programs Division.

The project includes site design measures such as directing runoff from roofs and sidewalks to landscaped areas and planting trees adjacent to impervious areas. Source control measures include beneficial landscaping, efficient use of water in irrigation systems, good housekeeping, and labeling storm drains.

Compliance with the C.3 Provision of the MRP would ensure that the proposed project would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff and impacts would be less than significant.

iv. Impede or redirect flood flows?

No Impact. Per the Santa Clara Valley Habitat Plan, the project is not located within a stream setback zone and would not alter the course of a stream or river, and therefore there would be no impacts.

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

Less than Significant Impact. The project is located outside of the tsunami inundation area mapped by the Association of Bay Area Governments.[27] Furthermore, the General Plan EIR concludes that the City of San José would avoid substantial effects from a possible seiche due to the location of salt restoration areas proximate to the San Francisco Bay. These salt ponds would minimize the effects of a potential seiche, limiting the impacts from a seiche within areas proposed for development within the General Plan, including the project site.

The proposed project would not place structures in a 100-year flood zone. However, the project site is located within Flood Zone D, which is an area of undetermined but possible flood zone hazard outside of the 100-year floodplain. The project includes warehouse uses that would include limited hazardous materials and substances such as cleaners, paints, solvents, and fertilizers and pesticides for site landscaping. Operation of the project would include the use and storage of cleaning supplies and

[27] Association of Bay Area Governments, Resilience Program data. Available at https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8. Accessed August 7, 2021.

maintenance chemicals in small quantities, similar to other businesses nearby and would not generate substantial hazardous emissions or chemical releases that would affect surrounding uses. Additionally, the project site is relatively flat so the potential for risk release of pollutants due to project inundation is unlikely. Therefore, due to the geographic location of the project and the lack of pollutants present on the project site, there is minimal risk of inundation and minimal risk of release of pollutants due to inundation. Potential impacts are less than significant based on these standards

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

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

4.11 Land Use and Planning

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

Existing Setting

The 17.38-acre project site is currently developed with two industrial use buildings totaling 286,330 square feet. The project site is bordered on two sides by streets, Rue Ferrari to the south and Eden Park Place to the north. The project site has existing landscaping along all site boundaries. Surface parking is available throughout the site, with automobile parking along all sides of the existing buildings. Surrounding uses are a mix of light manufacturing, educational and religious facilities, and warehouse/retail. No residential uses exist within the immediate project vicinity. However, immediately north of the project site is the Coyote Creek Trail located on the northern boundary of Eden Park Place.

Existing Land Use Designation and Zoning

The project site is designated as Combined Industrial/Commercial (CIC) by the General Plan and is located within the City of San José Edenvale Redevelopment Project boundary. The Edenvale Redevelopment Project area is visually mixed. The project site is located within Sub-area 4 of the Edenvale Redevelopment Project, which is characterized by a mix of agricultural and rural residential land uses and recently constructed industrial developments.

The project site is zoned as Industrial Park (IP). The IP Zoning District allows for research and development, manufacturing, assembly, testing, and offices.

Applicable Plans, Policies, and Regulations

Edenvale Development Policy

The City of San José adopted the Edenvale Area Development Policy (EADP) to: 1) manage the traffic congestion associated with near-term development in the Edenvale Redevelopment Project Area (ERPA); 2) promote General Plan goals for economic development; and 3) encourage a reverse commute to jobs at southerly locations in San José. The ERPA encompasses a total of 451 acres on both sides of U.S. 101 in southeastern San José. The projects are located within Sub-Area 4 of the ERPA, which is characterized by a mix of agricultural and rural residential land uses and recently constructed industrial development.

City of San José Riparian Corridor Protection

Relevant to the proposed project, the conditions of the Santa Clara Valley Habitat Plan (SCVHP) and the City of San José's Council Policy 6-34 (Council Policy 6-34), and the City's Envision 2040 General Plan (2040 Plan) address riparian setback distances between extant riparian habitat and planned development. The following content addresses the proposed setback with respect to the SCVHP, Council Policy 6-34, and the 2040 Plan.

Santa Clara Valley Habitat Plan

The City is under the jurisdiction of the Santa Clara Valley Habitat Plan (Habitat Plan), a collaborative effort intended to protect and enhance ecological diversity and function within a large section of Santa Clara County, while allowing for currently planned development and growth. The Habitat Plan provides a framework for the protection of natural resources while streamlining and improving the environmental permitting process for both private and public development, including activities such as road, water, and other infrastructure construction and maintenance work. The Habitat Plan is intended to provide environmental benefit by resulting in the creation of a number of new habitat reserves larger in scale and more ecologically valuable than the fragmented, piecemeal habitats yielded by mitigating projects on an individual basis. The project sites are designated as Urban-Suburban land cover and construction of the proposed projects is considered a covered activity under the plan.

City of San José General Plan

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

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

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

Policy CD-1.24: Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

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

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

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

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

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

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

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

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

Discussion

a) Physically divide an established community?

Less than Significant Impact. The project site is developed with two existing industrial use buildings and associated automobile and truck parking. The project would be in an urban area with similar surrounding land uses and would be consistent with the mix of surrounding uses. There are no residential uses within the project vicinity, so the project would not physically divide an established community.

The proposed project would include warehouse uses and is consistent with the General Plan land use designation and zoning for the project site. Further, the project would comply with all applicable City policies, actions, and ordinances and would be consistent with goals for the North San José Planning Area that were outlined in the City 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.

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

Less than Significant Impact. The City's General Plan land use designation for the project site is Combined Industrial/Commercial (CIC). The CIC land use designation allows for a FAR range of up to 0.5, an allowed height of 50 feet, and up to three stories. Consistent with the CIC designation, the project has a FAR of 0.40 and has one story (maximum height of 48 feet).

The project site is zoned as Industrial Park (IP). The City's Development standards for IP zoning apply to the proposed project site and requires a minimum lot area of 10,000 square feet, a minimum street frontage of 60 feet, and a maximum building height of 50 feet. Consistent with the IP zoning regulations, the project is located on a 17.38-acre lot with appropriate street frontages and maximum building height of 48 feet. Further, the proposed project would meet setback requirements for the IP zone that require a front building setback of 15 feet and parking and circulation setback of 20 feet; side setback of zero feet from automobile parking and driveways, zero feet from truck parking, and zero feet from buildings; and a rear setback of zero feet. The project subject to the City of San Jose's Council Policy 6-34, which requires a 100-foot setback from the edge of the riparian habitat. A portion of the project would be within the setback area as required by the Council Policy 6-34. At the nearest location, the riparian corridor associated with Coyote Creek is approximately 60 feet from the existing developed site. While the project would within the setback area, it would not encroach into any riparian habitat and the project would be completed within previously disturbed and developed areas which already exist within the minimum setback. However, as discussed in Section 4.4, Biological Resources, it is expected that the project will comply with the conditions for an exception of Council Policy 6-34. Thus, there is no identified conflict with or constraint to development from Council Policy 6-34 and therefore there would be no impact.

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

4.12 Mineral Resources

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

Existing Setting

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

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

Applicable Plans, Policies, and Regulations

Surface Mining and Reclamation Act

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

Pursuant to the mandate of the SMARA, the State Mining and Geology Board (SMGB) has designated the Communications Hill Area (Sector EE), bounded generally by the Southern Pacific Railroad, Curtner

Avenue, SR 87, and Hillsdale Avenue as containing mineral deposits that are of regional significance as a source of construction aggregate materials. Neither the State Geologist nor the SMGB have classified any other areas in San José as containing mineral deposits of statewide significance or requiring further evaluation.

Discussion

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

No Impact. The General Plan identifies the area around Communications Hill as the only area in the City containing mineral deposits of regional significance by the State Mining and Geology Board under SMARA. The proposed project site is located more than 5 miles southeast of Communication Hill. The proposed project is not located in an area known to contain regionally significant mineral resources and would not result in the loss of the availability of a known mineral resource of regional value. Thus, no impacts would occur.

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

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

4.13 Noise

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	

Existing Setting

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

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

Noise Measurements

To determine ambient noise levels in the project area, four short-term (10-minute) noise measurements and one long-term (24-hour) noise measurements were taken using a Larson Davis SoundExpert LxT Type I integrating sound level meter on June 29 and June 30, 2021; refer to Appendix H for existing noise measurement data.

As shown in **Figure 4-1: Noise Measurement Locations,** short-term measurement 1 (ST-1) and long-term measurement 1 (LT-1) were taken to represent the existing noise level at the nearby office park adjacent to the project site. ST-2 was taken to represent existing noise levels at the proposed project driveway on Eden Park Place, ST-3 was taken to represent existing noise levels along Rue Ferrari, and ST-4 was taken to represent existing noise levels at the driveway of the neighboring office park to the west of the project

site. The primary noise sources during the noise measurements were traffic along Rue Ferrari, Highway 101, and stationary noise at industrial and commercial operations, and outdoor trails nearby. **Table 4-20: Noise Measurements** provides the ambient noise levels measured at these locations.

Table 4-20: Noise Measurements

Site No.	Location	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)	L_{peak} (dBA)	Time	Date
ST-1	5883 Rue Ferrari	52.8	48.3	63.6	88.5	9:38 a.m. to 9:48 a.m.	6/29/2021
ST-2	5849 Eden Park Place	51.8	45.0	66.0	87.7	9:55 a.m. to 10:05 a.m.	6/29/2021
ST-3	5885 Rue Ferrari	65.8	56.3	78.5	94.4	10:12 a.m. to 10:22 a.m.	6/29/2021
ST-4	5811 Rue Ferrari	70.4	64.3	77.3	91.4	10:27 a.m. to 10:37 a.m.	6/29/2021
LT-1	5883 Rue Ferrari	56.2	38.8	80.2	102.7	10:53 a.m. to 12 p.m.	6/29/2021 – 6/30/2021
Source: Noise Measurements taken by Kimley-Horn on June 29th and 30th in 2021.							

Existing Mobile Noise

Existing roadway noise levels were calculated for the roadway segments in the project vicinity. This task was accomplished using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108) and existing traffic volumes from the project Transportation Analysis (Kimley-Horn 2021). The noise prediction model calculates the average noise level at specific locations based on traffic volumes, average speeds, roadway geometry, and site environmental conditions. The average vehicle noise rates (also referred to as energy rates) used in the FHWA model have been modified to reflect average vehicle noise rates identified for California by Caltrans. The Caltrans data indicates that California automobile noise is 0.8 to 1.0 dBA higher than national levels and that medium and heavy truck noise is 0.3 to 3.0 dBA lower than national levels. The average daily noise levels along roadway segments in proximity to the project site are included in **Table 4-21: Existing Traffic Noise**.

Table 4-21: Existing Traffic Noise

Roadway Segment	ADT	dBA DNL[1]
Rue Ferrari		
West of Silicon Valley Blvd	1,730	51.7
Eden Park Place		
West of Silicon Valley Blvd	470	46.1
Silicon Valley Boulevard		
South of Rue Ferrari	11,860	62.2
ADT = average daily trips; dBA = A-weighted decibels; DNL = day-night noise level		
1. Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.		
Source: Based on data from the Transportation Analysis (Kimley-Horn, 2021). Refer to Appendix H for traffic noise modeling assumptions and results.		

The project site is primarily surrounded by industrial and commercial uses. Residential uses exist southeast of the project site. The existing mobile noise in the project area are generated along US-101, which is south of the project site, and Silicon Valley Boulevard which is east of the project site.

Existing Stationary Noise

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

Sensitive Receptors

Noise exposure standards and guidelines for various types of land uses reflect the varying noise sensitivities associated with each of these uses. Residences, hospitals, schools, guest lodging, libraries, and churches are treated as the most sensitive to noise intrusion and therefore have more stringent noise exposure targets than do other uses, such as manufacturing or agricultural uses that are not subject to impacts such as sleep disturbance. As shown in **Table 4-1: Nearest Sensitive Receptors to Project Site** and **Figure 4-2: Sensitive Receptors**, sensitive receptors near the project site include religious uses, lodging, and schools. Bordering the project site to the west are large industrial and commercial areas. These distances are from the project site to the sensitive receptor property line.

Source: Google Earth, 2021

Figure 4-1: Noise Measurement Locations

5853 Rue Ferrari Project
Initial Study

Not to scale

Kimley»Horn
Expect More. Experience Better.

Source: Nearmap, 2021

Figure 4-2: Sensitive Receptors

5853 Rue Ferrari Project
Initial Study

Not to scale

Kimley»Horn
Expect More. Experience Better.

Applicable Plans, Policies, and Regulations

California Government Code

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

Title 24 – Building Code

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

City of San José General Plan

The San José General Plan identifies goals, policies, and implementations in the Noise Element. The Noise Element provides a basis for comprehensive local programs to regulate environmental noise and protect citizens from excessive exposure. **Table 4-22: Land-Use Compatibility Guidelines for Community Noise in San José** highlights five land-use categories and the outdoor noise compatibility guidelines.

Table 4-22: Land-Use Compatibility Guidelines for Community Noise in San José

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

Land-Use Category	Exterior Noise Exposure (DNL), in dBA		
	Normally Acceptable[1]	Conditionally Acceptable[2]	Normally Unacceptable[3]
Sports Area, Outdoor Spectator Sports	Up to 70	>70 to 80	>65
Public and Quasi-Public Auditoriums, Concert Halls, Amphitheaters		>55 to 70	>70

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

Source: City of San José General Plan, 2014.

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

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

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

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

Policy EC – 1.3: Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.

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

Policy EC – 1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction

noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

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

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

Policy EC – 1.13: Update noise limits and acoustical descriptors in the Zoning Code to clarify noise standards that apply to land uses throughout the City.

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

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

City of San José Municipal Code

According to San José Municipal Code, Section 20.100.450, construction hours within 500 feet of a residential unit are limited to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday, unless otherwise allowed in a Development Permit or other planning approval. The Municipal Code does not establish quantitative noise limits for construction activities in the City. **Table 4-23: City of San José Zoning Ordinance Noise Standards** shows the San José standards for maximum noise level at the property line.

Table 4-23: City of San José Zoning Ordinance Noise Standards

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

Discussion

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

Less than Significant Impact.

Construction

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., land clearing, grading, excavation, paving). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. During construction, exterior noise levels could affect the residential neighborhoods surrounding the construction site. Project construction would occur approximately 45 feet from the nearest sensitive receptor to the east. However, construction activities would occur throughout the project site and would not be concentrated at a single point near sensitive receptors. Noise levels typically attenuate (or drop off) at a rate of 6 dB per doubling of distance from point sources, such as industrial machinery. During construction, exterior noise levels could affect the residential neighborhoods near the construction site.

Construction activities associated with development of the project would include some demolition, site preparation, grading, paving, building construction, and architectural coating. Such activities would require graders, scrapers, and tractors during site preparation; graders, dozers, and tractors during grading; cranes, forklifts, generators, tractors, and welders during building construction; pavers, rollers, mixers, tractors, and paving equipment during paving; and air compressors during architectural coating. Grading and excavation phases of project construction tend to be the shortest in duration and create the highest construction noise levels due to the operation of heavy equipment required to complete these activities. It should be noted that only a limited amount of equipment can operate near a given location at a particular time. Equipment typically used during this stage includes heavy-duty trucks, backhoes,

bulldozers, excavators, front-end loaders, and scrapers. Operating cycles for these types of construction equipment may involve one or two minutes of full-power operation followed by three to four minutes at lower power settings. Other primary sources of noise would be shorter-duration incidents, such as dropping large pieces of equipment or the hydraulic movement of machinery lifts, which would last less than one minute. According to the applicant, no pile-driving would be required during construction and as such a project condition of approval will be included in the project permit to reflect the project's proposed construction.

Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Typical noise levels associated with individual construction equipment are listed in **Table 4-24: Typical Construction Noise Levels**.

Table 4-24: Typical Construction Noise Levels

Equipment	Typical Noise Level (dBA)from Source[1]		
	45 feet	50 feet	300 feet
Air Compressor	81	80	64
Backhoe	81	80	64
Compactor	83	82	66
Concrete Mixer	86	85	69
Concrete Pump	83	82	66
Concrete Vibrator	77	76	60
Crane, Derrick	89	88	72
Crane, Mobile	84	83	67
Dozer	86	85	69
Generator	83	82	66
Grader	86	85	69
Impact Wrench	86	85	69
Jack Hammer	89	88	72
Loader	81	80	64
Paver	86	85	69
Pump	78	77	61
Roller	86	85	69
Saw	77	76	60
Scraper	86	85	69
Shovel	83	82	66
Truck	85	84	68
1. Calculated using the inverse square law formula for sound attenuation: $dBA_2 = dBA_1+20Log(d_1/d_2)$ Where: $QWdBA_2$ = estimated noise level at receptor; dBA_1 = reference noise level; d_1 = reference distance; d_2 = receptor location distance.			
Source: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment Manual*, September 2018.			

The City of San José does not have construction noise standards. As shown **in Table 4-24: Typical Construction Noise Levels** noise levels are below 89 dBA at 45 feet, the distance to the nearest sensitive receptor property line. However, due to the frequent movement and sporadic concentration and location of construction activity, noise impacts for mobile construction equipment are typically assessed as emanating from the center of the equipment activity or construction site. The nearest noise-sensitive uses are college and church/playground buildings located approximately 300 feet to the east of the project

construction area.[28] Additionally, nearest residential sensitive receptor to the project site is located approximately 300 feet south of the site. The highest anticipated construction noise level of 72 dBA at 300 feet is expected to occur during the demolition phase (jack hammer) and building construction phase (derrick crane). These sensitive uses may be exposed to elevated noise levels during project construction. **Table 4-24: Typical Construction Noise Levels** shows that the two loudest pieces of equipment would be 72 dBA and 69 dBA at a distance of 300 feet. The combined noise level of the two loudest pieces of equipment 75 dBA at 300 feet. Therefore, construction noise would not exceed the Federal Transit Administration (FTA)'s standards of 90 dBA L_{eq} at residential uses and 100 dBA L_{eq} at commercial and industrial uses. Additionally, the majority of construction would occur throughout the project site and would not be concentrated at a single point near sensitive receptors. The project construction would comply with Section 20.100.450 of the municipal code, limiting construction hours within 500 feet of a residential unit to the hours of 7:00 a.m. to 7:00 p.m. on Monday through Friday.

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

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

The project site is located within 500 feet of residential uses to the south of the site and 200 feet from industrial uses east and west of the site. However, the proposed project would not result in more than 12 months of substantial noise generating activities. The proposed project construction would result in approximately six months of construction including substantial noise generating phases such as demolition, grading, and building framing as well as the less noise intensive construction phases such as site preparation, building construction, paving, and architectural coating. Additionally, the project would not include pile-driving.

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

Construction Traffic Noise

Construction is estimated to be approximately 12 months. Construction noise may be generated by large trucks moving materials to and from the project site. Large trucks would be necessary to deliver building materials as well as remove dump materials. Excavation, cut, and fill would be required. Soil hauling would

[28] For the purposes of this analysis, the construction area is defined as the center of the project site per the methodology in the FTA *Transit Noise and Vibration Impact Assessment Manual* (September 2018). Although some construction activities may occur at distances closer than 300 feet from the nearest properties, construction equipment would be dispersed throughout the project site during various construction activities. Therefore, the center of the project site represents the most appropriate distance based on the sporadic nature of construction activities.

be required as approximately 5,000 cubic yards (cy) of soil would be imported. Based on the California Emissions Estimator Model (CalEEMod) default assumptions for this project, as analyzed in 5853 Rue Ferrari Air Quality Assessment (Kimley-Horn 2021), the project would generate the highest number of daily trips during the demolition and site preparation phases. The model estimates that the project would generate up to 15 worker trips and 129 daily hauling trips (2,838 hauling trips over 20 days) for demolition for a total of approximately 144 daily vehicle trips during demolition. For grading, the model estimates approximately 494 hauling trips. Building construction would have approximately 275 daily worker trips and 107 daily vendor trips for a total of 380 daily vehicle trips. Therefore, a maximum of 380 daily vehicle trips would occur during project construction. Because of the logarithmic nature of noise levels, a doubling of the traffic volume (assuming that the speed and vehicle mix do not also change) would result in a noise level increase of 3 dBA. Rue Ferrari west of Silicon Valley Boulevard has an average daily trip volume of 1,730 vehicles (**Table 4-21: Existing Traffic Noise**). Therefore, a maximum of 380 daily project construction trips would not double the existing traffic volume per day. Construction related traffic noise would not be noticeable and would not create a significant noise impact.

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

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

Standard Permit Conditions

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

- Prohibit pile driving.
- Limit construction hours to between 7:00 a.m. and 7:00 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Prohibit unnecessary idling of internal combustion engines.
- Locate stationary noise-generating equipment such as air compressors or portable power generators as far as possible from sensitive receptors. Construct temporary noise barriers to screen stationary noise-generating equipment when located near adjoining sensitive land uses.

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

Operations

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

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

As discussed above, the closest sensitive receptors are located approximately 45 feet to the east. The City of San José stationary source exterior Zoning Ordinance Noise Standards for industrial areas adjacent to industrial uses is 70 dBA L_{eq}. Per General Plan Policy EC-1.1, land use compatibility standard for business commercial areas is up to 70 dBA DNL (DNL).

Traffic Noise

Implementation of the project would generate increased traffic volumes along study roadway segments. The project is expected to generate a total of 2,477 average daily trips, which would result in noise increases on project area roadways. In general, a traffic noise increase of less than 3 dBA is barely

perceptible to people, while a 5-dBA increase is readily noticeable (Caltrans, 2013). Generally, traffic volumes on project area roadways would have to approximately double for the resulting traffic noise levels to increase by 3 dBA. Therefore, permanent increases in ambient noise levels of less than 3 dBA are considered to be less than significant.

As shown in **Table 4-25: Existing and Project Traffic Noise**, the existing traffic-generated noise level on project area roadways is between 46.1 dBA DNL and 62.2 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.

Traffic noise levels for roadways primarily affected by the project were calculated using the FHWA's Highway Noise Prediction Model (FHWA-RD-77-108). Traffic noise modeling was conducted for conditions with and without the project, based on traffic volumes (Kimley-Horn, 2021). As noted in **Table 4-25**, project noise levels 100 feet from the centerline would range from 49.8 dBA to 62.7 dBA. The project would have the highest increase of 3.7 dBA on Eden Park Place west of Silicon Valley Boulevard. However, per Policy EC-1.2 the City considers significant noise impacts to occur only 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". As shown in **Table 4-25**, the highest increase of 3.7 dBA would not exceed the "Normally Acceptable" noise level of 60 dBA. Therefore, the project would not have a significant impact on existing traffic noise levels.

Table 4-25: Existing and Project Traffic Noise

Roadway Segment	Existing Conditions		With Project		Change from No Project Conditions	Significant Impact?
	ADT	dBA DNL[1]	ADT	dBA DNL[1]		
Rue Ferrari						
West of Silicon Valley Blvd	1,730	51.7	2,360	53.1	1.3	**No**
Eden Park Place						
West of Silicon Valley Blvd	470	46.1	1,100	49.8	3.7	**No[2]**
Silicon Valley Boulevard						
South of Rue Ferrari	11,860	62.2	13,100	62.7	0.4	**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.
2. As shown in Table 4: Land-Use Compatibility Guidelines for Community Noise in San José above, the normally acceptable noise level for schools and churches is 60 dBA. Policy EC-1.2 states that the City considers significant noise impacts to occur only 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".

Source: Based on data from the Transportation Analysis (Kimley-Horn, 2021). Refer to Appendix H for traffic noise modeling assumptions and results.

Table 4-26: Opening Year and Opening Year Plus Project Traffic Noise, shows the background conditions or Opening Year traffic. Per the Transportation Analysis, Opening Year conditions include nine approved projects that were added to the existing 2021 volumes. As shown **in Table 4-26: Opening Year and Opening Year Plus Project Traffic Noise**, Opening Year roadway noise levels with the project would range from 49.8 dBA to 65.1 dBA. Project traffic would traverse and disperse over project area roadways, where

existing ambient noise levels already exist. Future development associated with the project would result in additional traffic on adjacent roadways, thereby increasing vehicular noise near existing and proposed land uses. The project would not result in noise level increases above 5.0 dBA or exceed the "Normally Acceptable" noise level. Therefore, impacts are less than significant.

Table 4-26: Opening Year and Opening Year Plus Project Traffic Noise

Roadway Segment	Opening Year		With Project		Change from No Project Conditions	Significant Impact?
	ADT	dBA DNL[1]	ADT	dBA DNL[1]		
Rue Ferrari						
West of Silicon Valley Blvd	1,730	51.7	2,360	53.1	1.3	**No**
Eden Park Place						
West of Silicon Valley Blvd	470	46.1	1,100	49.8	3.7	**No[2]**
Silicon Valley Boulevard						
South of Rue Ferrari	21,710	64.9	22,950	65.1	0.2	**No**

ADT = average daily trips; dBA = A-weighted decibels; DNL= day-night noise levels

1.Traffic noise levels are at 100 feet from the roadway centerline. The actual sound level at any receptor location is dependent upon such factors as the source-to-receptor distance and the presence of intervening structures, barriers, and topography.
2. As shown in Table 4: Land-Use Compatibility Guidelines for Community Noise in San José above, the normally acceptable noise level for schools and churches is 60 dBA. Policy EC-1.2 states that the City considers significant noise impacts to occur only 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".

Source: Based on data from the Transportation Analysis (Kimley-Horn, 2021). Refer to Appendix H for traffic noise modeling assumptions and results.

Stationary Noise Sources

Implementation of the project would create new sources of noise in the project vicinity from mechanical equipment, truck loading areas, parking lot noise, and landscape maintenance. **Table 4-27: Operational Source Noise Levels** shows the noise levels generated by various stationary noise sources and the resulting noise level at the nearest receiver. **Table 4-27: Operational Source Noise Levels** also show the project's compliance with GP Policy EC-1.1 and EC-1.2 as well as the Municipal Code. Each stationary source is discussed below.

Mechanical Equipment

Regarding mechanical equipment, the project would generate stationary-source noise associated with heating, ventilation, and air conditioning (HVAC) units. HVAC units typically generate noise levels of approximately 52 dBA at 50 feet.[29] **Table 4-27: Operational Source Noise Levels** shows that mechanical equipment would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2.

Loading Area Noise

The project is an industrial development that would include deliveries. The primary noise associated with deliveries is the arrival and departure of trucks. Operations of proposed project would potentially require a mixture of deliveries from vans, light trucks, and heavy-duty trucks. Normal deliveries typically occur during daytime hours. During loading and unloading activities, noise would be generated by the trucks'

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

diesel engines, exhaust systems, and brakes during low gear shifting' braking activities; backing up toward the docks/loading areas; dropping down the dock ramps; and maneuvering away from the docks. The project is surrounded by industrial uses. The closest that the proposed project could be located to sensitive receptors would be approximately 385 feet from the dock doors. While there would be temporary noise increases during truck maneuvering and engine idling, these impacts would be of short duration and infrequent. Typically, heavy truck operations generate a noise level of 64 dBA at a distance of 50 feet. **Table 4-27: Operational Source Noise Levels** shows that truck and loading area noise would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2.

Parking Areas

Traffic associated with parking areas is typically not of sufficient volume to exceed community noise Traffic associated with parking areas is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the CNEL scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Parking lot noise can also be considered a "stationary" noise source. The instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys range from 53 to 61 dBA at 50 feet and may be an annoyance to noise-sensitive receptors. Conversations in parking areas may also be an annoyance to sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech. It should be noted that parking lot noise are instantaneous noise levels compared to noise standards in the DNL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower. **Table 4-27: Operational Source Noise Levels** shows that parking area noise would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2

Landscape Maintenance Activities

Development and operation of the project includes new landscaping that would require periodic maintenance. Noise generated by a gasoline-powered lawnmower is estimated to be approximately 70 dBA at a distance of five feet. Landscape Maintenance activities would be 50 dBA at the closest adjacent use 50 feet away and 47 dBA at the closest sensitive receptor approximately 75 feet away. Maintenance activities would operate during daytime hours for brief periods of time as allowed by the City Municipal Code and would not permanently increase ambient noise levels in the project vicinity and would be consistent with activities that currently occur at the surrounding uses. **Table 4-27: Operational Source Noise Levels** shows that landscape maintenance noise would not exceed the City's General Plan standards in Policy EC-1.1 and Policy EC-1.2.

Table 4-27: Operational Source Noise Levels

Nearest Land Use	Distance (feet)[10]	Reference Level at 50 ft (dBA)	Policy EC-1.1			Policy EC-1.2			
			Noise Level at Receiver	Exterior Noise Standard	Exceed Threshold	Ambient Noise Level (L_{eq})	Combined Noise at Receiver	Incremental Increase (dBA)[9]	Exceed Threshold
Mechanical Equipment									
Industrial	150	52 dBA[1]	43 dBA	70 dBA[4]	No	70.4 dBA[6]	70.4 dBA	0.0	N/A
School/Church	350		35 dBA	60 dBA[5]	No	52.8 dBA[7]	52.9 dBA	0.1	No
Residences	540		31 dBA	60 dBA[5]	No	65.8 dBA[8]	65.8 dBA	0.0	No
Loading Area									
Industrial	100	64 dBA[1]	58 dBA	70 dBA[4]	No	70.4 dBA[6]	70.6 dBA	0.2	N/A
School/Church	385		46 dBA	60 dBA[5]	No	52.8 dBA[7]	53.7 dBA	0.9	No
Residences	950		38 dBA	60 dBA[5]	No	65.8 dBA[8]	65.8 dBA	0.0	No
Parking Area									
Industrial	50	61 dBA[2]	61 dBA	70 dBA[4]	No	70.4 dBA[6]	70.9 dBA	0.5	N/A
School/Church	130		53 dBA	60 dBA[5]	No	52.8 dBA[7]	55.8 dBA	3.0	No
Residences	300		45 dBA	60 dBA[5]	No	65.8 dBA[8]	65.8 dBA	0.0	No
Landscape Maintenance									
Industrial	50	61 dBA[3]	50 dBA	70 dBA[4]	No	70.4 dBA[6]	70.4 dBA	0.0	N/A
School/Church	100		44 dBA	60 dBA[5]	No	52.8 dBA[7]	53.3 dBA	0.5	No
Residences	275		35 dBA	60 dBA[5]	No	65.8 dBA[8]	65.8 dBA	0.0	No

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

As shown in **Table 4-27: Operational Source Noise Levels**, stationary sources would not exceed the Land Use Compatibility Standards from GP Policy EC-1.1 or the incremental noise increases per GP Policy EC-1.2 at the adjacent industrial use, nearest sensitive receptor (school/playground), and nearest residential communities. Mechanical equipment is not specifically identified on the plans at this time. However, the analysis conservatively assumed it would be located at the closest possible location to the nearest sensitive/industrial receptor. Additionally, the nearest residential uses (shelter) is 300 feet from the property line of the project site and therefore, mechanical equipment would be attached to the building and at least 540 feet). At this distance mechanical equipment would be 31 db during operation.

As noise levels associated with trucks would not exceed the City's 70 dBA and 60 dBA, for industrial, commercial or non-residential, and residential uses, respectively per GP Policy EC-1.1. Loading area noise would not result in increased noise levels exceeding 3 dBA per GP Policy EC-1.2. Noise associated with parking lot activities is not anticipated to exceed the 60 or 70 dBA threshold per GP Policy EC-1.1. Additionally, the incremental increase would be 3.0 dBA at the school/playground; this would not result in exceeding 3 dBA per GP Policy EC-1.2. Therefore, noise impacts from parking lots would be less than significant. With adherence to the City's Municipal Code, impacts associated with landscape maintenance would be less than significant.

Additionally, noise levels would be further attenuated by intervening terrain and structures. Impacts from mechanical equipment, loading area, parking area, and landscape maintenance would be less than significant. Therefore, the project would not result in a significant impact to operational noise.

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

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

Less than Significant Impact.

Construction

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

The 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.

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

Table 4-28: Typical Construction Equipment Vibration Levels lists vibration levels at 25 feet, 45 feet, and 300 feet for typical construction equipment. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. As indicated in **Table 4-28: Typical Construction Equipment Vibration Levels**, based on FTA data, vibration velocities from typical heavy construction equipment operations that would be used during project construction range from 0.0012 to 0.0369 in/sec PPV at 45 feet from the source of activity. The nearest sensitive receptor is approximately 45 feet from the property line and would not experience perceptible vibration levels.

Table 4-28: Typical Construction Equipment Vibration Levels

Equipment	Peak Particle Velocity At 25 feet (in/sec)	Peak Particle Velocity At 45 feet (in/sec)	Peak Particle Velocity At 300 feet (in/sec)
Large Bulldozer	0.089	0.0369	0.0021
Loaded Trucks	0.076	0.0315	0.0018
Rock Breaker	0.059	0.0244	0.0014
Jackhammer	0.035	0.0145	0.0008
Small Bulldozer/Tractors	0.003	0.0012	0.0001
1. Calculated using the following formula: PPVequip = PPVref x (25/D)1.5, where: PPVequip = the peak particle velocity in in/sec of the equipment adjusted for the distance; PPVref = the reference vibration level in in/sec from Table 7-4 of the Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, 2018; D = the distance from the equipment to the receiver.			
Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018.			

As shown in **Table 4-28: 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 more than 45 feet from the closest structure. Therefore, construction equipment vibration velocities would not exceed the City's 0.20 PPV threshold. In general, other construction activities would occur throughout the project site and would not be concentrated at the point closest to the nearest structure. Therefore, vibration impacts associated with the project would be less than significant.

Operations

The project would not generate groundborne vibration that could be felt at surrounding uses. Project operations would not involve railroads or substantial heavy truck operations, and therefore would not

result in vibration impacts at surrounding uses. As a result, impacts from vibration associated with project operation would be less than significant.

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

Less than Significant Impact. The nearest airport to the project site is the Reid Hillview Airport located approximately 6.3 miles southeast of the project site. The project site lies outside of the 60 dBA CNEL noise contours shown in the Reid-Hillview Airport Comprehensive Land Use Plan report published in October 2007.[30] 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.

[30] Comprehensive Land Use Plan – Santa Clara County Reid-Hillview Airport, *Land Use Compatibility Guidelines for the Comprehensive Land Use Plan,* October 2007.

4.14 Population and Housing

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

Existing Setting

The population of the City of San José is approximately 1,049,187 persons as of January 1, 2020.[31] The California Department of Finance estimates 3.19 residents per household in San José. According to the General Plan EIR, the City estimates approximately 138,442 additional households in San José by 2035 to a total of 429,350 households. The unemployment rate for the City of as of September 2020 was 8.2 percent, which was higher than historical averages due to the COVID-19 economic effects.[32] The 2019 annual average unemployment rate in the City was 2.6 percent.

Applicable Plans, Policies, and Regulations

California Government Code Sections 65580–65589

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

[31] California Department of Finance. Table 2: E-5 City/County Population and Housing Estimates, 1/1/2020. Available at: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/e-5/. Accessed August 24, 2020.
[32] State of California Employment Development Department. Available at: http://www.labormarketinfo.edd.ca.gov/data/labor-force-and-unemployment-for-cities-and-census-areas.html, accessed August 24, 2020.

Regional Transportation Plan/ Sustainable Community Strategy

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

Discussion

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

Less than Significant Impact. The project proposes a warehouse building with approximately 292,772 square feet of warehouse space and 10,000 square feet of office space. The proposed project would include an estimated total of 303 employees on site.[33] Based on the size of the existing industrial onsite buildings, the project would result in a net increase of 17 jobs provided by the project site in comparison to the existing number of jobs provided by the existing industrial building[34]. Conservatively assuming that all new jobs would be filled by people moving into the City, the project would result in a minor increase in the population of the City. The Edenvale Redevelopment Project Area is an existing redevelopment area that consists primarily of land designated by the Envision San José 2040 General Plan for Industrial Park uses. Development of the Edenvale area would result in a greater increase in jobs, which is consistent with the City's General Plan policies.

The proposed 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 and delivery drivers 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.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. The 17.38-acre project site is developed with two existing industrial use buildings. Implementation of the project would not result in the removal of any residential units or displacement of people such that construction of replacement housing would be required. Thus, no impacts would occur.

[33] Number of employees given in project plans.
[34] The City calculates one job per 1000 SF of industrial space. (City of San José Envision 2040, 2011) ((286,330 square feet of existing industrial) / 1,000 SF = 286.3 existing jobs, (302,772 SF industrial) / 1,000 SF = 302.77 jobs); (303 new jobs-286 existing jobs= 17 net job gain)

4.15 Public Services

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project result in:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?				X
v) Other public facilities?				X

Existing Setting

Fire Protection Services

Fire protection services in the City are provided by the San José Fire Department (SJFD). The City has 343 fire stations.[35] The nearest fire station to the project site is Station 27 located at 6027 San Ignacio Avenue, approximately 1.6-miles south of the project site. The next closest fire station to the project site is Station 35, located at 135 Poughkeepsie Road, approximately 1.5 miles west of the project site.

SJFD had 17,343 fire and other incidents in the City in 2018. The average travel time in 2018 was 14 minutes and 39 seconds for fire and other incidences and just over nine minutes for medical incident.[36] According to current SJFD protocols, fires in structures that are four stories or taller in height require responses from more than one fire station.

[35] City of San José. About SJFD. Available at: https://www.sanJoséca.gov/your-government/departments/fire-department. Accessed on August 24, 2020.
[36] City of San José San José Fire Department. City-Wide Response Metrics. Available at: https://www.sanjoseca.gov/home/showdocument?id=9053. Accessed on September 7, 2020.

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 9.7 miles north of the project site.

Schools

The project is located within the Oak Grove School District (OGSD) and East Side Union High School District (ESUHSF) boundaries. Students in the project area attend Allen at Steinbeck Elementary School (grades TK-5), Castillero Middle School (6-8) and Gunderson High School (grades 9-12).[37]

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 8.25 miles north of the project site. The nearest library branches to the project site are listed below.[38]

- Dr. Martin Luther King, Jr. Branch Library located at 150 East San Fernando Street, approximately 8.25 miles north of the project site.
- Cesar E. Chavez Branch Library located at L Moorpark Avenue, approximately 9.5 northwest of the project site.

Applicable Plans, Policies, and Regulations

Police Services

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

Fire Protection

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

California Occupational Safety and Health Administration

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

[37] San Jose Unified School District. School Site Locator. Available at: http://apps.schoolsitelocator.com/?districtcode=25499#. Accessed on June 2021.
[38] City of San José Public Library. Locations and Hours. Available at: https://www.sjpl.org/locations. Accessed on August 24, 2020.

California Health and Safety Code

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

Schools

Senate Bill 50

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

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

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

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

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

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

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following public services policies applicable to the proposed project:

Policy CD-5.5: Include design elements during the development review process that address security, aesthetics, and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.

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

Policy ES-3.1: Provide rapid and timely Level of Service response time to all emergencies:

1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls.

2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.

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

Policy ES-3.11: Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.

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

Discussion

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

i. Fire protection?

Less than Significant Impact. Development of the proposed project may incrementally increase the demand for fire protection services; however, not to a substantial level considering the existing onsite use and the site's urbanized location. 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, will improve response times.

The General Plan found with implementation of Policy ES-3.1, 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.

ii. Police protection?

Less than Significant Impact. Police protection services would be provided by the SJPD. The proposed project would not substantially increase the size of the warehouse building on the project site and would therefore not result in a substantial increase in demand on police services. It is not anticipated to increase response times to the project site or vicinity. The project does not propose or require new or physically altered police protection facilities. The covered loading area proposed by the project would be constructed in accordance with current building codes and City policies to avoid unsafe building conditions and promote public safety, consistent with General Plan Policy ES-3.9. Furthermore, the project is not anticipated to induce population growth within the City that could impact service ratios, as on-site employees and delivery drivers would likely come from surrounding areas. 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.

iii. Schools?

Less than Significant Impact. The project site is located within the OGSD and ESUHSD 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 OGSD or ESUHSD. Further, the proposed project is part of the planned growth in the City and would not increase students in the OGSD or ESUSD 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 SB 50. Payment of the applicable impact fees by the project Applicant, and ongoing revenues

that would come from property taxes, sales taxes, and other revenues generated by the project, would fund improvements associated with school services. Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995. 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.

iv. Parks?

No Impact. The closest park to the project site is Coyote Creek Parkway, approximately 0.90 miles west of the project site. Additionally, Coyote Creek Trail is located directly north of Eden Park Place, along the northern boundary of the project site. The project would not induce population growth in the project vicinity that could increase demand on local parks. As discussed below in Section 4.16, Recreation, visitors and on-site employees may visit nearby park facilities, however, these visits would not impact the City's parkland ratios as only 3 jobs more than were provided by the previous warehouse use are anticipated for the project than were required by the project site's current use. Therefore, the project would not require the construction of recreational facilities which might have an adverse physical effect on the environment and there would be no impact.

v. Other public facilities?

No Impact. The project proposes a warehouse building with approximately 292,772 square feet of warehouse space and 10,000 square feet of office space. The proposed project would include an estimated total of 303 employees on site, a net increase of 17 jobs compared to the jobs currently provided by the existing buildings. The General Plan EIR concluded that development and redevelopment allowed under the General Plan would be adequately served by existing and planned library facilities. Given that the existing and planned library facilities would adequately serve planned growth in the City, there would be no impact.

4.16 Recreation

ENVIRONMENTAL IMPACTS Issues	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Existing Setting

The City of San José manages a total of 3,537 acres of regional and neighborhood/community serving parkland. The City owns 206 neighborhood-serving parks and nine regional parks. The closest recreational feature to the project site is the Coyote Creek Trail , approximately 100 feet northeast of the project site. The project site is located approximately 0.2 miles northeast of Silver Leaf Park. The closest Regional Park is Edenvale Gardens Park located 2.5 miles northwest of the project site.

Applicable Plans, Policies, and Regulations

The Quimby Act

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

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 -1.8: Enhance existing parks and recreation facilities in built-out areas through new amenities and other improvements to ensure that residents' needs are being met.

Policy PR-2.4: To ensure that residents of a new project and existing residents in the area benefit from new amenities, spend Park Dedication Ordinance (PDO) and Park Impact Ordinance (PIO) fees for neighborhood serving elements (such as playgrounds/tot-lots, basketball courts, etc.) within a ¾ mile radius of the project site that generates the funds.

Policy PR-2.5: Spend, as appropriate, PDO/PIO fees for community serving elements (such as soccer fields, community gardens, community centers, etc.) within a 3-mile radius of the residential development that generates the PDO/PIO funds.

Discussion

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less Than Significant Impact. There are several City, County and regional parks and recreational features located within a few miles of the project site such as Silver Leaf Park, Edenvale Gardens, and the Coyote Creek Trail. In particular, Coyote Creek Trail is located approximately 100 feet northeast of the project site. While the project has the potential to increase the use of the Coyote Creek trail and other recreational areas due to proximity, the use would not increase to the extent that substantial deterioration would occur. The proposed project does not include construction of new housing, and would not increase the City's population, as discussed in Section 4.14, Population and Housing. While employees of and visitors to the project site could visit nearby parks and recreation facilities, this relatively low number of people, combined with the City's on-going park operation and maintenance plans (for which this proposed project would contribute to by way of property taxes), would not result in a substantial physical deterioration of parks or other recreation facilities. Therefore, the impacts would be less than significant.

b) Refer to Section 4.16 Public Services, Discussion Impact A(iii). Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact. The proposed project would demolish the existing buildings and construct a new warehouse facility. The project does not include any recreational facilities. 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.

4.17 Transportation

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

Existing Setting

The project site is currently developed with two industrial use buildings and access is provided via Rue Ferrari and Eden Park Place. Existing traffic conditions were evaluated at the project study intersections during the AM (7:00 – 9:00 AM) and PM (4:00 – 6:00 PM) peak hours. Turning movement counts for these hours for the Local Transportation Analysis (Appendix I) were obtained from the City of San José Traffic Model Database and supplemented with new turning movement counts collected at selected intersections on Tuesday, June 15, 2021.

Regional and Local Access

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

Rue Ferrari is a minor collector road in the east-west direction between Enzo Drive and Silicon Valley Boulevard. Near the project site, Rue Ferrari is a two-lane road with that provides direct access to commercial and industrial businesses. On-street parking is limited along Rue Ferrari and the road has sidewalk facilities on the north side for pedestrians.

Eden Park Place is a minor collector road in the east-west direction and runs parallel to Rue Ferrari and the Coyote Creek Recreation Trail. On-street parking is permitted along Eden Park Place and there are existing sidewalk facilities for pedestrians on the south side of the street.

Silicon Valley Boulevard / Bernal Road is a four-lane divided arterial that provides access to various commercial and industrial businesses and intersects US 101, SR 85, Monterey Road, San Ignacio Avenue, Via del Oro, and Santa Teresa Boulevard. The roadway has a posted speed limit of 40 mph and has sidewalks on both sides of the street; however, continuous Class II bike lanes are not present north of San Ignacio Avenue. East of US 101, Silicon Valley Boulevard changes designation to Bernal Road.

Hellyer Road is a four-lane arterial that provides access to various commercial and industrial businesses between Silicon Valley Boulevard and Highway 101 in the north-south direction. West of Highway 101, Hellyer Road becomes a two-lane residential collector street and terminates at Senter Avenue. Near the project site, the roadway has a posted speed limit of 40 mph, has sidewalks, and provides Class II bike lanes on both sides of the street.

Monterey Road is a six-lane major arterial north of Blossom Hill Road and a four-lane major arterial south of Blossom Hill Road. Monterey Road extends from Market Street in downtown San José to Highway 101 south of the City of Gilroy. Within the project vicinity, Monterey Road runs parallel to the Caltrain railroad tracks and provides access to the project site via interchanges at Bernal Road. The corridor does not provide on-street parking but provides a Class II bike lane and some sidewalk facilities.

State Route 85 is a is a predominantly north-south freeway that is oriented in an east-west direction in the vicinity of the project site. It extends from Mountain View to south San José, terminating at Highway 101. State Route 85 is a six-lane freeway with four mixed-flow lanes and two HOV lanes. SR 85 provides access to the project site via interchanges at Bernal Road.

Highway 101 is an 8-lane freeway (three mixed-flow lanes and one HOV lane in each direction) that connects with State Route 85 and travels in a north-south direction in the City of San José. Access to and from the project site is provided by ramp terminals at Bernal Road / Silicon Valley Boulevard.

Pedestrian and Bicycle Facilities

Pedestrian and bicycle activity in the project site vicinity is existing and supported by several facilities with established pedestrian and bicycle infrastructure. Connected sidewalks at least six feet wide are available on at least one side of all major City roadways in the project area with adequate lighting and signing. At signalized intersections, marked crosswalks, Americans with Disabilities Act (ADA) standard curb ramps, and count down pedestrian signals provide improved pedestrian visibility and safety.

The Coyote Creek trail is a Class I shared use pathway and one of the longest trail systems I the San Francisco Bay Area extending from the San Francisco Bay to the City's southern boundary. The trail runs parallel to Coyote Creek and provides both pedestrian and bicycle access to the project site. At the intersection of Silicon Valley Boulevard and Eden Park Place, an undercrossing and crosswalk facility with rapid rectangular flashing beacon (RRFB) lighting systems are present for pedestrian and bike connectivity to the Coyote Creek trail.

Bicycle facilities in the project area include Hellyer Avenue, Monterey Road, and Bernal Road south of San Ignacio Avenue which consist of Class II bike lanes with buffered striping to separate the vehicle and bike travel ways. Most of these corridors feature green paint markings in potential conflict areas at the signalized intersections. Bicycle parking in the project area is limited to private commercial and industrial lots.

Near the project site, Rue Ferrari and Eden Park Place provide sidewalk facilities for pedestrian access but do not provide a bicycle facility for connectivity to the Coyote Creek Trail or other pathways. Overall, the existing pedestrian and bicycle facilities near the project have adequate connectivity and provide pedestrian and bicyclists with routes to the surrounding land uses.

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

- Silicon Valley Boulevard / Bernal Road from Heaton Moor Drive to Hellyer Avenue (Class IV protected bike lanes)

Transit Service

Transit services in the study area include light rail, shuttles, and buses provided by the Santa Clara Valley Transportation Authority (VTA). Per the updated February 8, 2021[39] service schedule, the project study area is served by the following major transit routes.

- Local Bus Route 42
    - Evergreen Valley College – Santa Teresa Station
    - Local service every 30-60 minutes on weekdays and weekends
    - Nearest transit stop to project – Silicon Valley Blvd / Eden Park Pl intersection

Most regular bus routes operate on weekdays from early in the morning (5:00 AM to 6:00 AM) until late in the evening (10:00 PM to midnight) and on weekends from early morning (5:00 AM to 6:00 AM) until mid-evening (8:00 PM to 10:00 PM). Route operations may vary currently as a result of COVID 19. The project area is served by bus route 42 in the VTA system which provides local and regional bus service for commuters between Evergreen College and the VTA Santa Teresa Light Rail station.

Bus stops with benches, shelters, and bus pullout amenities are not provided within ½ mile walking distance of the project site. The closest transit stop to the project is located at the intersection of Silicon Valley Boulevard and Eden Park Place.

Applicable Plans, Policies, and Regulations

Metropolitan Transportation Commission

Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted the final Plan Bay Area in July 2013 which includes the region's Sustainable Communities Strategy and the most recently adopted Regional Transportation Plan (2040).

Santa Clara Valley Transportation Agency Congestion Management Program

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

39 At the time that this report was prepared, COVID 19 had affected routes and service schedules and this service schedule is not reflective of typical operations.

individual projects, which might on their own impact the CMP transportation system. Specifically, the CMP Traffic Impact Analysis measures impacts of a project on the CMP Highway System. Compliance with the CMP requirements ensures a city's eligibility to compete for State gas tax funds for local transportation projects.

San José Transportation Impact Policy 5-1

As established in City Council Policy 5-1 "Transportation Analysis Policy" (2018), the City of San José uses vehicle miles traveled (VMT) as the metric to assess transportation impacts from new development under CEQA, as suggested by SB 743. According to the policy, a residential project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average citywide per capita VMT. An employment (e.g., office, R&D) project's transportation impact would be less than significant if the project VMT is 15 percent or more below the existing average regional per employee VMT. For industrial projects (e.g., warehouse, manufacturing, distribution), the impact would be less than significant if the project VMT is equal to or less than existing average regional per employee VMT. The threshold for a retail project is whether it generates net new regional VMT, as new retail typically redistributes existing trips and miles traveled as opposed to inducing new travel. If a project's VMT does not meet the established thresholds, mitigation measures would be required, where feasible.

The policy also requires preparation of a Local Transportation Analysis (LTA) to analyze non-CEQA transportation issues, which may include local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access, and to recommend needed transportation improvements.

Edenvale Area Development Policy

The EADP establishes a policy framework to guide the ongoing development of the Edenvale San José area and accomplish the following goals:

1. Manage the traffic congestion associated with near term development in the Edenvale Policy Area
2. Promote General Plan goals for economic development, particularly high technology driven industries
3. Encourage a citywide reverse commute to jobs at southerly location in San José
4. Provide for transit-oriented, mixed-use residential and commercial development to increase internalization of automobile trips and promote transit ridership

The EADP was adopted in June 2000 to facilitate industrial development in New Edenvale. Subsequent to its adoption, the EADP was updated to accommodate a mix of uses including residential, commercial, and office uses and to transfer development potential/capacity from one Sub-Area to another. The 2007 update included the expansion of the Edenvale Area to include Sub-Area 5 which was not originally part of the Policy. Sub-Area 5 was added to the Edenvale Area because new development proposed in this Sub-Area would contribute to the previously identified significant and unavoidable impacts identified in the original EADP EIR.

The EADP was updated in April 2014 to address development anticipated in both New Edenvale and Old Edenvale on both sides of US Highway 101 including the IStar site and the Silver Creek Valley place. The New Edenvale development is 5.5 million square feet of additional industrial floor space from the date of

the Policy's original approval. In order to allocate this square footage potential across the entire area of New Edenvale, the updated Policy includes a base maximum floor area ratio (FAR) of 0.35 for development in Sub-Area 1 and 0.40 for Sub-Areas 3 and 4.

The EADP identifies infrastructure improvements for buildout of all the properties in New Edenvale (Sub-Areas 1, 3, and 4) considered ready for development, and accounting for additional commercial and residential development in Old Edenvale (Sub-Areas 2 and 5). Per Attachment C of the EADP, the infrastructure improvements identified in Sub-Area 4 where the project is located include:

- Silicon Valley Boulevard / Eden Park Place – Funded and Completed
  - Install signal and extend existing EB left turn pocket
- Silicon Valley Boulevard / Rue Ferrari – Funded and Completed
  - Extend existing EB left turn pocket
- US 101 / Silicon Valley Boulevard – Funded and Completed
  - Install signal and add EB left turn pocket

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following transportation policies applicable to the proposed project:

Policy TR-1.1: Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).

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

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

Policy TR-1.5: Design, construct, operate, and maintain public streets to enable safe, comfortable, and attractive access and travel for motorists and for pedestrians, bicyclists, and transit users of all ages, abilities, and preferences.

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

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

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

Policy TR-5.3: Development projects' effects on the transportation network will be evaluated during the entitlement process and will be required to fund or construct improvements in proportion to their impacts on the transportation system. Improvements will prioritize multimodal improvements that reduce VMT over automobile network improvements.

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

Policy TR-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.

Policy TR-8.6: Allow reduced parking requirements for mixed-use developments and for developments providing shared parking or a comprehensive TDM program, or developments located near major transit hubs or within Villages and Corridors and other growth areas.

Policy TR-8.7: Encourage private property owners to share their underutilized parking supplies with the general public and/or other adjacent private developments.

Policy TR-8.8: Promote use of unbundled private off-street parking associated with existing or new development, so that the sale or rental of a parking space is separated from the rental or sale price for a residential unit or for non-residential building square footage.

Policy TR-8.9: Consider adjacent on-street and City-owned off-street parking spaces in assessing need for additional parking required for a given land use or new development.

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.

Action TR-10.4: In Tier II, require that a portion of adjacent on-street and City owned off-street parking spaces be counted towards meeting the zoning code's parking space requirements.

Policy CD-2.3: Enhance pedestrian activity by incorporating appropriate design techniques and regulating uses in private developments, particularly in Downtown, Urban Villages, Corridors, Main Streets, and other locations where appropriate.

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

Policy CD-3.3: Within new development, create a pedestrian friendly environment by connecting the internal components with safe, convenient, accessible, and pleasant pedestrian facilities and by requiring pedestrian connections between building entrances, other site features, and adjacent public streets.

Policy CD-3.6: Encourage a street grid with lengths of 600 feet or less to facilitate walking and biking. Use design techniques such as multiple building entrances and pedestrian paseos to improve pedestrian and bicycle connections.

Discussion

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact. In accordance with General Plan policies, the proposed project will facilitate pedestrian and bicycle access and safety, see the discussion of threshold b below. The project site plan also includes short- and long-term bicycle parking.

Pedestrian and bicycle infrastructure is existing in the project area. Connected sidewalks at least six feet wide are available on at least one side of all major City roadways in the project area with adequate lighting and signing. At signalized intersections, marked crosswalks, Americans with Disabilities Act (ADA) standard curb ramps, and count down pedestrian signals provide improved pedestrian visibility and safety. The proposed project would not negatively impact these existing facilities, rather, they would be further improved as a part of the proposed project, see Mitigation Measure TRANS-1 below. In addition, per San José Bike Plan 2025, the project would likely need to provide a fair share contribution or build out Class IV protected bike lanes along the project frontages and/or within the project area.

The nearest transit stop to the project site is located at the intersection of Silicon Valley Boulevard and Eden Park Place which is over half a mile away. Access to this transit stop would not be impacted by the proposed project. Additionally, the project is not anticipated to add substantial demand for this transit stop as a result of the function of the proposed project as a warehouse.

For these reasons, the proposed project is consistent with goals, policies, and programs adopted by the City and VTA and would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. Therefore, there would be a less than significant impact.

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

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

To determine whether a project would result in CEQA transportation impacts related to VMT, the City has developed the San José VMT Evaluation Tool to streamline the analysis for residential, office, and industrial projects. Based on the VMT Evaluation tool, the City's VMT per employee threshold for industrial land uses is 14.37. For the existing land uses in the project area, the existing VMT is 14.78. The proposed project is anticipated to generate a VMT per employee of 14.71. The evaluation tool estimates

that the project would exceed the City's industrial VMT per employee threshold resulting in a potentially significant VMT impact.

However, for projects that would result in a VMT impact, VMT reduction strategies can be used to mitigate the VMT impact. Projects may select a combination of strategies and measures from the VMT reduction strategies described in Section 3.6 of the San José Transportation Analysis Handbook[40]. Although implementation of every available City VMT reduction strategy and measure may not be feasible, a combination can help projects meet the City VMT threshold.

Based on direction from the City, implementation of Tier 2 Multimodal Network Improvements would reduce the project's per employee VMT. These multi-modal infrastructure improvements would include coordinating with the City Parks, Recreation, & Neighborhood Services (PRNS) division to install a rectangular rapid-flashing beacon (RRFB) enhanced mid-block crosswalk and connecting pathway west of the project's southernmost driveway on Eden Park Place and construct an ADA compliant connection at the crosswalk with curb ramps from the project frontage to the existing Coyote Creek Trail. These improvements would meet the requirements of the following Tier 2 Multimodal Network Improvements VMT reduction measures:

- Improve Network Connectivity/Design to Make Destinations and Low-Carbon Travel Modes Accessible
- Provide Pedestrian Network Improvements for Active Transportation
- Expand the Reach of Bike Access with Investment in Infrastructure

The project applicant would be responsible for ensuring that these improvements are implemented. After the project is constructed and the site is occupied, the property manager for the development would assume responsibility for implementing any ongoing VMT reduction strategy requirements.

Based on the City of San José VMT Evaluation Tool, implementation of these Tier 2 Multimodal Network Improvements would reduce the project's per employee VMT to 13.54, below the industrial VMT threshold of 14.37. Therefore, with implementation of Mitigation Measure **MM TRANS-1**, impacts would be less than significant.

Impact TRANS-1: The project would result in an increase of regional vehicle miles traveled (VMT) above the City's adopted threshold levels of 14.37 for City's VMT per employee threshold for industrial land uses.

Mitigation Measure

MM TRANS-1 Prior to the issuance of any development permits, the project applicant shall prepare a development plan set that illustrates the design of the site enhancements, and shall coordinate with the City Parks, Recreation, & Neighborhood Services, Department of Transportation, and the Department of Public Works to install a rectangular rapid-flashing beacon enhanced mid-block crosswalk and connecting pathway located west of the project's southernmost driveway on Eden Park Place and construct an ADA compliant connection at the mid-block crosswalk with curb ramps from the project frontage to the existing Coyote Creek Trail. The project plans illustrating the enhanced mid-block

[40]San José Transportation Analysis Handbook, 2020. Available: https://www.sanjoseca.gov/home/showpublisheddocument/28461/637378425915570000. Accessed: August 18, 2021.

crosswalk and connection pathway mentioned above shall be submitted to the Director of Public Works and the Director of the Department of Planning, Building and Code Enforcement or Director's designee for review and approval. Prior to the issuance of the Improvement Plan with the Department of Public Works, the project applicant shall reconfirm with the Department of Public Works on the final design of the enhancement. The project applicant shall install the crosswalk and connection pathway prior to the issuance of any occupancy permit (temporary or final).

Crosswalk and connection installation shall be installed prior to the issuance of the occupancy permit.

As demonstrated in the Transportation Analysis, the above multi-modal infrastructure improvements required by Mitigation Measure **MM TRANS-1** would ensure the project reaches a less than significant VMT level.

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

No Impact. A review of the project was 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

The project provides on-site parking spaces for commercial delivery trucks and employee vehicles. The at-grade parking lot is accessed by two driveways along Rue Ferrari and two driveways along Eden Park Place. The westmost driveways along Rue Ferrari and Eden Park Place provide exclusive access for semi-trailer trucks for loading and deliveries. The project driveway on Rue Ferrari closest to an intersection is situated approximately 400-feet north of the intersection of Rue Ferrari and Eden Park Place while the project driveway closest to an intersection on Eden Park Place driveway is located approximately 350-feet east of the intersection of Rue Ferrari and Eden Park Place. Per City guidance, driveways should be a minimum of 150 feet from any intersection, therefore the project would comply this standard. The proposed driveway locations optimize sight distance and spacing for project access.

Per City Municipal Code 20.90.100 and Table 20-220, the minimum width of the proposed two-way driveways are 26-feet. The proposed driveways along Rue Ferrari and Eden Park Place are 32-feet wide. The wider driveway dimensions proposed on the project site plan are recommended to provide sufficient vehicle access and circulation for entering and exiting vehicles. Additionally, the automobile parking spaces on-site are dimensioned 9-feet by 17-feet and truck parking spaces are dimensioned 12-feet by 55-feet which satisfy City parking standards.

Vehicles accessing the project driveways would be allowed to make turns in and out of the project site when there are sufficient vehicle gaps along Rue Ferrari and Eden Park Place. According to the Transportation Analysis prepared for the project (Appendix I), inbound vehicle queues and delays are not expected to be significant. For outbound vehicles, on-site vehicle queues are expected during the A.M. and P.M. peak hours due to a combination of inherent unpredictability of vehicle arrivals at driveways, and the random occurrence of gaps in traffic; however, these conditions are typical of driveways in industrial areas.

Vehicular On-Site Circulation

The proposed project would provide up to 301 standard vehicular parking spaces and up to 110 truck parking spaces. Analysis using the American Association of State Highway and Transportation Officials (AASHTO) template revealed that passenger vehicles could adequately access the driveways, maneuver through the parking lot, and park in the stalls without conflicting with other vehicles or stationary objects.

Delivery trucks and heavy vehicles are currently prohibited from stopping or parking along Rue Ferrari and Eden Park Place along the project frontage. All delivery activity for the project would occur on-site in the designated loading areas. Per City Municipal Code 20.90.410, a building intended for use by a manufacturing plant, storage facility, warehouse facility, goods display facility, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning establishment, or other use having a floor area of 10,000 square-feet or more shall provide a minimum of one off-street loading space, plus one additional such loading space for each 20,000 square-feet of floor area. The project provides 110 truck parking spaces, and 47 loading dock spaces and satisfies the City requirement.

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

STAA delivery trucks would be able to maneuver on Rue Ferrari and Eden Park Place adjacent to the project site and access the westmost designated truck driveways to load/unload and exit the project site. Turning templates for this delivery truck indicate that the proposed 32-feet wide driveway width is recommended to provide sufficient vehicle access to and from the project site without conflict. Garbage and recycling bins are anticipated to be located near the loading docks or in a designated trash enclosure within the parking lot. Waste collection vehicles would be able to enter the project driveway to pick up bins and exit the site without conflict.

Based on the above analysis, the proposed project would not substantially increase hazards due to a geometric design feature.

d) Result in inadequate emergency access?

No Impact. In the event of an emergency, it is assumed that fire apparatus vehicles will stage in the project parking lot, along Rue Ferrari, or along Eden Park Place. Existing fire hydrants along the project frontage provides direct fire access for emergency personnel. The project driveways are 26-feet wide minimum, provide at least 10-feet high clearance, and satisfies the 20-foot horizontal and 10-foot- vertical minimum access clearances from the 2016 CA Fire Code. For these reasons, there would be no impact.

Operational Transportation Issues Not Required Under CEQA

The following information is not required under CEQA but is provided here for informational purposes to help the decision makers in their consideration of the proposed project.

Trip Generation

Trip generation for the proposed project was calculated using average trip generation rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 10th Edition*. Per the 2018 *Transportation Analysis Handbook*, trip generation reduction credits were applied to the project including

location-based mode-share and potential VMT credits. Total gross vehicle trips for the proposed project (including trip adjustments) would be 2,155 daily trips, 155 AM peak hour trips, and 360 PM peak hour vehicle trips.

Additionally, the project would involve demolishing the existing office buildings. Therefore, the land use would be eligible for an existing use trip credit. Per City direction, the existing use trip credit for the site was estimated by multiplying the ITE 710 General Office Building rates by the percentage of occupied building space from the previous tenant. Tenant data from the past 2 years indicate that up to 100% of the existing office buildings on-site was occupied. As a result, an existing trip credit of 2,789 daily, 332 AM peak hour trips, and 329 PM peak hour trips was applied to the project.

Development of the proposed project with all applicable trip reductions and credits is anticipated to generate a net total of 0 additional daily trips, 32 AM, and 127 PM peak hour trips to the roadway network, see **Table 4-29: Estimated Project Trip Generation** below.

Table 4-29: Estimated Project Trip Generation

LAND USE / DESCRIPTION	PROJECT SIZE	TOTAL DAILY TRIPS	AM PEAK TRIPS			PM PEAK TRIPS		
			TOTAL	IN	/ OUT	TOTAL	IN	/ OUT
Trip Generation Rates (ITE)								
High-Cube Fulfillment Center Warehouse[ITE 155]	Per 1,000 Sq Ft	8.18	0.59	50%	/ 50%	1.37	50%	/ 50%
General Office Building [ITE 710]	Per 1,000 Sq Ft	9.74	1.16	86%	/ 14%	1.15	16%	/ 84%
1. Baseline Vehicle-Trips								
Rue Ferrari Warehouse	149.80 1,000 Sq Ft	2,477	179	90	/ 89	415	208	/ 207
Baseline Project Vehicle-Trips		**2,477**	**179**	**90**	**/ 89**	**415**	**208**	**/ 207**
2. Internal Trip Adjustments								
Mixed-Use Reduction (VTA Internal Capture)		0	0	0	/ 0	0	0	/ 0
Project Vehicle-Trips After Reduction		**2,477**	**179**	**90**	**/ 89**	**415**	**208**	**/ 207**
3. Location-based Mode Share Adjustments								
Suburb with SFH Reduction (Mode Share)	-5%	(124)	(9)	(5)	/ (4)	(21)	(11)	/ (10)
Project Vehicle-Trips After Reduction		**2,353**	**170**	**85**	**/ 85**	**394**	**197**	**/ 197**
4. Project Trip Adjustments								
VMT Vehicle-Trip Reduction (Model Sketch Tool)	-8%	(198)	(15)	(8)	/ (7)	(34)	(17)	/ (17)
Project Vehicle-Trips After Reduction		**2,155**	**155**	**77**	**/ 78**	**360**	**180**	**/ 180**
5. Other Trip Adjustments								
Pass-by and Diverted Link Trips (N/A)	0%	0	0	0	/ 0	0	0	/ 0
Existing Uses (ITE 710 100% Occupied)	-286.33 1,000 Sq Ft	(2,789)	(332)	(286)	/ (46)	(329)	(53)	/ (276)
Other Trip Adjustment Subtotal		**(2,789)**	**(332)**	**(286)**	**/ (46)**	**(329)**	**(53)**	**/ (276)**
Baseline Project Vehicle-Trips		**2,477**	**179**	**90**	**/ 89**	**415**	**208**	**/ 207**
Gross Project Vehicle-Trips		**2,155**	**155**	**77**	**/ 78**	**360**	**180**	**/ 180**
Net Project Vehicle-Trips		**(634)**	**(177)**	**(209)**	**/ 32**	**31**	**127**	**/ (96)**
Net Project Vehicle Trips		**0**	**32**	**0**	**/ 32**	**127**	**127**	**/ 0**
Notes:								
Land Uses assumed based on latest proposed site plan from HPA Architecture (May 2021)								
Daily, AM, and PM trips based on average land use rates from the Institute of Traffic Engineers Trip Generation 10th Edition								
A 5% Mode Share Reduction from San José Transportation Analysis Handbook 2018 was applied since the project is located in a "Suburb with Single Family Housing" area.								
An 8.4% VMT Reduction from San José Transportation Analysis Handbook 2018 was applied since the project is planning to implement VMT reduction strategies. Reduction percentage obtained from City VMT Evaluation Tool.								
Existing land use trip credit based on percentage of occupied use from the previous tenant. Data provided by Applicant.								

Due to the nature of the proposed development, vehicle project trips are anticipated to access the State Route 85 and US 101 regional freeways. Trip distribution and assignment assumptions for the 5853 Rue Ferrari project were based on the project driveway location, the freeway ramp location, community characteristics, and professional engineering judgement. The project trips to and from the site are anticipated to access the following regional facilities:

- Hellyer Road North
- Monterey Road North
- Monterey Road South
- Bernal Road South
- State Route 85 North
- Highway 101 North
- Highway 101 South

The project trip assignment and distribution are included in Appendix I.

LOS and Signal Warrant Study

It should be noted that the project is located in the EADP area. A prior traffic study (iStar Mixed-Use Development) was completed for the EADP and identified intersection improvements that have already been completed. Based on City direction and the 2014 EADP Update, the project is not required to study the level of service (LOS) at any signalized intersections and adverse effects to intersection LOS under project conditions. For informational purposes only , intersection LOS is shown for existing and background conditions for the project site in **Table 4-30: Intersection Level of Service for Existing and Background Conditions** below.

Table 4-30: Intersection Level of Service for Existing and Background Conditions

#	Intersection	LOS Criteria	Control	Existing Conditions							
				AM Peak				PM Peak			
				LOS	Delay (sec)	v/c Ratio	Crit. Delay (Sec.)	LOS	Delay (sec)	v/c Ratio	Crit. Delay (sec)
1	Silicon Valley Boulevard/ US 101 NB Ramps	D	Signal	B	11.3	0.183	14.2	A	8.5	0.199	11.1
2	Silicon Valley Boulevard / Rue Ferrari	D	Unsignalized	B	10.2	0.164	2.1	B	10.9	0.151	1.4
3	Silicon Valley Boulevard / Eden Park Place	D	Unsignalized	B	13.9	0.035	0.5	C	15.4	0.013	0.2
#	Intersection	LOS Criteria	Control	Background Conditions							
				AM Peak				PM Peak			
				LOS	Delay (sec)	v/c Ratio	Crit. Delay (Sec.)	LOS	Delay (sec)	v/c Ratio	Crit. Delay (sec)
1	Silicon Valley Boulevard/ US 101 NB Ramps	D	Signal	B	14.3	0.407	16.5	B	11.1	0.485	13.0
2	Silicon Valley Boulevard / Rue Ferrari	D	Unsignalized	B	13.1	0.209	1.2	C	20.1	0.282	1.4
3	Silicon Valley Boulevard / Eden Park Place	D	Unsignalized	D	30.8	0.045	0.2	E	0.034	0.034	0.2

In lieu of a LOS analysis of the project impacts on the applicable intersections, a signal warrant study was conducted at the following minor stop-controlled intersections:

- Silicon Valley Boulevard / Rue Ferrari (3-leg intersection approach)
- Silicon Valley Boulevard / Eden Park Place (3-leg intersection approach)

The signal warrant analysis was conducted based on Section 4C.01 of the California Manual on Uniform Traffic Control Devices (MUTCD) 2014 Edition Revision 5 standards. Daily roadway approach volumes and peak hour turning movement counts (7-9 AM and 4-6 PM) at the study intersections were collected on Tuesday, June 15, 2021 by All Traffic Data Service. Collision data at the study intersections within a three-year period was also requested through the California Highway Patrol Statewide Integrated Traffic Records System (SWITRS). The analysis found that neither intersection meets the signal warrant criteria.

4.18 Tribal Cultural Resources

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

Existing Setting

Native American resources in this part of Santa Clara County have been found near areas populated by oak, buckeye, laurel, and hazelnut, as well as near a variety of plant and animal resources. Typically, these sites are also found near watercourses and bodies of water. The project site is located in a commercial/industrial business park and approximately 0.03 miles away from the Coyote Creek. The project lies within the Edenvale planning area, which has been evaluated in the General Plan EIR and determined to contain no known resources.[41].

[41] City of San José Envision San José 2040 General Plan Draft Program EIR, (2011), page 697

On September 16, 2021, the City sent an Early Notice request for interest to consult on the project. On September 18, 2021, the City received a response to the City's Early Notice Request for AB52 Consultation from Tamien Nation.

The project was discussed at the Tamien Nation and City of San José's virtual bi-weekly meeting on October 14, 2021. At this meeting, Staff presented the proposed project and described its location and requested any feedback from Tamien Nation's Representative. The Representative indicated that Tamien Nation would review the documentation provided by the City and would provide recommendations regarding the project's tribal and cultural sensitivity. On October 28, 2021, the City met with the Tamien Nation's Representative to discuss the potential resources and impacts of this project and the Representative disclosed the site is considered sensitive as there are potential burials and resources close to the site or on the site. The Representative requested for additional meetings with the applicant to further discuss resources and potential impacts. On November 16, 2021, the City met with the applicant, environmental consultant, and Tamien Nation's Representative again to discuss any information the Tamien Nation may have regarding resources on or near the project site. The Tamien Nation's Representative disclosed the site to be within a tribal culturally sensitive area and recommend avoidance and if not feasible, monitoring on site during excavation. The conversation was deferred to another meeting as the Representative need more time to review documents pertaining to resources directly on or near the site. On December 7, 2021, the City met with the applicant, environmental consultant, and Tamien Nation's Representative, the Representative shared that there are resources in the project area known to the Tamien Nation, and recommended a preliminary site investigation with both an archeologist and representative from the Native American tribe affiliated with the project site, a treatment plan, cultural awareness training, and on-going monitoring of during project construction-period ground disturbance.

A virtual meeting between staff and the Representative was held on Friday, January 7, 2022 to further discuss the project's impacts and language of the mitigation measures. At this meeting, minor changes were made to the mitigation measures for clarification on roles and responsibilities, timing of compliance, and on-going reporting requirements in the draft mitigation measures language. Compensatory conditions were also discussed, and another meeting was held on January 13, 2022 to finalize the list of mitigation measures and discuss potential impacts, process, and future protocols.

Applicable Plans, Policies, and Regulations

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

Tribal Cultural Resources

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

Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon their discovery during construction, development activity will cease until

professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.

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

Policy IP-12.3: Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological and cultural resources.

Policy LU-13.8: Require that new development, alterations, and rehabilitation/remodels adjacent to a designated or candidate landmark or Historic District be designed to be sensitive to its character.

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

Discussion

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: i) Listed or eligible for listing in the California:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?

Less than Significant with Mitigation. As discussed in Section 4.5, Cultural Resources, there is one recorded tribal/cultural resource located within the project area. Based on an evaluation of the environmental setting and features associated with known sites, Native American resources in this part of Santa Clara County have been found in areas near intermittent and perennial watercourses and near areas populated by oak, buckeye, manzanita, and pine, as well as near a variety of plant and animal resources. The project area is located in the Santa Clara Valley, south of Edenville, near the hill to valley interface, adjacent to the southwest side of Coyote Creek. Given the similarity of these environmental factors and the archaeological sensitivity of the area, previously unknown unrecorded archeological deposits could be discovered during ground disturbing construction activities. Project implementation activities such as project site clearing, preparation, excavation, grading, trenching, boring etc. could potentially encounter buried tribal resources. Should this occur, the ability of the deposits to convey their

significance, either as containing information about prehistory or history, as possessing traditional or cultural significance to the Native American or other descendant communities, would be materially impaired. The General Plan goals and policies include direction for the protection of such resources.

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.

In compliance with AB 52, notification was conducted by the City with applicable Santa Clara County tribal representatives identified by the NAHC. At the time of preparation of this Initial Study, the Tamien Nation has requested consultation with the City for this project. As previously mentioned, the City met with the Tamien Nation's Chairwoman in five separate meetings from October to January 2022. Based on the information presented in past studies and during consultation, while there are no documented resources on-site beyond those identified in this Initial Study, future ground-disrupting activities within the project site could have the potential to uncover and damage or destroy unknown or undocumented resources. Implementation of the Mitigation Measures **MM CUL-1.1** through **MM CUL-1.3**, the Standard Permit Conditions listed in Section 4.5, Cultural Resources, and the following mitigation measures would reduce the proposed project's impact to potentially uncover and damage or destroy unknown tribal cultural resources to less than significant.

Impact TCR-1: Construction activities on the project site could result in the disturbance of a tribal cultural resources.

MM TCR-1.1. **Tribal Cultural Sensitivity Training.** Prior to issuance of the Grading Permit, the project applicant shall be required to submit evidence that a Cultural Awareness Training will be provided to construction personnel prior to ground disturbances. The training shall be facilitated by the project archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

MM TCR-1.2. **Monitoring.** A qualified Native American monitor, registered with the Native American Heritage Commission for the City of San Jose and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, in collaboration with a qualified archeologist shall also be present during applicable earthmoving activities such as, but not limited to, trenching, initial or full grading, lifting of foundation, boring on site, or major landscaping.

The proposed project, with implementation of the **MM CUL-1.1** through **MM CUL-1.3**, **MM TCR-1.1** through **MM TCR-1.2**, and Standard Permit Conditions listed in Section 4.5, Cultural Resources 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.

4.19 Utilities and Service Systems

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

Existing Setting

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

Utilities and services are furnished to the project site by the following providers:

Wastewater Treatment: Wastewater treatment and disposal is provided by the San José/Santa Clara Regional Wastewater Facility (RWF), formerly known as the San José /Santa Clara Water Pollution Control Plant (WPCP). Sanitary sewer lines are maintained by the City of San José.

Water Service: Great Oaks Water Company.

Storm Drainage: City of San José.

Solid Waste: All solid waste generated at the site must be collected by Republic Services and must be processed at the Newby Island Sanitary Landfill.

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

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

Applicable Plans, Policies, and Regulations

Assembly Bill 341 (2011)

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

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.

Assembly Bill 1826 (2014)

AB 1826 sets forth the requirements of the statewide mandatory commercial organics recycling program for businesses and multi-family dwellings with five or more units that generate two or more cubic yards of commercial solid waste per week. AB 1826 sets a statewide goal for 50 percent reduction in organic waste disposal by the year 2020.

Senate Bill 1383 (2016)

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

California Green Building Standards Code

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

- Reducing indoor water use by 20 percent;
- Reducing wastewater by 20 percent;
- Recycling and/or salvaging 65 percent of nonhazardous construction and demolition ("C&D") debris, or meeting the local construction and demolition waste management ordinance, whichever is more stringent (see San José-specific CALGreen building code requirements in the local regulatory framework section below)
- Providing readily accessible areas for recycling by occupant.

California Green Building Standards Code Compliance for Construction, Waste Reduction, Disposal and Recycling

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

Construction and Demolition Diversion Deposit Program

The Construction and Demolition Diversion Deposit Program (CDDD) requires projects to divert at least 50% of total projected project waste to be refunded the deposit. Permit holders pay this fully refundable deposit upon application for the construction permit with the City if the project is a demolition, alteration, renovation, or a certain type of tenant improvement. The minimum project valuation for a deposit is $2,000 for an alteration-renovation residential project and $5,000 for a non-residential project. There is no minimum valuation for a demolition project and no square footage limit for the deposit applicability. The deposit is fully refundable if C&D materials were reused, donated, or recycled at a City-certified processing facility. Reuse and donation require acceptable documentation, such as photos, estimated weight quantities, and receipts from donations centers stating materials and quantities.

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

Urban Water Management Plan

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

San José Zero Waste Strategic Plan/Climate Smart San José

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

Private Sector Green Building Policy

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

City of San José Envision San José 2040 General Plan

The City's General Plan includes the following utility and service policies applicable to the project:

Policy MS-1.4: Foster awareness in San José's business and residential communities of the economic and environmental benefits of green building practices. Encourage design and construction of environmentally responsible commercial and residential buildings that are also operated and maintained to reduce waste, conserve water, and meet other environmental objectives.

Policy MS-3.2: Promote use of green building technology or techniques that can help to reduce the depletion of the City's potable water supply as building codes permit.

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

Policy IN-3.3: Meet the water supply, sanitary sewer and storm drainage level of service objectives through an orderly process of ensuring that, before development occurs, there is adequate capacity. Coordinate with water and sewer providers to prioritize service needs for approved affordable housing projects.

Policy IN-3.5: Require development which will have the potential to reduce downstream LOS to lower than "D", or development which would be served by downstream lines already operating at a LOS lower than "D", to provide mitigation measures to improve the LOS to "D" or better, either acting independently or jointly with other developments in the same area or in coordination with the City's Sanitary Sewer Capital Improvement Program.

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

Policy IN-3.9: Require developers to prepare drainage plans that define needed drainage improvements for proposed developments per City standards.

Discussion

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

Water Supply

No Impact. Water service to the project site is currently provided by SJWC. The proposed project would 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.[42]

Based on projected on-site employee numbers the project would have a water demand of approximately 8,787 gpd.[43][44] This is equivalent to approximately 9.84 AFY[45]. Water demand associated with the proposed project represents a 0.007 percent increase over the systems wide 2015 water production of 141,903 AF[46]. 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 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 there would be no impact.

Wastewater

No Impact. According to the General Plan EIR, development under the General Plan is estimated to generate 30.8 mgd of average dry weather influent flow[47]. Since the City has approximately 38.8 mgd of excess treatment capacity, planned growth in the City is not expected to exceed the City's allotted capacity. As discussed in the General Plan EIR, the San José-Santa Clara Regional Wastewater Facility (RWF) in Alviso is the regional wastewater treatment facility that provides wastewater treatment services for the project area.

Implementation of the 2040 General Plan policies, existing regulations and local programs would ensure that the San José-Santa Clara RWF has sufficient treatment capacity to accommodate planned growth, as well as reduce the potential for future exceedances of the RWQCB effluent limit. Since the project is within the bounds of the maximum build out considered by the General Plan the project would not increase

[42] SJWC Water Supply Assessment, July 2018.
[43] City of San José uses a Traditional-Industrial Land Use Employment density of 1000 gross square feet per employee. Projected on-site employee numbers = (302,772 square feet of proposed building/1000 gross square feet per employee) = 302.77 employees
[44] SJWC uses an office and industrial water demand factor of 29 gallons per day per employee. Total Water Demand = (29 gpd per employee*303 employees) = 8,787 gpd
[45] 8,787 gpd * 365 days = 3,207,255 gallons per year * 1 acre foot per 325,851 gallons = 9.84 AFY
[46] (9.84 AF / 141,903 AF) x 100 = 0.007%
[47] City of San José. Draft Program Environmental Impact Report for the Envision San José 2040 General Plan. June 2011. P.656

wastewater generation beyond what was previously analyzed in the General Plan EIR, so the treatment capacity of the San José-Santa Clara RWF would not be exceeded as a result of the proposed project or the project's contribution to existing treatment commitments.

Environmental impacts from the construction of new or expanded facilities would be avoided by utilization of existing facilities, which are currently well below capacity and are not expected to exceed capacity due to the demand from projects that are within the maximum build out of the General Plan. Since the project is within the bounds of maximum build out considered by the General Plan the projected wastewater demand of the project, by itself, would not result in an exceedance of capacity at the RWF. A determination of excess treatment capacity at the RWF takes into account current uses within the City of San José and within the treatment plant's service boundaries. 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 there would be no impact.

Stormwater

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

Electric Power, Natural Gas, and Telecommunications Facilities

No Impact. As the project site is currently operating as an existing industrial use building 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 water, wastewater treatment or storm drainage, electric power, natural gas, or telecommunications facilities and there would be no impact.

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

Less than Significant Impact. As discussed above, water service in the City is provided by SJWC. The proposed project would generate a water demand of 8,787 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. Further 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 SJCW 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.

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

No Impact. As discussed above, development under the General Plan is estimated to generate 30.8 mgd of average dry weather influent flow. Since the City has approximately 38.8 mgd of excess treatment capacity, planned growth in the City is not expected to exceed the City's allotted capacity. Since the project is within the bounds of the maximum build out for the General Plan the demand from the project would result in a determination by the wastewater provider that it has adequate capacity to meet demand. As discussed in the General Plan EIR, the San José-Santa Clara Regional Wastewater Facility (RWF) in Alviso is the regional wastewater treatment facility that provides wastewater treatment services for the project area.

Implementation of the 2040 General Plan policies, existing regulations and local programs would ensure that the San José-Santa Clara RWF has sufficient treatment capacity to accommodate planned growth, as well as reduce the potential for future exceedances of the RWQCB effluent limit. The proposed project is within the bounds of the maximum build out of the General Plan so the demand from the project would result in a determination by the wastewater provider that it has adequate capacity to meet demand as a result of the previously mentioned policies, regulations and local programs.

Environmental impacts from the construction of new or expanded facilities would be avoided by utilization of existing facilities, which are currently well below capacity. The project is within the bounds of the maximum build out of the General Plan which, according to the General Plan EIR, would not result in a demand for wastewater that would exceed capacity. Therefore, the projected wastewater demand of the project, by itself, would not result in an exceedance of capacity at the RWF. A determination of excess treatment capacity at the RWF takes into account current uses within the City of San José and within the treatment plant's service boundaries. 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.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

And,

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. Santa Clara County's Integrated Waste Management Plan (IWMP) was approved by the California IWMB in 1996 and was reviewed in 2004 and 2007. According to the IWMP, Santa Clara County has adequate disposal capacity beyond 2022. In October 2007, the San José City Council adopted a Zero Waste Resolution which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022. The City landfills approximately 289,828.54 tons per year at Newby Island Landfill, and approximately 613,248.53 tons are landfilled each year at all landfills in the City of San Jose. The total permitted landfilling capacity of the five operating landfills in the City is approximately 5.3 million tons per year.[48]

[48] City of San José. Envision San José 2040 General Plan DEIR. Page 664

The proposed project would generate approximately 102[49] pounds per day (ppd) of solid waste, a net decrease of approximately 1,634[50] ppd as compared to the existing development. Therefore, full buildout of the proposed project anticipated in the General Plan EIR 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, along with a decrease in solid waste ppd, 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.

[49] Estimated solid waste generation rates were obtained from CalRecycle. Total ppd generated by proposed project = 292,772 SF of warehouse*(1.42 lb/100 sf/day)/100 + 10,000 SF of office space*(0.006 lbs/day/sq ft) = 102 ppd

[50] Estimated total ppd generated by existing project = 289,300 SF of office space*(0.006 lbs/day/sq ft) = 1,736 ppd. Net decrease = 1,736 ppd - 102 ppd = 1,634 ppd

4.20 Wildfire

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

Existing Setting

The 17.38-acre site is located within an urban area and is predominately surrounded by light industrial and commercial uses. The proposed project is zoned as "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.[51] The proposed project is also outside of the Santa Clara County Wildland Urban Interface Fire Area.[52] The nearest Very High Fire Hazard Severity Zone is approximately eight miles west of the project site. See **Figure 4-3: Fire Hazard Severity Zones** and **Figure 4-4: Santa Clara County Wildland Urban Interface Fire Area**.

[51] California Department of Forestry and Fire Protection. VHFHSZ in LRA. Available at: https://osfm.fire.ca.gov/media/5935/san_José.pdf. Accessed on July 21, 2020.

The City has participated in the development of a multi-jurisdictional hazard plan by ABAG. The hazard mitigation plan, Taming Natural Disasters, includes mitigation activities and strategies for dealing with hazards that are likely to impact the Bay Area, including wildfires. The City has also adopted an Emergency Operations and Evacuation Plan, which includes standard operating procedures for hazards, including urban/wildland interface fires. The Plan identifies the responsibilities of City personnel and coordination with other agencies to ensure the safety of San José citizens in the event of a fire, geologic, or other hazardous occurrence.

Applicable Plans, Policies, and Regulations

Wildland-Urban Interface Fire Area Standards in the California Building Code

The 2007 California Building Code requires that any new buildings proposed in State Responsibility Areas, Local Agency Very-High Fire Hazard Severity Zone, or Wildland-Urban Interface Area (as designated by the enforcing agency) be constructed to meet the Wildland-Urban Interface Fire Area Building Standards. The California Building Code establishes minimum standards for materials and material assemblies in order to provide a reasonable level of exterior wildfire exposure protection for buildings in wildland-urban interface areas.

City of San José Envision San José 2040 General Plan

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

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

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

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

Discussion

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. The City has adopted an Emergency Operations and Evacuation Plan, which includes standard operating procedures for hazards, including urban/wildland interface fires. Because the project site is zoned in the "Non-Very High Fire Hazard Safety Zone" and is outside of the Wildland Urban Interface Fire Area, the proposed project would not substantially impair the City's Emergency Operations and Evacuation Plan. Thus, no impacts would occur.

[52] County of Santa Clara. Santa Clara County Wildland Urban Interface Fire Area. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/WUIFA_Adopted_Map.pdf. Accessed on July 21, 2020.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

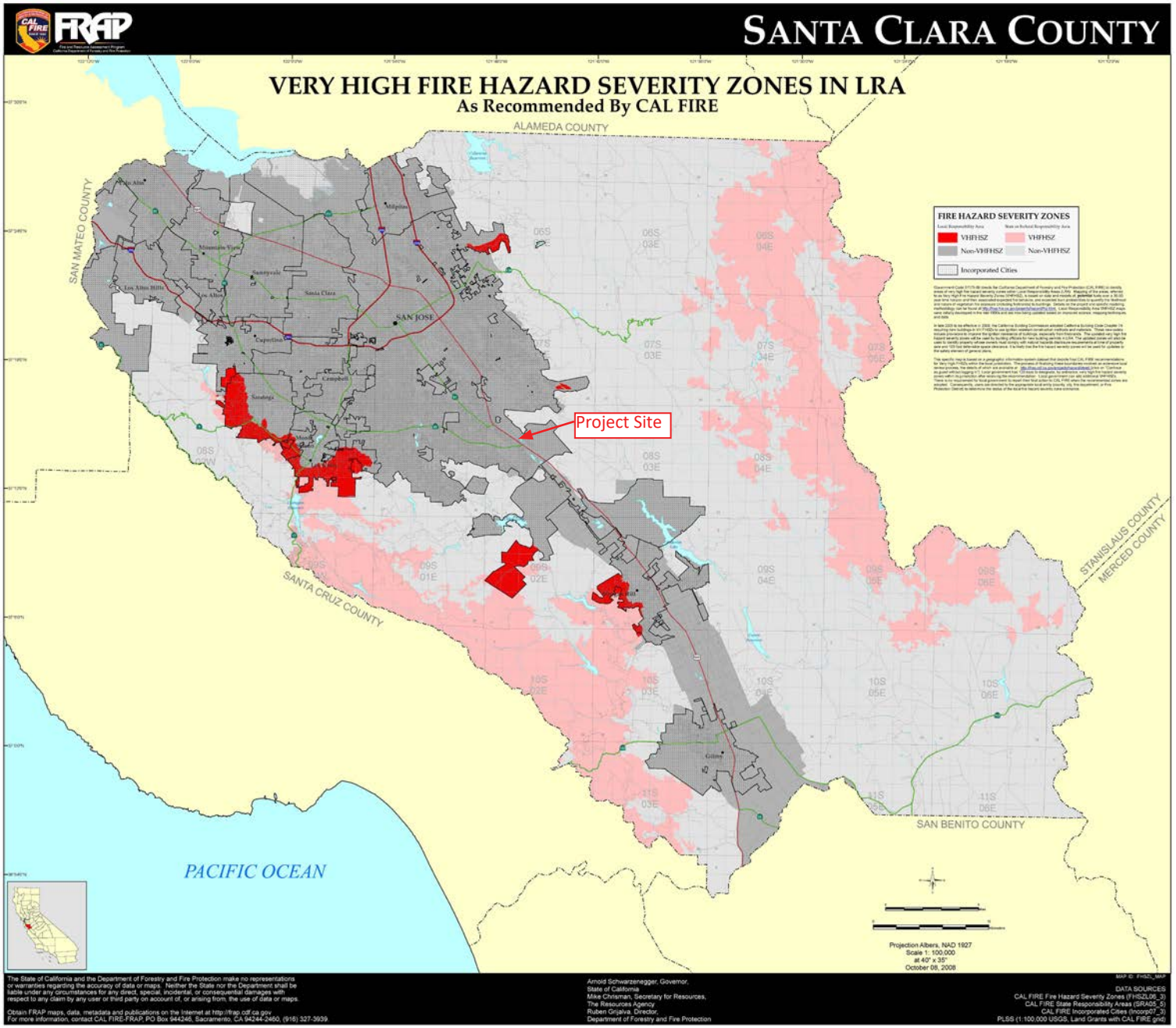
No Impact. The project site is zoned in the "Non-Very High Fire Hazard Safety Zone" and is outside of the Wildland Urban Interface Fire Area. In addition, the project site is relatively flat and in an urbanized area with residential and commercial buildings. The nearest Very High Fire Hazard Severity Zone is approximately eight miles west of the project site. Thus, no impacts would occur.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. As previously discussed, all proposed project components (including infrastructure, roads, etc.) would be located within the boundaries of the project site, and impacts associated with the development of the project within this footprint area analyzed throughout this document. Additionally, as part of the City's process, the City will review all plans for adequate fire suppression, fire access, and emergency evacuation. Adherence to standard City policies would result in no impacts.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. As discussed above, the project site is zoned 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 flow through planters and unlined bioretention basins would limit the release of stormwater from the site; therefore, the proposed project site would not expose people to flooding or landslides as a result of runoff, post-fire slope instability or drainage changes. Thus, no impacts would occur.



Source: CALFIRE, 2020

Figure 4-3: Fire Hazard Severity Zones

5853 Rue Ferrari Project
Initial Study

Not to scale

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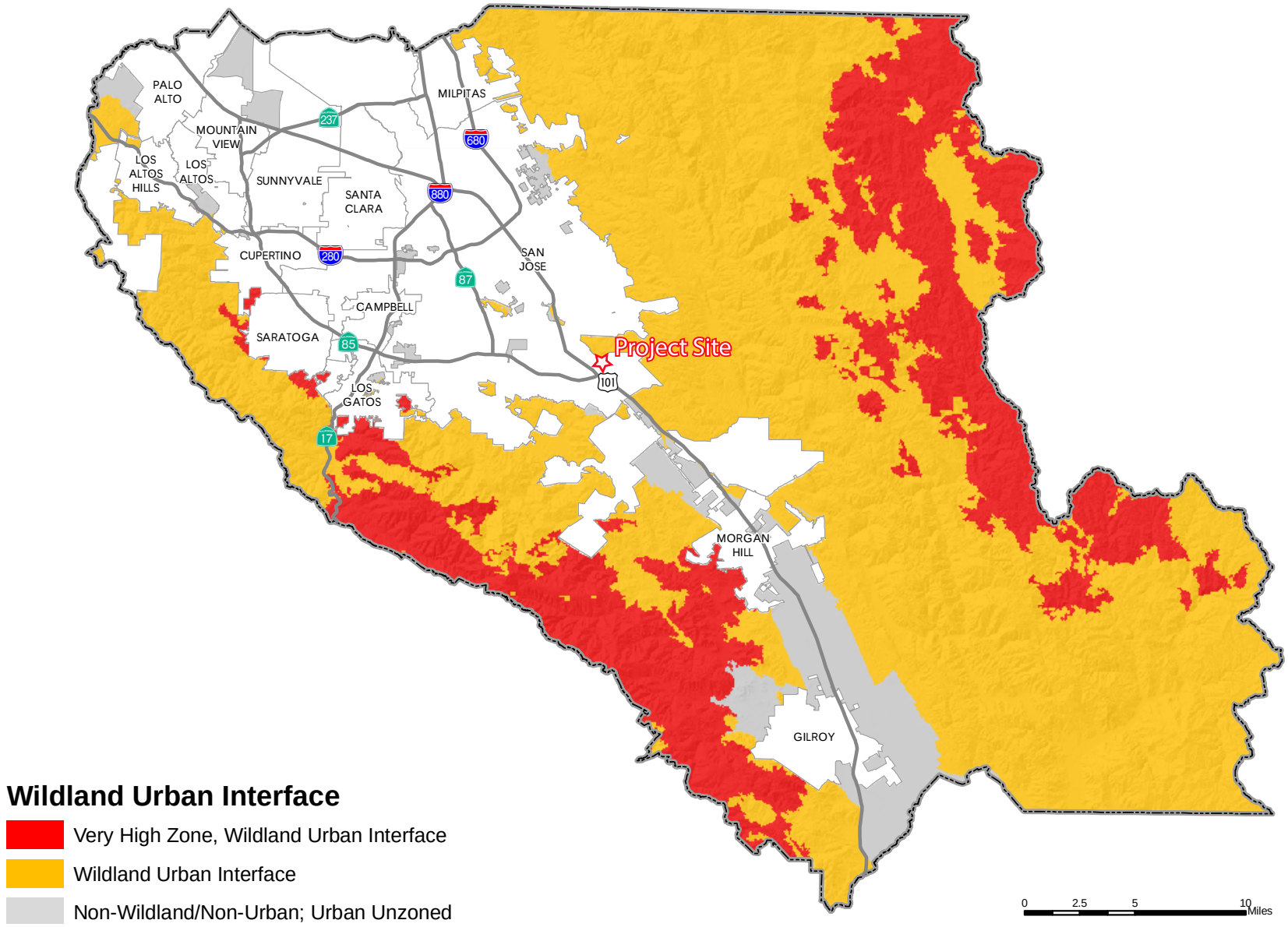

Source: County of Santa Clara Department of Planning and Development, 2009

Figure 4-4: Santa Clara County Wildland Urban Interface Fire Area

5853 Rue Ferrari Project
Initial Study

Not to scale

Kimley»Horn
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4.21 Mandatory Findings of Significance

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

Discussion

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

Less than Significant Impact. As discussed in the individual sections, the proposed project would not degrade the quality of the environment with the implementation of identified Standard Permit Conditions and mitigation measures. As discussed in Section 4.4, Biological Resources, the proposed project would not have a significant impact on sensitive habitat or species.

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

As described in the environmental topic sections of this Initial Study, impacts were found to be less than significant, and the proposed project would not have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly.

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

Less than Significant Impact. Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The proposed project would result in temporary air quality, water quality, biology, and noise impacts during construction and permanent impact to biology due to tree removal. However, with the implementation of the identified mitigation measures, Conditions of Project Approval, and Standard Permit Conditions, and consistency with adopted City policies, the construction impacts would be mitigated to a less than significant level. As the identified impacts are would be mitigated, the project would not have cumulatively considerable impacts on air quality, water quality, biology, and noise impacts in the project area.

Implementation of the proposed project would result in the demolition of the two existing warehouse buildings warehouse building on site. The project would also contribute to the continued urbanization of the project area.

The proposed project would have a less than significant impact with mitigation on hazards and hazardous materials and transportation. The proposed project would have less than significant impact on aesthetics, geology and soils, hydrology and water quality, population and housing, public services, and utilities and service systems, and would not contribute to cumulative impacts to these resources. The proposed project would not impact recreation, agricultural and forest resources, or mineral resources. Therefore, the proposed project would not contribute to a significant cumulative impact on these resources.

The General Plan EIR determined that there is a significant cumulative transportation impact under full build out of the General Plan. The project would not, however, would not contribute to the cumulative transportation impact because it would have a less than significant impact with implementation of mitigation measures.

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

Less than Significant Impact. Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the proposed project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction impacts related to air quality, hazardous materials and noise. However, implementation of mitigation measures and General Plan policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified.

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