
EXECUTIVE SUMMARY

ES.1 Project Overview

The proposed Project would demolish all on-site improvements, including three existing structures, and construct four new industrial warehouse buildings with dock doors and associated site improvements. The proposed buildings would comprise a total of approximately 714,419 square feet (sf) with a floor area ratio (FAR) of 0.50 and maximum height of 48-feet. The Project would be consistent with the General Plan land use designation of Industrial Park (IP) and zoning district of Industrial Park (IP). The proposed Project is located at 2222 and 2350 Qume Drive and 2150 Commerce Drive (APN: 244-15-003, -029, and -030) in the City of San José, Santa Clara County, California.

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

ES.2 Summary of Significant Impacts

The following table, **Table ES-1: Summary of Significant Impacts and Mitigation Measures**, summarizes the potentially significant effects of the Project on the environment and mitigation measures identified to reduce the effects to a less than significant level, where applicable and feasible. A significant effect on the environment means a substantial, or potentially substantial, adverse change on the environment. Impacts that are less than significant are not described in this summary and can be found in the text of Appendix B (Initial Study) of this Draft EIR.

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

Significant Impacts	Mitigation Measures	Significance After Mitigation
Air Quality		
<p>Impact AQ-1: Without mitigation, construction activities associated with the proposed Project could expose sensitive receptors near the Project site to cancer risk due to toxic air contaminants (TAC) emissions that could exceed BAAQMD threshold for cancer risk of 10 per million by 5 per million.</p>	<p><i>AQ-1 Tier 4 Final Construction Equipment</i></p> <p>Prior to issuance of any demolition, grading, 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.</p> <ul style="list-style-type: none"> ▪ 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. <p>Prior to the issuance of any demolition, grading, and/or building permits, the project applicant shall submit a construction operations plan prepared by the construction contractor that outlines how the</p>	<p>Less than Significant</p>

Significant Impacts	Mitigation Measures	Significance After Mitigation
	<p>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:</p> <ul style="list-style-type: none"> ▪ 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. <p>Implementation of the mitigations described above will reduce the impacts to cancer risk from 15 per one million to 2 per one million. This is below BAAQMD significance thresholds of 10 per one million for cancer risk.</p>	
Biological Resources		
Impact BIO-1: Construction activities associated with the proposed	<p>BIO-1 Tree Protection Plan Prior to issuance of any demolition, grading, and/or building permits</p>	Less than Significant

Significant Impacts	Mitigation Measures	Significance After Mitigation
<p>Project would remove on-site trees, reducing pockets of forage and cover for native and/or migrating bird species, which could potentially interfere substantially with the movement of native resident species or movement of a migratory wildlife species.</p>	<p>(whichever occurs earliest), the Project applicant shall prepare a Tree Protection Plan that identifies any on-site trees to be protected and associated protection protocol. The Tree Protection Plan shall be prepared by a certified arborist and shall consider the findings and recommendations provided in the Project Arborist Report (Appendix E of Draft EIR). Further, the Tree Protection Plan shall be consistent with relevant industry standards and best management practices, including but not limited to the International Society of Arboriculture, California Oak Foundation, and the City of San José Community Forest Management Program. The Tree Protection Plan shall be submitted to the Director of Planning, Building and Code Enforcement, or the Director’ designee, for review and approval prior to issuance of any demolition, grading and/or building permits (whichever occurs earliest). The plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> ▪ An exhibit identifying the location and identification numbers of on-site trees to be protected. ▪ Tree driplines and Tree Protection Zones (TPZs) to be maintained around each tree (or grove of trees). ▪ Protection measures for each development phase (e.g. pre-construction, demolition, grading, construction). ▪ How the construction contractor will ensure the protection measures are monitored. ▪ Recommendations for any on-site monitoring of construction activities by a certified arborist, as needed. ▪ Communication protocol in the instance that damage to on-site trees occurs during construction. 	

Significant Impacts	Mitigation Measures	Significance After Mitigation
	<ul style="list-style-type: none"> ▪ How often and the method the construction contractor will use to report compliance on this mitigation measure. <p>Implementation of the mitigations described above will reduce the impacts resulting from tree removals to less than significant level.</p> <p>BIO-2 Preconstruction Bird Surveys</p> <ul style="list-style-type: none"> ▪ Nesting Bird Surveys: The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). If demolition and construction are scheduled to occur between August 31st 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 qualified 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 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 	

Significant Impacts	Mitigation Measures	Significance After Mitigation
	<p>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.</p> <ul style="list-style-type: none"> ▪ Reporting: If a pre-construction survey is required, prior to any tree removal and construction activities or issuance of any demolition, grading or building permits (whichever occurs first), the qualified ornithologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or the Director’s designee. <p>Implementation of the mitigations described above will reduce the impacts to nesting birds to less than significant level.</p>	
Cultural Resources		
<p>Impact CUL-1: Construction activities on the Project site could potentially result in the disturbance of an archaeological resource pursuant to § 15064.5.</p>	<p><i>CUL-1 Treatment Plan</i></p> <p>If recommended by a qualified archaeologist pursuant to the Subsurface Cultural Resources Standard Permit Condition, 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:</p>	<p>Less than Significant</p>

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	<ul style="list-style-type: none"> 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. <p><i>CUL-2 Evaluation</i></p> <p>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,</p>	

Significant Impacts	Mitigation Measures	Significance After Mitigation
	<p>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.</p> <p>Implementation of the mitigations described above will reduce the impacts to archaeological resource resulting from construction activities at the site.</p>	
Hazards and Hazardous Materials		
<p>Impact HAZ-1: Project construction activities would disturb potentially volatile organic compound (VOC)-contaminated soils beneath building slabs within proposed APNs 244-15-026 and 244-15-003, which could result in impacts to construction workers and future site occupants from exposure to soil and/or soil</p>	<p><i>HAZ-1 Soil Vapor Considerations</i></p> <p>Prior to the issuance of grading permits, a site-specific Construction Health and Safety Plan shall be prepared by a qualified environmental professional and submitted to the City of San José Environmental Services Department. The Construction Health and Safety Plan shall include the following elements, as applicable:</p> <ul style="list-style-type: none"> ▪ Provisions for personal protection and monitoring exposure to construction workers, 	<p>Less than Significant</p>

Significant Impacts	Mitigation Measures	Significance After Mitigation
<p>vapor that is in exceedance of the Commercial/Industrial Environmental Screening Levels for VOCs.</p>	<ul style="list-style-type: none"> ▪ Procedures to be undertaken in the event that contamination is identified above action levels or previously unknown contamination is discovered, ▪ Procedures for the safe storage, stockpiling, and disposal of any contaminated soils, ▪ Emergency procedures and responsible personnel. <p>Prior to issuance of a building permit, the applicant shall conduct additional soil gas testing in the areas where VOC exceedances were detected to determine soil gas concentrations and shall submit this data to the City of San José Environmental Services Department for review. If the results of the soil gas testing reveal concentrations of VOCs above applicable regulatory environmental screening levels for an industrial use, applicant shall obtain regulatory oversight from the Regional Water Quality Control Board, Department of Toxic Substances Control, or the Santa Clara County Department of Environmental Health under their Site Cleanup Program.</p> <p>Implementation of the mitigations described above will reduce contaminant exposure impacts to construction workers and future site occupants from exposure to soil and/or soil vapor to a less than significant level through compliance with existing regulations.</p>	
Transportation		
<p>Impact TRANS-1: Project operations could exceed the City's industrial VMT per employee threshold of 14.37 by 0.45 VMT per employee and could conflict with CEQA</p>	<p><i>TRANS-1 Multimodal Transportation Infrastructure</i></p> <p>Prior to the issuance of building permits, the Project applicant shall prepare plans that illustrate the following measures to reduce the Project's VMT per employee by 1.17 VMT per employee, and shall</p>	<p>Less than Significant</p>

Significant Impacts	Mitigation Measures	Significance After Mitigation
<p>Guidelines Section 15064.3, subdivision (b).</p>	<p>coordinate with the Department of Transportation and the Department of Public Works to incorporate the following:</p> <ul style="list-style-type: none"> ▪ Construct an internal bicycle/pedestrian pathway connecting the cul-de-sacs at McKay Drive /Automation Parkway and Commerce Drive / Qume Drive. ▪ Shift existing curblines along the Commerce Drive and Qume Drive frontages 10 feet inwards to achieve a future 40-foot curb-to-curb width along both streets. <p>Final plans shall be submitted to and approved by the Department of Transportation and the Department of Public Works. Improvements shall be constructed prior to the issuance of the final occupancy permit.</p> <p>Implementation of the mitigations described above will reduce the VMT impacts from 14.82 to 13.65, which is below the VMT threshold of 14.37.</p>	

ES.3 Cumulative Impacts

The proposed Project would not result in significant and unavoidable cumulative impacts. Please see Section 4.0 for a complete analysis.

ES.4 Summary of Alternatives to the Proposed Project

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

A. NO PROJECT ALTERNATIVE

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

The No Project Alternative would not result in development on the Project site. If the Project site were to remain as is, there would be no new impacts.

B. RE-USE AND REDUCED DENSITY ALTERNATIVE

The Re-Use and Reduced Density Alternative considers adapting and reprogramming existing buildings on site for a warehouse/distribution project. Under this alternative, the Project would maintain existing building footprint and overall site layout. The Re-Use and Reduced Density Alternative would represent a 32-percent decrease in building area as compared to the proposed Project.

C. OTHER PERMITTED USE – MANUFACTURING ALTERNATIVE

The Manufacturing Alternative considers maintaining the same development footprint and site layout as the proposed Project, but programming proposed buildings for manufacturing uses. Manufacturing uses are a permitted land use under the IP General Plan designation and IP zoning. This alternative would include landscape improvements, updates to on site circulation and vehicle access, and upgraded utility connections, similar to the Project. The proposed buildings would be built to the latest state and City sustainability and green building standards to maximize energy efficiency and incorporate similar LID features to minimize environmental impacts on site.

D. ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The environmentally superior alternative is the Re-Use and Reduced Density Alternative because it would further reduce the Project’s already less than significant effects to construction-period inadvertent discovery of previously unidentified cultural resources and construction-period disturbance, handling, and disposal of potentially hazardous soils and potentially reduce less than significant impacts to construction-period health risk effects from PM emissions, tree removal associated with site redevelopment,

construction-period disturbance of nesting birds, construction-period noise effects, and operational VMT increases, as compared to development under the proposed Project or other alternatives .