Public Draft

FIRE STATION NO. 8 RELOCATION PROJECT

File No. ER22-063

Initial Study

Prepared by
City of San José in consultation with
Environmental Science Associates

December 2022

MITIGATED NEGATIVE DECLARATION

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

PROJECT NAME: Fire Station No. 8 Relocation Project

PROJECT FILE NUMBER: ER22-063

PROJECT DESCRIPTION: Public Project Permit to construct a new building for San José Fire Department (SJFD) Fire Station No. 8 at 601 E Santa Clara Street and relocate the uses from its current location at 802 E Santa Clara Street to the new building.

PROJECT LOCATION: 601 E. Santa Clara Street

ASSESSORS PARCEL NO.: 467-15-010 **COUNCIL DISTRICT:** 3

APPLICANT CONTACT INFORMATION: City of San Jose Department of Public Works (Attn: Domenic Onorato), 200 E. Santa Clara Street, 6th Floor, San Jose, CA 95113, (408)535-8407

FINDINGS

The Director of Planning, Building and Code Enforcement finds the project described above would not have a significant effect on the environment if certain mitigation measures are incorporated into the project. The attached Initial Study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this Mitigated Negative Declaration (MND), has made or agrees to make project revisions that will clearly mitigate the potentially significant effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

A. **AESTHETICS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

B. **AGRICULTURE AND FORESTRY RESOURCES** – The project would not have a significant impact on this resource, therefore no mitigation is required.

C. AIR QUALITY.

Impact AIR-1: Cancer risk from construction activities and operations would be 39.6 per million, which exceeds the single-source significance threshold of 10 per million, at the residence with maximum impact, assuming infant exposure.

MM AIR-1: Prior to the start of construction activities, the project proponent shall prepare a construction operations plan that demonstrates that the off-road equipment used on-site to construct the Project would at minimum achieve a fleet-wide average 95-percent reduction in mass of exhaust emissions of diesel particulate matter (DPM). Specifically, this plan shall include, but is not limited to, the measures identified below:

- All diesel-powered off-road equipment larger than 25 horsepower operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines with CARB-certified Level 3 Diesel Particulate Filters, or equivalent. Exceptions could be made for equipment that includes CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement
- Provide electric power if feasible to avoid use of diesel-powered generator sets and other portable equipment.

Off-road equipment descriptions and information shall be provided, including, but not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number.

Prior to the start of any construction activities, the Project proponent shall submit the construction operations plan and records of compliance to the Director of Planning, Building and Code Enforcement or the Director's designee.

Implementation of Mitigation Measure AIR-1 using construction equipment meeting Tier 4 interim engine standards would reduce on-site diesel exhaust emissions from construction equipment by an average of 95 percent and avoid or reduce the potential environmental impact stated above to a less than significant level.

D. BIOLOGICAL RESOURCES.

Impact BIO-1: Demolition, grading, and construction activities and tree removal during the nesting season could impact migratory birds.

MM-BIO-1:

Avoidance: To the extent possible, construction activities that may encounter nesting birds (e.g., tree removal) should be performed outside of the nesting season. For most birds, including most raptors in the San Francisco Bay area, this period extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.

Nesting Bird Surveys: For construction activities that are initiated during the nesting season, pre-construction nesting bird surveys shall be completed by a qualified biologist to ensure that active

nests are not disturbed by construction. This survey shall be completed no more than 14 days prior to the initiation of construction activities. During this survey, the biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction area for nests.

Buffer Zone: If an active nest is found sufficiently close to work areas to be disturbed by construction, the biologist 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 passerine birds) to ensure that nests are not be disturbed during construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or if the nesting season ends. If construction ceases for 14 days or more during the early part of the breeding season (February 1st through April 30th, inclusive) or for 30 days or more during the late part of the breeding season (May 1st through August 31st, inclusive), then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts on active bird nests that may have been established during the pause in construction.

Reporting: Prior to any site disturbance, such as tree removal, or the issuance start of any grading, building or demolition permits activities (whichever occurs first), the biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of the Department of Planning, Building and Code Enforcement or the Director's designee.

Implementation of Mitigation Measure MM BIO-1 will avoid or reduce the potential environmental impact stated above to a less than significant level.by ensuring that nesting birds on the project site, and immediately adjacent to the project site, are identified and buffer zones are established around trees with nests to protect nests from construction activities if construction cannot avoid the nesting season

E. CULTURAL RESOURCES.

IMPACT CUL-1: Project ground disturbing activities could result in a substantial adverse change in the significance of an archaeological resource.

MM CUL-1: Prior to issuance of any grading or building activities, a Secretary of the Interior (SOIS)-qualified archaeologist and a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3 shall conduct a training program for all construction and field personnel involved in ground disturbance. On-site personnel shall attend a mandatory pre-project training that shall outline the general archaeological sensitivity of the area and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered. A training program shall be established for new project personnel before they begin project work. The project proponent shall submit a copy of the training documents to the Director of Planning Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any grading or building permits. Documentation confirming the training sessions conducted shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior start of construction activities.

Implementation of Mitigation Measure MM CUL-1 will avoid or reduce the potential environmental impact stated above to a less than significant level by ensuring that construction

workers are trained to identify any potential cultural resources, and that all ground disturbing activities are monitored by a qualified archaeologist and a Native American Monitor

F. **ENERGY** – The project would not have a significant impact on this resource, therefore no mitigation is required.

G. **GEOLOGY AND SOILS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

H. **GREENHOUSE GAS EMISSIONS** – The project would not have a significant impact on this resource, therefore no mitigation is required.

I. **HAZARDS AND HAZARDOUS MATERIALS**.

Impact HAZ-1: Development of the proposed project could potentially expose construction works and the public to soil, soil vapor and/ or groundwater contamination from an off-site source during the demolition and construction phases of the project, and future site occupants to soil vapor contamination after construction.

MM-HAZ-1: Prior to start of any demolition or grading activities, the City of San Jose shall enter into an agreement with the Santa Clara County Department of Environmental under their Site Cleanup Program (SCCDEH). The project proponent shall meet with the SCCDEH and perform additional soil, soil gas and/or groundwater sampling and testing to adequately define the known and suspected contamination from past agricultural use and any other past uses of concern. A Site Management Plan (SMP), Corrective Action Plan, Remedial Action Plan, or other equivalent plan shall be prepared and submitted to the SCCDEH for their approval. The Plan must include a Health & Safety Plan (HASP) and must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The SMP shall include a plan for management of soil during construction, dust control measures, and waste management. The SMP would also provide measures if areas of unexpected contamination or subsurface structures are encountered. Corrective actions in the SMP that could be considered include limited soil removal around the former LUST area, in-situ enhanced bioremediation or chemical oxidation, monitored natural attenuation, or a combination of one or more of these. Additionally, based on the results of soil vapor samples, the planned structure shall incorporate vapor intrusion mitigation measures to help reduce the potential for vapor intrusion into the future structure in accordance with SCCDEH oversight and recommendations.

The Plan and evidence of regulatory oversight shall be provided to the Director of the City of San José Planning, Building, and Code Enforcement Department, or the Director's designee, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Implementation of Mitigation Measure HAZ-1 and the City's Standard Project Conditions, potential impacts from upset or accidental hazardous material releases during or after project construction or due to being located on a Hazardous Waste and Substances Site List ("Cortese List") site would be reduced to a less than significant level.

J. **HYDROLOGY AND WATER QUALITY** – The project would not have a significant impact on this resource, therefore no mitigation is required.

K. LAND USE AND PLANNING – The project would not have a significant impact on this resource, therefore no mitigation is required.

L. MINERAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

M. NOISE.

Impact NOI-1: Sensitive receptors in the project area would be intermittently exposed to high noise levels during project construction.

MM-NOI-1: Prior to the start of any grading or demolition activities, the project proponent shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion–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 noise-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 businesses, 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 hours to 7 a.m. to 7 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. Because it is anticipated that certain construction activities (such as continuous pours of concrete foundations) may require work outside normally permitted construction hours (e.g., overnight), the project's Public Project Permit would allow for

such construction activities, subject to conditions of approval, including performance standards, imposed by the City to limit noise impacts.

Implementation of Mitigation Measure NOI-1 will reduce potential construction noise impacts near sensitive receptors to below the City noise ordinance standard (Title 20, Part 3, Section 20.100.450 of the City's Municipal Code).

N. POPULATION AND HOUSING – The project would not have a significant impact on this resource, therefore no mitigation is required.

O. PUBLIC SERVICES – The project would not have a significant impact on this resource, therefore no mitigation is required.

P. RECREATION – The project would not have a significant impact on this resource, therefore no mitigation is required.

Q. TRANSPORTATION / TRAFFIC – The project would not have a significant impact on this resource, therefore no mitigation is required.

R. TRIBAL CULTURAL RESOURCES – The project would not have a significant impact on this resource, therefore no mitigation is required.

S. UTILITIES AND SERVICE SYSTEMS – The project would not have a significant impact on this resource, therefore no mitigation is required.

T. WILDFIRE – The project would not have a significant impact on this resource, therefore no mitigation is required.

U. MANDATORY FINDINGS OF SIGNIFICANCE

Cumulative impacts would be less than significant. The proposed Project would implement the identified mitigation measures and would have either have no impacts or less-than-significant impacts on air quality, biological resources, hazards and hazardous materials, and noise. Therefore, the proposed Project would not contribute to any cumulative impact for these resources. The Project would not cause changes in the environment that have any potential to cause substantial adverse direct or indirect effects on human beings.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **Wednesday February 8th, 2023** any person may:

1. Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or

2. Submit written comments regarding the information and analysis in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND.

Christopher Burton, Director
Planning, Building and Code Enforcement

January 19, 2023

Date

Deputy

Kara Hawkins
Environmental Project Manager

Circulation period: January 19, 2023 to February 8, 2023

Public Draft

FIRE STATION NO. 8 RELOCATION PROJECT

File No. ER22-063

Initial Study

Prepared by:

City of San José
Department of Planning, Building and Code Enforcement
200 East Santa Clara Street, 3rd Floor
San José, California 95113

Prepared with the assistance of:

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ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AB 32	California Global Warming Solutions Act
BAAQMD	Bay Area Air Quality Management District
Basin Plan	San Francisco Bay Basin Plan
Bay Area Air Basin	San Francisco Bay Area Air Basin
BMPs	best management practices
C&D	construction and demolition
CAAQS	California Ambient Air Quality Standards
CAL FIRE	California Department of Forestry and Fire Protection
CalGreen	California Green Building Standards Code
CalRecycle	California Integrated Waste Management Board
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CDDD	Construction and Demolition Diversion Deposit
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CG	Commercial General
CGS	California Geological Survey
CHP	California Highway Patrol
City	City of San José
CNDDB	California Natural Diversity Database inventory of rare plants and animals
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO_2	carbon dioxide
CO_2e	carbon dioxide equivalent

COC	Contaminants of concern
dBA	A-weighted decibel
DNL	day-night noise level
DOC	California Department of Conservation
DMP	Diesel particulate matter
DSOD	California Department of Water Resources Division of Safety of Dams
DTSC	California Department of Toxic Substances Control
EIR	Environmental Impact Report
ESA	Environmental Science Associates
ESL	Environmental screening level
EV	Electric Vehicle
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
General Plan	Envision San José 2040 General Plan
GHGs	Greenhouse gases
GHGRS	Greenhouse Gas Reduction Strategy
HMBP	Hazardous materials business plan
HRA	Health Risk Assessment
KW	Kilowatt
LEED	Leadership in Energy and Environmental Design
L_{eq}	equivalent continuous sound level
L_{max}	maximum noise level
LID	Low Impact Development
LOS	level of service
LRA	Local Responsibility Area
LUFT	Leaking underground fuel tank
MBTA	Migratory Bird Treaty Act
MLD	Most Likely Descendant
MND	Mitigated Negative Declaration
MRF	Materials Recovery Facility
MRP	Municipal Regional Stormwater NPDES Permit
MUC	Mixed Use Commercial
NAAQS	National Ambient Air Quality Standards
NAHC	California Native American Heritage Commission
NOD	Notice of Determination

NOx	nitrogen oxide
N_2O	nitrous oxide
NPDES	National Pollutant Discharge Elimination System
NREL	National Renewable Energy Laboratory
NWIC	Northwest Information Center of the California Historical Resources Information System
Phase I ESA	Phase I Environmental Site Assessment
Phase II ESA	Phase II Environmental Site Assessment
PBCE	Planning, Building and Code Enforcement
PG&E	Pacific Gas and Electric Company
$PM_{2.5}$	particulate matter of 2.5 microns in diameter or less
PM_{10}	particulate matter of 10 microns in diameter or less
PPV	peak particle velocity
PRC	California Public Resources Code
PRNS	San José Parks, Recreation, and Neighborhood Services Department
PV	Photovoltaic
RECs	Recognized Environmental Conditions
ROG	reactive organic gases
RPS	Renewables Portfolio Standard
RWF	San José/Santa Clara Water Regional Wastewater Facility
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAs	Standard Conditions for Approval
SCCALUC	Santa Clara County Airport Land Use Commission
SCCDEH	Santa Clara County Department of Environmental Health
SCVHA	Santa Clara Valley Habitat Agency
SCVHP	Santa Clara Valley Habitat Plan
SCVURPPP	Santa Clara Valley Urban Runoff Pollution Prevention Program
SFHA	Special Flood Hazard Areas
SJC	Norman Y. Mineta International Airport
SJCE	San José Clean Energy
SJFD	San José Fire Department
SJPD	San José Police Department
SJUSD	San José Unified School District
SMARA	Surface Mining and Reclamation Act

SMP	Site Management Plan
SOIS	Secretary of the Interior
SRA	State Responsibility Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TACs	toxic air contaminants
TCMs	Treatment Control Measures
Title 24	Title 24, Part 6, of the California Code of Regulations
TPH_d	Diesel-range petroleum hydrocarbons
TPH_g	Gasoline-range petroleum hydrocarbons
U.S. 101	U.S. Highway 101
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USDOT	United States Department of Transportation
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	U.S. Geological Survey
Valley Water	Santa Clara Valley Water District
VdBs	vibration decibels
VHFHSZ	Very High Fire Hazard Severity Zone
VOC	Volatile organic compound
VMT	vehicle miles traveled

CHAPTER 1
Introduction and Purpose

1.1 Purpose of the Initial Study

The City of San José (City), serving as Lead Agency under the California Environmental Quality Act (CEQA), is completing the required environmental review for the Fire Station No. 8 Relocation Project pursuant to CEQA Guidelines (California Code of Regulations Section 15000 et. seq.) and the regulations and policies of the City of San José, California. This Initial Study provides the necessary information to inform the City decision-makers, other responsible agencies, and the public of the nature of the project and its potential effect on the environment.

The City of San José proposes to construct a new building for San José Fire Department (SJFD) Fire Station No. 8 at 601 E Santa Clara Street and relocate the uses from its current location at 802 E Santa Clara Street to the new building. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementing the proposed project.

1.2 Public Review Period

Publication of this Initial Study marks the beginning of a 30-day public review and comment period. During this period, the Initial Study will be available to local, regional, and state agencies and interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 30-day public review period should be sent to:

Kara Hawkins, Planner
City of San José
Department of Planning, Building, and Code Enforcement
200 East Santa Clara Street, Third Floor
San José, CA 95113
(408) 535-7852
Kara.Hawkins@sanjoseca.gov

1.3 Consideration of the Initial Study and Project

Following the conclusion of the public review period, the City Council will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a publicly noticed regularly scheduled meeting. The City shall consider the Initial Study/MND together with any

comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 Notice of Determination

If the project is approved, the City will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075[g]).

CHAPTER 2
Project Information

1. Project Title:	Fire Station No. 8 Relocation Project
2. Lead Agency Name and Address:	City of San José Department of Planning, Building, and Code Enforcement 200 East Santa Clara Street, Third Floor San José, CA 95113 Contact: Kara Hawkins, Planner (408) 535-7852 Kara.Hawkins@sanjoseca.gov
3. Project Proponent:	City of San José Department of Public Works 200 East Santa Clara Street, 6th Floor San José, CA 95113-1905 Contact: Domenic Onorato, Program Manager (408) 535-8407 Domenic.Onorato@sanjoseca.gov
4. Project Location:	601 E Santa Clara Street San José, CA 95112
5. Assessor's Parcel Number:	467-15-010
6. General Plan Designation(s):	Mixed Use Commercial (MUC)
7. Zoning:	Commercial General (CG)

8. Project Description Summary:

The City of San José proposes to construct a single-company, two-story fire station with a single apparatus bay as part of the relocation of Fire Station No. 8 to 601 E Santa Clara Street. The proposed improvements consist of the construction of a new fire station building with concrete and asphalt pavement, hardscape areas, and underground utilities to support the fire station. The proposed project would also result in the removal of some of the existing trees on the current site.

The General Plan Land Use designation for the site is Mixed Use Commercial (MUC) and the Zoning is Commercial General (CG).

9. Surrounding Land Uses:

The project site is located in the Naglee Park neighborhood of San José, on the northeast corner of the intersection of E Santa Clara Street and N 13th Street, between N 13th and N 14th Streets. The surrounding area is comprised of medium density residential, commercial, and open space uses.

Uses on the project site currently include a surface parking lot, trees and other small vegetation, and a perimeter chain link fence. Street trees are also located on the sidewalk along E Santa Clara and N 14th Streets. A 9-story mixed use office building is located adjacent to the east of the project site (towards N 14th Street) and a two-story multi-family residential complex is located adjacent to the north (on N 13th Street). One- and two-story commercial buildings are located to the south and southwest of the project site directly across E Santa Clara Street and a vacant parking lot is located to the west of the project site across N 13th Street.

The project site is located approximately 0.25 mile west of Coyote Creek, 0.22 mile west of Roosevelt Park, 0.6 mile northeast of San José State University, 1.3 miles southeast of Guadalupe River Park, and 4.5 miles southeast of Norman Y. Mineta International Airport (SJC).

10. Other public agencies whose approval is required:

No other agency approvals are required.

11. Habitat Plan Designation

Land Cover Designation: Urban - Suburban

Development Zone: Urban Development Covered Equal or Greater than Two Acres

Fee Zone: Urban Areas (No Land Cover Fees)

CHAPTER 3
Project Description

The City of San José proposes to construct a single-company, two-story fire station with a single apparatus bay as part of the relocation of Fire Station No. 8 to 601 E Santa Clara Street. This chapter describes the relocation of Fire Station No. 8 to 601 E Santa Clara Street Project evaluated in this Initial Study, and specifically describes the project site location and general existing characteristics; proposed project components and construction details; and required approvals for the proposed project.

3.1 Project Background

The City's current Fire Station No. 8 is located at 802 E Santa Clara Street, in the Naglee Park neighborhood of San José, approximately three and a half blocks east of the project site. The existing Fire Station No. 8 site currently contains a one-story building for the fire station. The City is vacating the existing Fire Station No. 8 site and relocating the uses to the proposed new building on the project site in order to provide a modernized fire facility and capacity for an additional fire apparatus to serve the surrounding community. The existing Fire Station No. 8 building would be retained and renovated or reused under a separate project.

3.2 Project Location

The approximately 0.35-acre (15,058 square foot) project site is located at 601 E Santa Clara Street on the northeast corner of E Santa Clara Street and N 13th Street (in between N 13th St and N 14th St). See **Figure 3-1** for a map of the proposed project location. The project site is located within the Naglee Park neighborhood of San José and the surrounding area is comprised generally of medium density residential, commercial, and open space uses.

Uses on the project site currently include a surface parking lot, trees and other small vegetation, and a perimeter chain link fence. Street trees are also located on the sidewalk along E Santa Clara and N 14th Streets. A 9-story mixed use office building is located adjacent to the east of the project site (towards N 14th Street) and a two-story multi-family residential complex is located adjacent to the north (on N 13th Street). One- and two-story commercial buildings are located to the south and southwest of the project site directly across E Santa Clara Street and a vacant parking lot is located to the west of the project site across N 13th Street.

The General Plan Land Use designation for the site is Mixed Use Commercial (MUC) and the Zoning is Commercial General (CG).

SOURCE: ESRI; ESA, 2022.

San José FS-8 Relocation

Figure 3-1
Project Location

3.3 Project Components

3.3.1 Project Program

The proposed project would result in the construction of a new, two-story, approximately 5,562-square foot building, to be utilized as the new Fire Station No. 8. The construction of a new fire station would relocate Fire Station No. 8 from 802 E Santa Clara Street to 601 E Santa Clara Street. The current Fire Station No. 8 building would be retained and renovated or reused under a separate project. The new fire station building would support one fire company and contain one fire apparatus bay.[1]

The proposed fire station building would include the construction of a pull-through apparatus bay with a bay door, a turnout area,[2] office and exercise space, four dormitories, a kitchen and dining area, restrooms, living areas, and other apparatus support spaces (see **Figure 3-2, Site Plan**). The proposed development program is summarized in **Table 3-1** below.

TABLE 3-1
FIRE STATION NO. 8 PROGRAM

Land Use	Size	Height
Fire Station	5,562 sf	2-story; 24 feet
Apparatus Bay/Turnout	*1,271 sf*	
Entry/Office/Exercise	*1,342 sf*	
Dorms/Kitchen/Dining/Day Room/Utility	*1,749 sf*	
Vehicle Parking	10 stalls	
Bicycle Parking	4 spaces	
Landscaping	1,169 sf	
Bioretention Areas	312 sf	

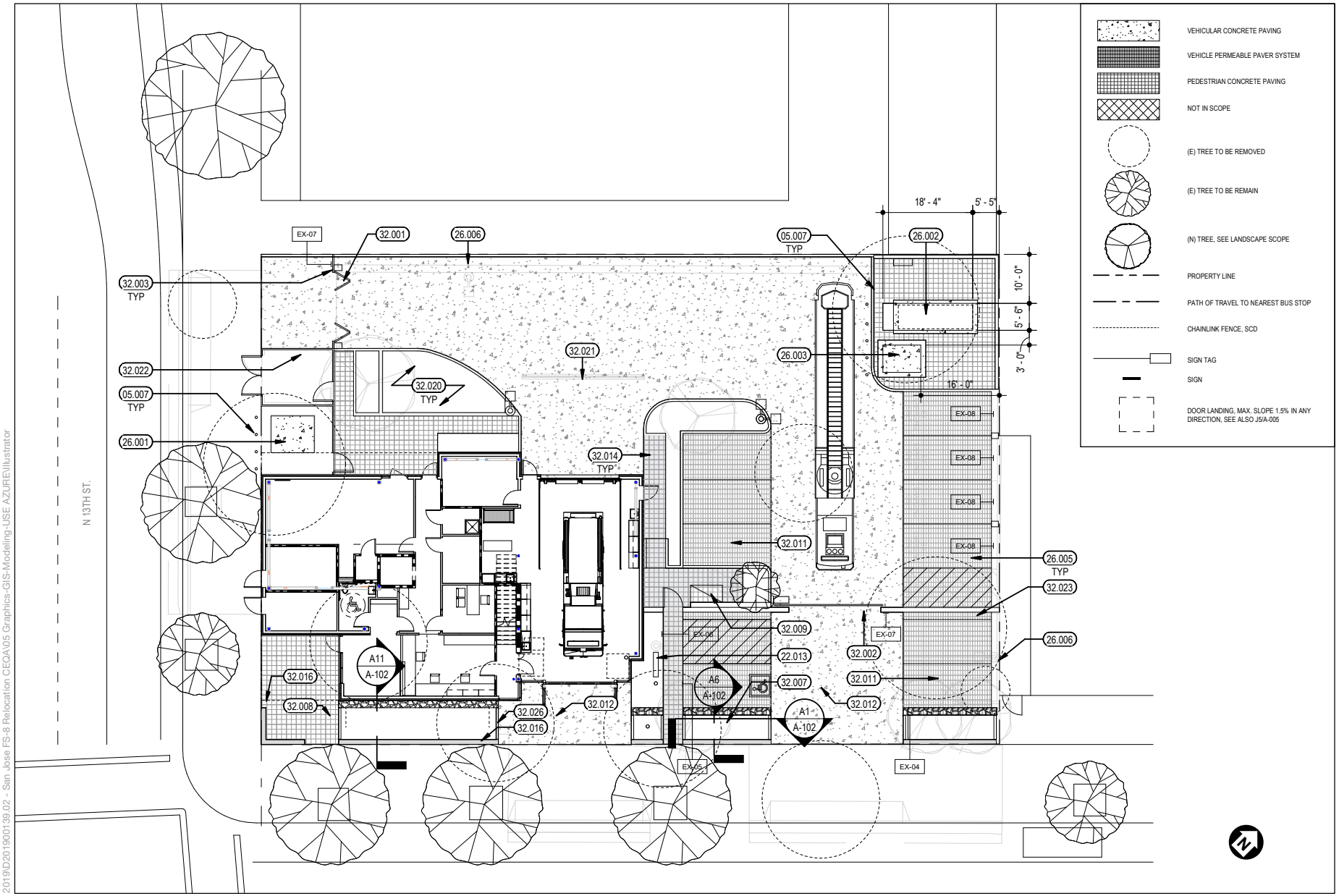
NOTES: sf = square feet

SOURCE: SKA, 2022

The first floor of the fire station would contain an entry area, office space, a public restroom, an exercise room, and mechanical, communications, and utility space. The first floor would also contain the apparatus bay and a turnout area with lockers (see **Figure 3-3**). The second floor would contain four dormitories (including one accessible dormitory), restrooms, a kitchen, day room, and dining area, a deck, and a utility room (see **Figure 3-4**). A stairway, an elevator, and a fire pole would provide access between the first and second floors. The fire station building would measure approximately 24 feet tall to the roof, as shown in **Figure 3-5**.

[1] Fire apparatus (or firefighting apparatus) is a generic term that refers to a vehicle designed to fight fires, such as a fire engine or fire truck. Although the terms "fire truck" and "fire engine" are often used interchangeably, emergency services workers distinguish between them.

[2] Turnout gear is the personal protective equipment (PPE) used by firefighters.

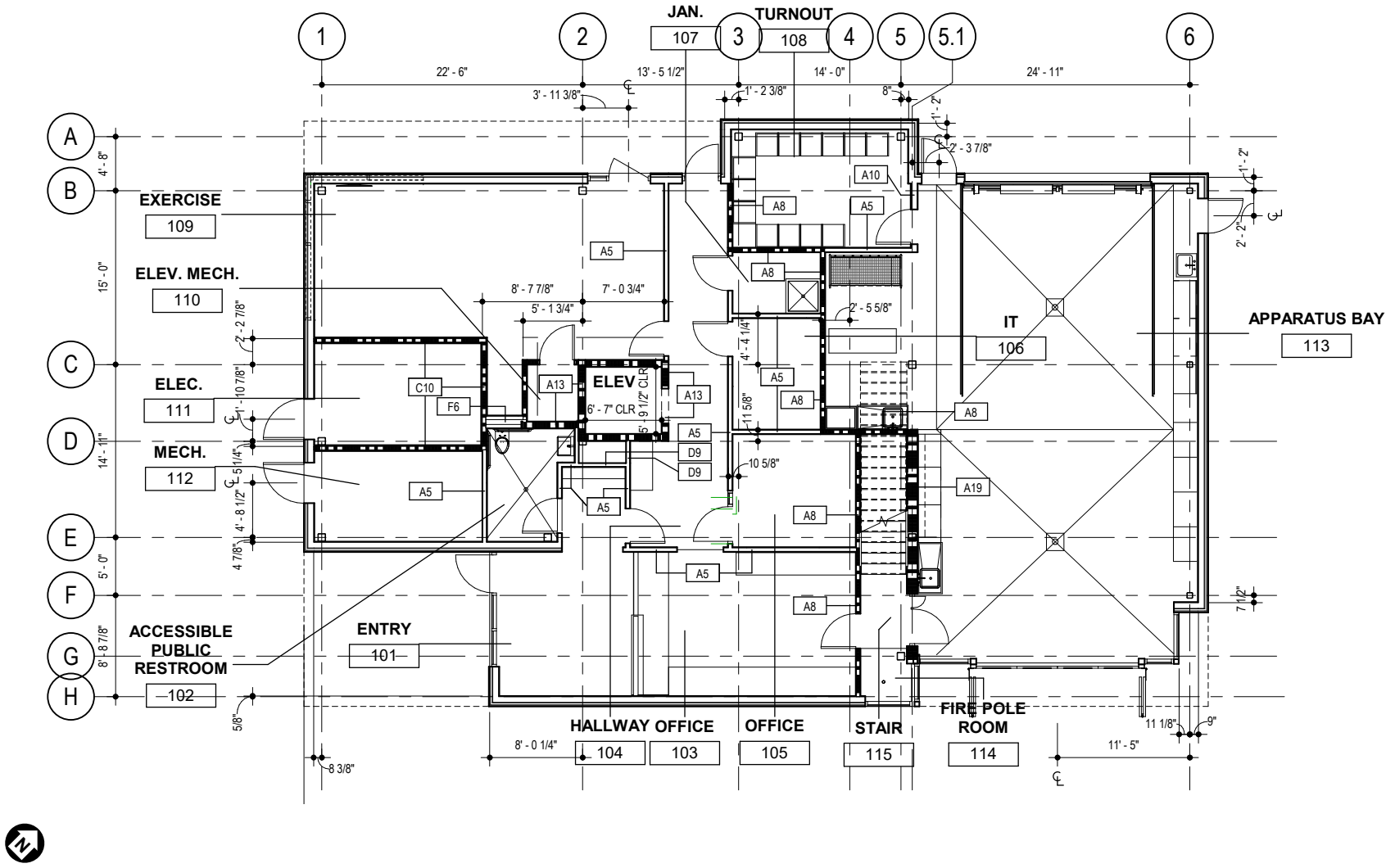


SOURCE: Shah Kawasaki Architects, 2022

San José FS-8 Relocation

Figure 3-2
Site Plan

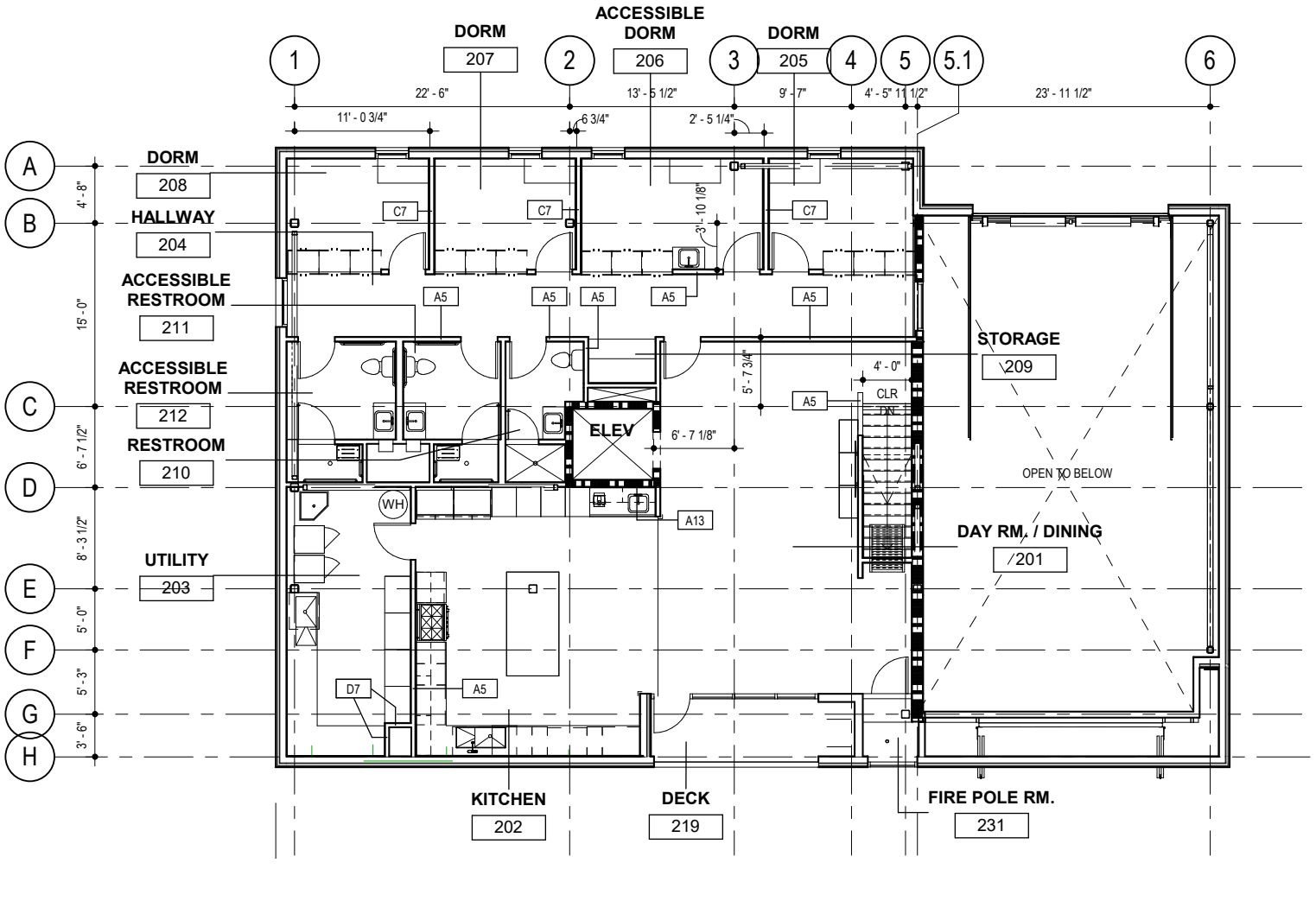
ESA



SOURCE: Shah Kawasaki Architects, 2022

San José FS-8 Relocation

Figure 3-3
First Floor Plan



SOURCE: Shah Kawasaki Architects, 2022

San José FS-8 Relocation

Figure 3-4
Second Floor Plan

ESA

SOURCE: Shah Kawasaki Architects, 2022

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Figure 3-5
Elevations

ESA

The proposed project would also contain a surface parking lot with approximately 10 parking spaces; 7 spaces would be designed for use by SJFD personnel in a gated portion of the parking lot, and 3 visitor spaces would be in an open portion of the parking lot off of E Santa Clara Street. Approximately 4 bicycle spaces would also be provided.

3.3.2 Access

The proposed project would include one driveway on N 13th Street and two driveways on E Santa Clara Street. Primary fire truck and apparatus access to the project site would be provided via the gate-controlled driveway on N 13th Street. The pull-through apparatus bay would open to the western gate-controlled driveway on E Santa Clara Street. The eastern driveway on E Santa Clara Street would provide access to the visitor parking area and gated SJFD personnel parking area behind. Larger apparatus would also utilize the eastern driveway on E Santa Clara Street to exit.

3.3.3 Infrastructure Improvements

The proposed Fire Station No. 8 building would require utility connections to support the newly constructed fire station. The proposed project would tie into the existing City infrastructure as detailed below. Also see **Figure 3-6** that illustrates the proposed project's utility plan.

Water

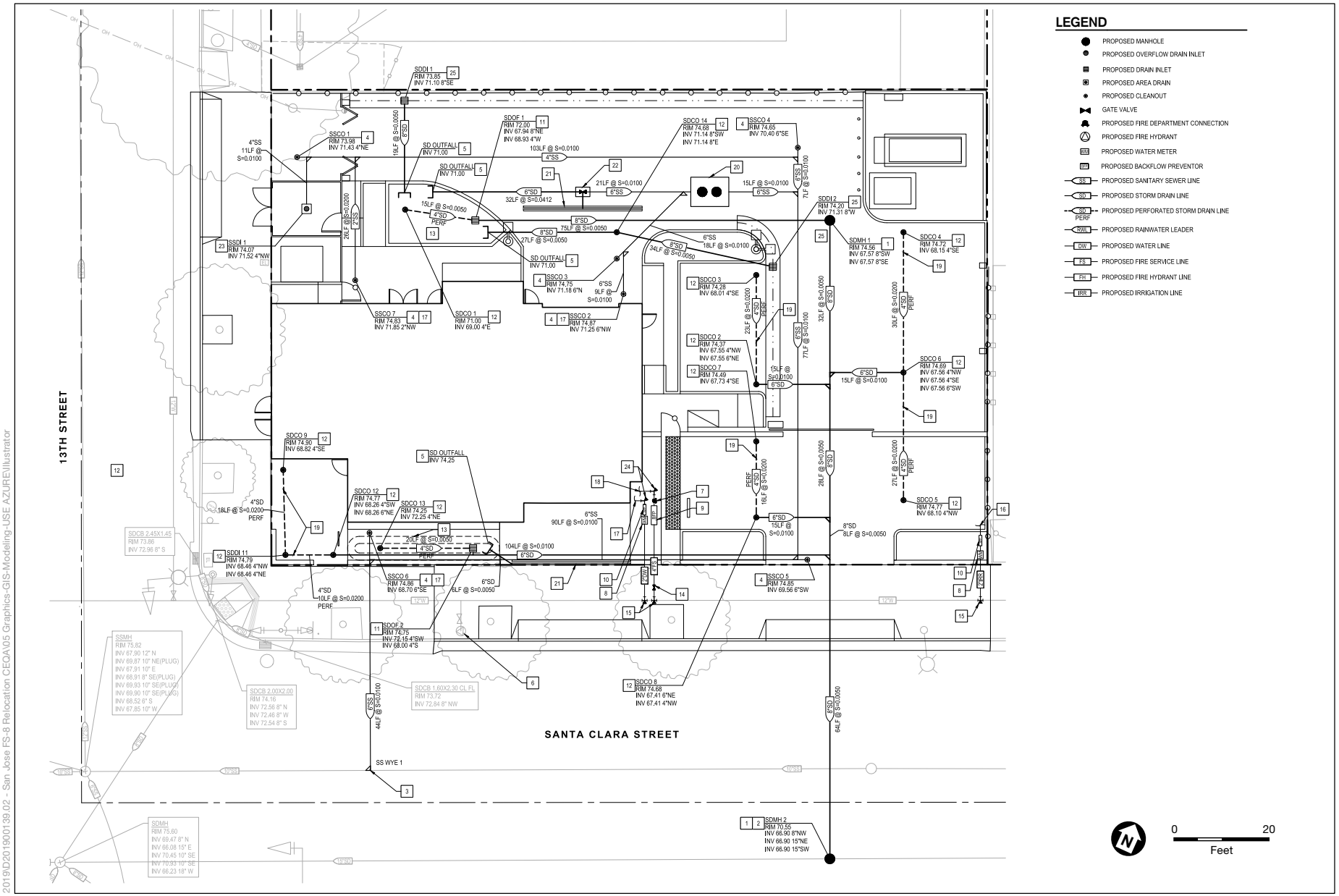
The proposed project would connect to an existing 12-inch water main in the sidewalk along E Santa Clara Street. A total of three new laterals will be provided, with one each for domestic water, irrigation water, and fire water. Associated water meters, fire department connection, and backflow preventors would also be provided.

Sewer

The proposed project would connect to the existing 10-inch sewer main on E Santa Clara Street through a proposed 6-inch sewer lateral. This new point of connection would require trenching of approximately 27 linear feet into E Santa Clara Street. The proposed on-site sewer system would include piping, cleanouts, and a minimum of one 1,200-gallon grease-oil separator for the discharge of pollutants from the washing of fire apparatus into the sewer system.

Storm Drainage

The proposed project would connect to an existing 15-inch storm drain main in E Santa Clara Street. This new point of connection would require trenching of approximately 46 linear feet into the street. On- and offsite manholes, cleanouts, a trench drain, drain box overflow inlet, drain inlet, outfall structures, and PVC and perforated pipes would also be provided for the proposed storm drainage system. The project site would be designed in accordance with the Santa Clara Valley Urban Pollution Prevention Program C.3 Handbook. Two bioretention areas are proposed to receive and treat the site stormwater runoff, along with permeable paving areas. See **Figure 3-7** for the proposed project's stormwater management plan.



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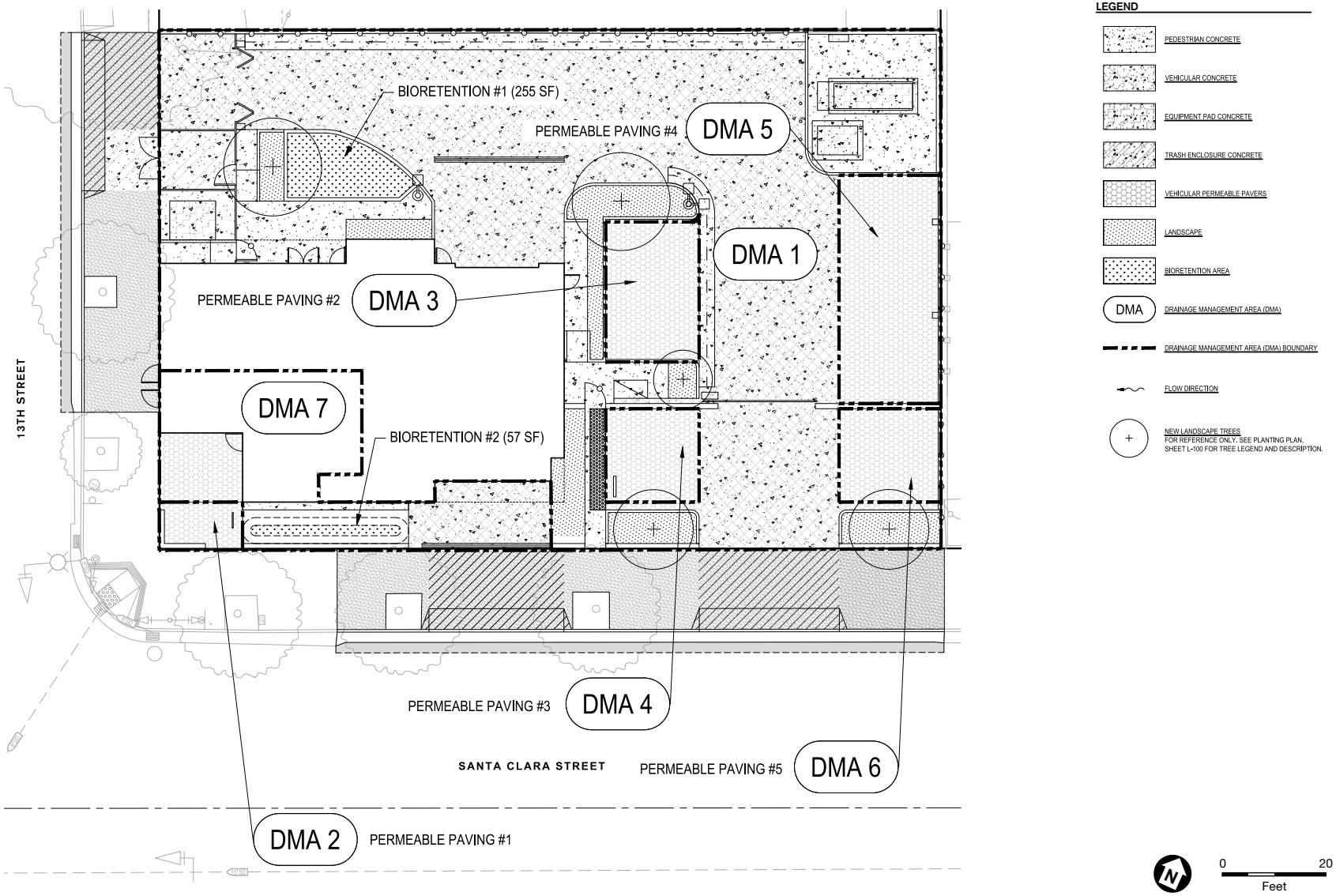
SOURCE: Shah Kawasaki Architects, 2022

San José FS-8 Relocation

Figure 3-6
Utility Plan

ESA



2019\D2019001139.02 - San Jose FS-8 Relocation CEQA\05 Graphics-GIS-Modeling-USE AZURE\Illustrator

SOURCE: Shah Kawasaki Architects, 2022

San José FS-8 Relocation

Figure 3-7
Stormwater Management Plan

ESA

Special consideration would also be given to the washing of the fire apparatus on the north side of the building, behind the bays. A trench drain would be provided with an automated valve to allow for the disconnection from the storm drain system and the connection to the sewer system when washing the trucks to prevent pollutants from entering the storm drain system.

Electricity and Telecommunications

The proposed project would tie into Pacific Gas and Electric (PG&E) electric lines via a new underground connection across N 13th Street. Telephone service would be provided via a connection to an existing AT&T vault located across N 13th Street. Cable service would be provided through Comcast with a connection to the nearest pole. City of San José Fiber could also be provided through a proposed pull box at the sidewalk along N 13th Street. No natural gas connection is proposed.

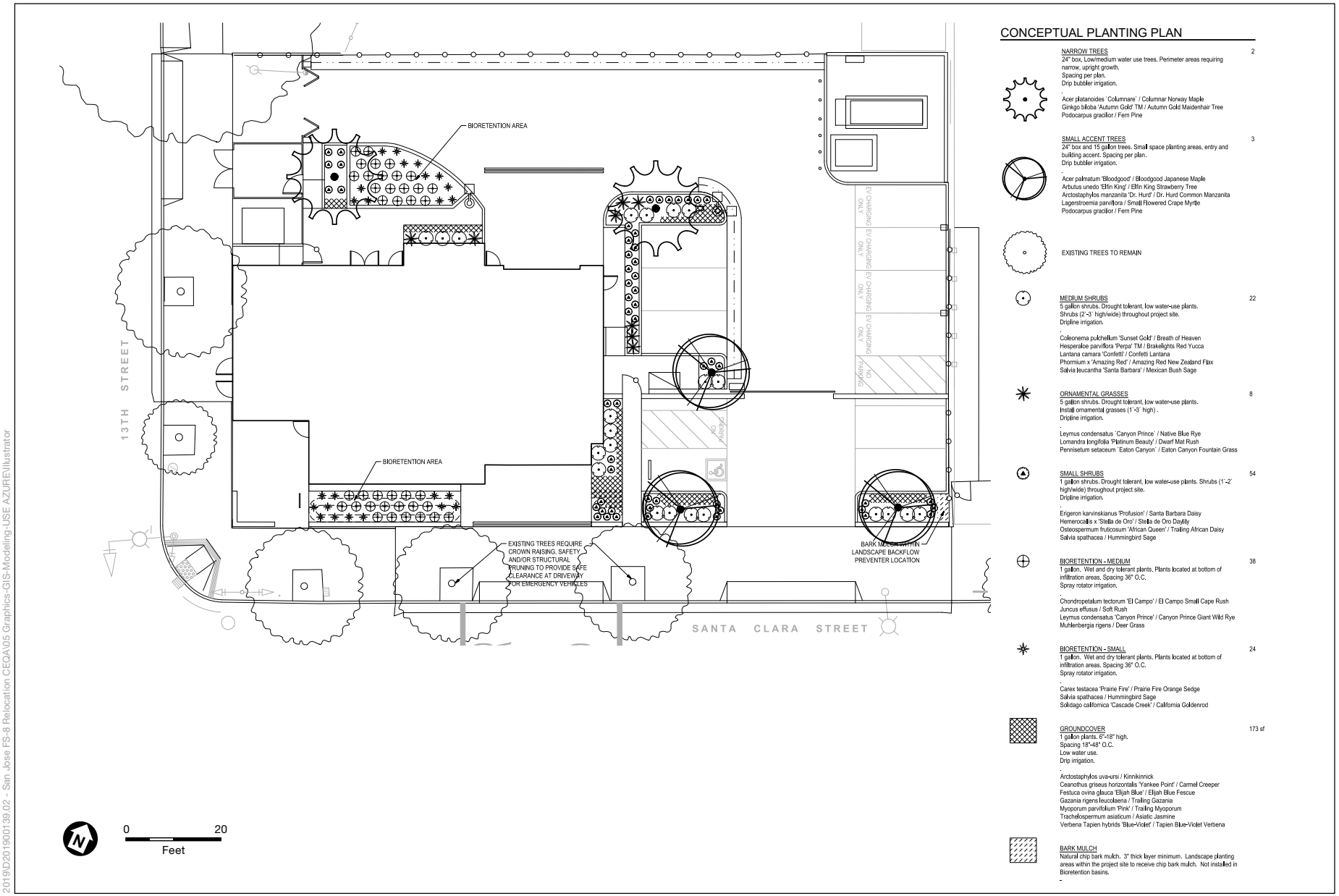
Emergency Generator and Fuel Oil System

An approximately 125-kilowatt (KW) diesel emergency generator (120/208 volt, 3 phase, 4 wire, with a 24-hour sub-base tank) would serve the proposed project and would be located outdoors, near the northeast corner of the project site (see Figure 3-2). Fuel oil piping would serve the proposed generator, fuel tank (comprised of a day tank and main storage tank), and apparatus fueling station. A fuel oil leak detection system would be provided for the approximately 2,000-gallon double wall fuel storage tank and surrounding space and piping. The storage tank would also supply fuel to the apparatus fueling station.

3.3.4 Vegetation and Landscaping

The proposed project construction would require the removal of trees and other vegetation within the project site and adjacent sidewalks, as detailed in Section 3.4, *Construction*, below. The proposed project would comply with the City of San José tree removal and mitigation requirements. The proposed project would include approximately 5 on-site replacement trees and offsite replacement trees would be paid to the City in accordance with the City's requirements. The proposed landscaping plan for the proposed project is shown in **Figure 3-8**.

Landscape design plans would use drip and water efficient irrigation, low and moderate water use plant species and a 'smart' weather-based controller. The irrigation system would be designed to establish a deep, strong root system that would eventually sustain the plants without supplemental water, under normal conditions. Drip irrigation would be utilized, and trees would be irrigated with deep root watering drip bubblers and isolated on their own valve station. Bioretention areas would be isolated on their own valves as well and irrigated by overhead spray rotators. The spacing of spray rotators would improve uniformity of coverage, would include water efficient heads, and be designed to minimize drift and overspray in windy situations. The irrigation system would be designed such that it can be easily modified by maintenance personnel so that during a severe drought, water is made available only to the most valued plants. The proposed irrigation would meet local and state water efficiency standards.



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SOURCE: Shah Kawasaki Architects, 2022

San José FS-8 Relocation

Figure 3-8
Landscaping Plan

ESA

3.3.5 Sustainability Features

The sustainability goals of the proposed project are to meet LEED Gold (Silver minimum) and to be net zero carbon. The proposed project would include on-site renewable electric generation via a rooftop approximately 62.7 kW (DC) solar electric photovoltaic (PV) system. Electric vehicle (EV) spaces and charging would also be provided to meet California Green Building Standards.

3.3.6 Project Operation

Uses from the existing Fire Station No. 8 would be relocated to the project site following project construction. Relocation would add capacity for an additional fire apparatus but would not result in additional staffing.

The proposed fire station would staff approximately four SJFD personnel daily. The proposed project would be in operation 24 hours per day, 7 days a week, depending on the level of emergency activation in the City. Firefighting shifts would generally be 48 hours, running from 8 a.m. to 8 a.m. SJFD personnel would utilize on-site dormitories and amenities while on-shift. Daily on-site activities would include cleaning and maintenance of equipment, conducting drills and physical fitness training, preparing emergency incident reports, and responding to emergency service calls. Existing Fire Station No. 8 responds to approximately 10 calls per service per day. While service boundaries have not yet been set, SJFD estimates that the relocated Fire Station No. 8 would respond to approximately 23 calls per day, based on the four-minute geographic reach of the relocated station.

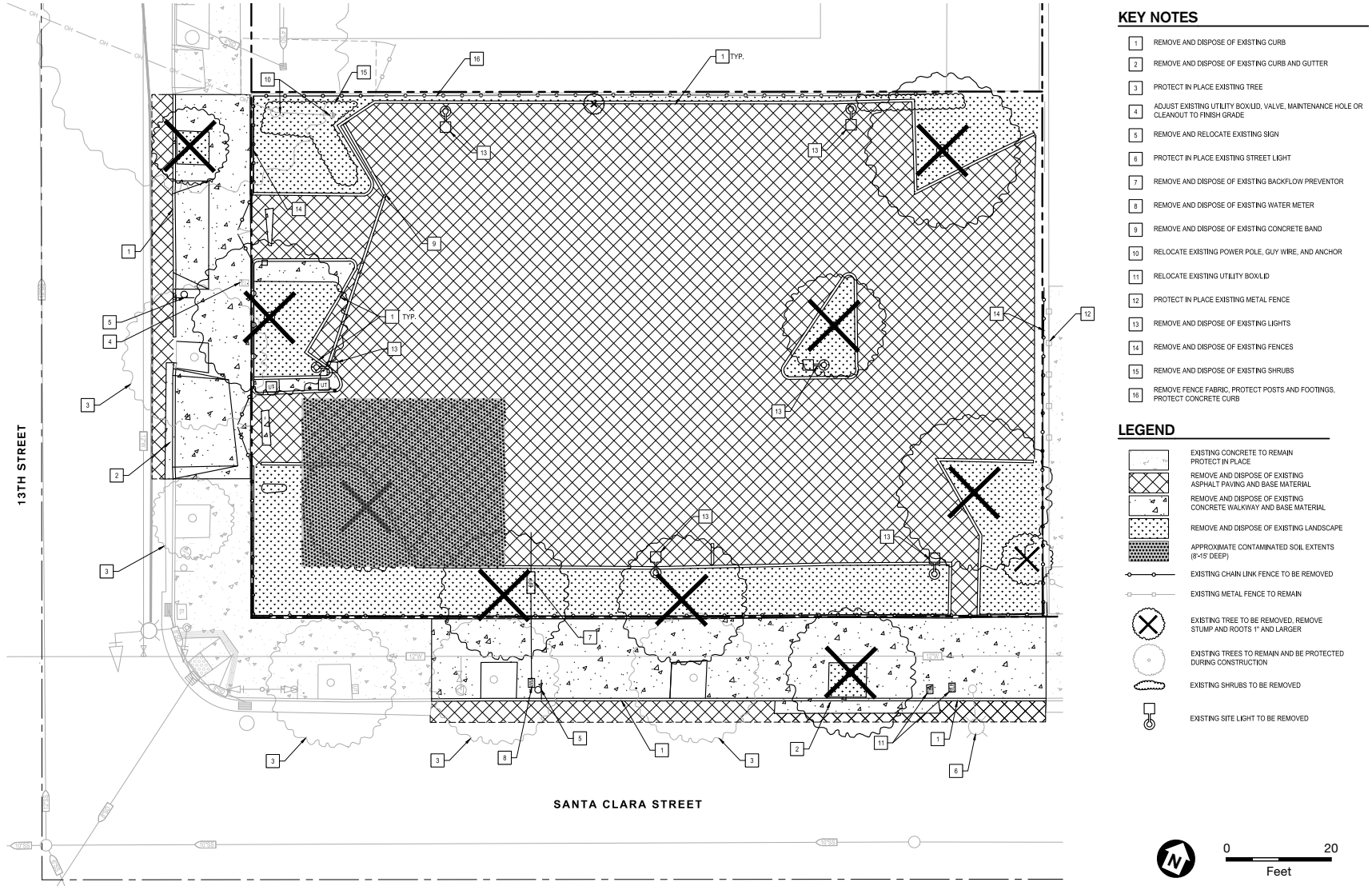
The typical practice for emergency siren use is to use sirens to break traffic at intersections or warn drivers of the emergency vehicle approach when traffic is congested or at intersections where sound is the only way the oncoming driver can be alerted to the emergency vehicle's presence.

The on-site emergency generator would undergo regular monthly testing. Diesel fuel would be delivered from a commercial vendor to replenish the fuel storage tank, as needed.

3.4 Construction

Construction is assumed to take place over an approximate 14-month period. Demolition and tree removal activities (lasting approximately 2 months) may precede fire station building construction in an earlier phase; however, to represent the most conservative scenario, the analysis in this document assumes that construction activities would commence in the third quarter of 2022 and building construction would be consecutive.

Construction activities would include demolition, grading, fire station building construction, and paving. Construction would result in the removal of approximately 10 trees, including 8 trees on the project site and 2 street trees (see **Figure 3-9**). Removal of trees from the proposed project site would require the posting of a courtesy notice to the public and review by the City Arborist’s



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SOURCE: Shah Kawasaki Architects, 2022

San José FS-8 Relocation

Figure 3-9
Demolition Plan

ESA

Office. Existing trees that would be retained will be protected consistent with City of San José requirements. Construction would require an estimated 400 cubic yards of soil import and 1,030 cubic yards of export.

3.5 Project Approvals

- Public Works Director approval for removal of trees
- Public Works: grading permits, Stormwater and Erosion Control Plan, Building Construction permit.

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CHAPTER 4
Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture and Forestry Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☐ Energy
☐ Geology/Soils	☐ Greenhouse Gas Emissions	☒ Hazards & Hazardous Materials
☒ Hydrology/Water Quality	☐ Land Use/Planning	☐ Mineral Resources
☒ Noise	☐ Population/Housing	☒ Public Services
☐ Recreation	☐ Transportation	☒ Tribal Cultural Resources
☐ Utilities/Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance

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CHAPTER 5
Environmental Checklist

General Note on this Initial Study

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

Note that the City of San José also has policies that address existing conditions (such as air quality, noise, and hazards) affecting a proposed project, which are also addressed in this Initial Study, where applicable. This is consistent with one of the primary objectives of CEQA and this document, which is to provide objective information to decision-makers and the public regarding a project as a whole.

The CEQA Guidelines and the courts are clear that a CEQA document can include information of interest even if such information is not an "environmental impact" as defined by CEQA. Therefore, where applicable, in addition to describing the impacts of the project on the environment, this Initial Study discusses effects on the project as they relate to policies pertaining to existing conditions. Such examples include, but are not limited to, locating a project near sources of air emissions that can pose a health risk, in a floodplain, in a geologic hazard zone, in a high noise environment, or on/adjacent to sites involving hazardous substances.

5.1 Aesthetics

Issues (and Supporting Information Sources):		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I.	**AESTHETICS — Except as provided in Public Resources Code Section 21099, would the project:**				
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
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?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?	☐	☐	☒	☐

Environmental Setting

The project site is located within the Naglee Park neighborhood of San José and the surrounding area is comprised generally of medium density residential, commercial, and open space uses. A 9-story mixed use office building is located adjacent to the east of the project site (towards N 14th Street) and a two-story multi-family residential complex is located adjacent to the north (on N 13th Street). One- and two-story commercial buildings are located to the south and southwest of the project site directly across E Santa Clara Street and a vacant parking lot is located to the west of the project site across N 13th Street. The project site currently consists of a surface parking lot, trees and other small vegetation, and a perimeter chain link fence. Street trees are also located on the sidewalk along E Santa Clara and N 14th Streets. The existing parking lot also contains downward directed lighting affixed to 7 parking lot light poles.

Regulatory Framework

State

State Scenic Highways Program

The State Scenic Highways Program is designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. The proposed project site is not located near any scenic highways (Caltrans, 2022).

Local

Council Policy 4-3 Outdoor Lighting Policy

The City of San José's Outdoor Lighting Policy (City Council Policy 4-3) promotes energy efficient outdoor lighting on private development to provide 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.

General Plan Policies

The Envision 2040 San José General Plan (General Plan) defines scenic vistas in the City of San José as views of and from the Santa Clara Valley, surrounding hillsides, and urban skyline. Scenic urban corridors, such as segments of major highways that provide gateways into the City, can also be defined as scenic resources by the City. The designation of a scenic route applies to routes affording especially aesthetically pleasing views. According to the General Plan and the Scenic Corridor Diagram, the project site is not along a roadway that would be considered a "Gateway", Urban Throughway", or "Rural Scenic Corridor."

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Policies Relevant to Aesthetics

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-1.7	Require developers to provide pedestrian amenities, such as trees, lighting, recycling and refuse containers, seating, awnings, art, or other amenities, in pedestrian areas along project frontages. When funding is available, install pedestrian amenities in public rights-of-ways.
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-1.18	Encourage the placement of loading docks and other utility uses within parking structures or at other locations that minimize their visibility and reduce their potential to detract from pedestrian activity.
Policy CD-1.23	Further the Community Forest Goals and Policies in this Plan by requiring new development to plant and maintain trees at appropriate locations on private property and along public street frontages. Use trees to help soften the appearance of the built environment, help provide transitions between land uses, and shade pedestrian and bicycle areas.
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse affect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest..

Envision San José 2040 Policies Relevant to Aesthetics	
Policy CD-1.25	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
Policy CD-1.28	Locate utilities to be as visually unobtrusive as possible, by placing them underground or within buildings. When above-ground or outside placement is necessary, screen utilities with art or landscaping.
Policy CD-1.29	When approving new construction, require the undergrounding of distribution utility lines serving the development. Encourage programs for undergrounding existing overhead distribution lines. Overhead lines providing electrical power to light rail transit vehicles and high tension electrical transmission lines are exempt from this policy.
Policy CD-8.1	Ensure new development is consistent with specific height limits established within the City's Zoning Ordinance and applied through the zoning designation for properties throughout the City. Land use designations in the Land Use/ Transportation Diagram provide an indication of the typical number of stories.

Discussion

a, b) *Have a substantial adverse effect on a scenic vista; Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

Less that Significant. As identified in the *Environmental Setting above*, the proposed project site is not located near any scenic highways officially designated as scenic highway by the California Department of Transportation (Caltrans, 2022). Therefore, the project would not have the potential to affect a state scenic highway. The project site is also not along a roadway that would be considered a "Gateway", Urban Throughway", or "Rural Scenic Corridor," according to the General Plan and the Scenic Corridor Diagram (City of San José, 2016).

The project site is located in an urbanized part of the City, and is surrounded by multi-story development, therefore the visibility of prominent viewpoints other than immediately surrounding buildings is limited, specifically from publicly accessible locations. The development of the proposed two-story fire station building would not impact scenic vistas, since no scenic vistas are observable in the project vicinity due to existing topography and buildings that generally obstruct distant views. For these reasons, the development of the project would not directly affect a scenic vista or scenic resource, and this impact would be less than significant.

c) *Conflict with applicable zoning and other regulations governing scenic quality?*

Less than Significant. The project site is currently developed, is located in an urbanized part of the City, and the surrounding area is comprised generally of medium density residential, commercial, and open space uses. The General Plan Land Use designation for the site is Mixed Use Commercial (MUC) and the Zoning is Commercial General (CG). Per Resolution No. 79873 (Approved 01-26-2021), City services and facilities such as public parks, fire stations and libraries are allowed on all properties within the City,

regardless of General Plan land use designation or zoning district. The proposed two-story fire station would also be similar in size and mass to most structures in the project vicinity, and the proposed project would be visually consistent with the existing built-out urban environment in the area. Furthermore, the proposed landscaping would enhance the existing landscaping on the project site and the surrounding area. The proposed project would also be consistent with the General Plan goals and policies regulating scenic quality in the City. Thus, the proposed project would not conflict with applicable zoning and other regulations governing scenic quality, and this impact would be less than significant.

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

Less than Significant. The proposed project does not propose any major sources of lighting or glare. The proposed project would contain exterior lighting above the entrances and within parking areas, for security purposes, that would be directed downward consistent with the City of San José's Outdoor Lighting Policy 4-3. The project site is located within an urbanized area with existing sources of light and glare, including the nighttime security lighting at adjacent commercial properties, nearby residential uses, and lighting streetlights on Santa Clara and N 13th Streets. Vehicle headlights also contribute to the existing light and glare conditions. All lighting would conform to the Council Policy 4-3 Outdoor Lighting Policy and be shielded to direct light downwards to ensure that lighting does not spill over onto nearby residential properties. Consistent with the San José Municipal Code Section 20.40.540, all lighting facilities adjacent to residential properties are required to be arranged and shielded to cast light away from nearby residential uses and eliminate glare. In addition, the proposed project would not introduce materials into the design that would create substantial glare. Potential light and glare from emergency lights from fire trucks responding to service calls would be limited in timing and duration, and would not represent substantial light or glare which would adversely affect daytime or nighttime views in the area. Therefore, the proposed project would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

References

City of San José, *Envision San José 2040 General Plan,* Adopted November 1, 2011 As Amended on September 30, 2021.

City of San José, Department of Planning, Building, and Code Enforcement, *Envision San José 2040 General Plan, Scenic Corridors Diagram,* June 6, 2016.

Caltrans, *California State Scenic Highway System Map*. Available at: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa. Accessed February 4, 2022.

5.2 Agriculture and Forestry Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
II. AGRICULTURE AND FORESTRY RESOURCES — 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. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. **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?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
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))?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Environmental Setting

CEQA requires the evaluation of agricultural and forest/timber resources where they are present. The project site is currently developed, located in an urbanized part of the City, and does not provide any agricultural uses. The project site also does not contain any forest/timber resources.

Regulatory Framework

State

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the U.S. Department of Agriculture land inventory and monitoring criteria, as modified for California. The project site is designated as "Urban and Built-Up Land" and is surrounded by Urban and Built-Up Land by the California Department of Conservation (DOC, 2021). CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. None are present on the project site (County of Santa Clara, 2022).

The site does not contain any forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526, or property zoned for Timberland Production as defined by Government Code section 51104(g).

Local

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating agricultural impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Policies Relevant to Agricultural Resources

Policy LU-12.3	Protect and preserve the remaining farmlands within San José's sphere of influence that are not planned for urbanization in the timeframe of the Envision General Plan through the following means: • Limit residential uses in agricultural areas to those which are incidental to agriculture. • Restrict and discourage subdivision of agricultural lands. Encourage contractual protection for agricultural lands, such as Williamson Act contracts, agricultural conservation easements, and transfers of development rights. • Prohibit land uses within or adjacent to agricultural lands that would compromise the viability of these lands for agricultural uses. • Strictly maintain the Urban Growth Boundary in accordance with other goals and policies in this Plan.
Policy LU-12.4	Preserve agricultural lands and prime soils in non-urban areas in order to retain the aquifer recharge capacity of these lands.

Discussion

a-e) *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; Conflict with existing zoning for agricultural use, or a Williamson Act contract; 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)); Result in the loss of forest land or conversion of forest land to non-forest use; Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

No Impact. The project site is designated as "Urban and Built-Up Land" and is surrounded by Urban and Built-Up Land as designated by the California Department of Conservation (DOC, 2021). As a result, the project would not convert farmland to non-agricultural uses and no impact would occur. Further, the site is not located on land under a Williamson Act contract. As a result, the project would not conflict with existing zoning for agricultural uses or a Williamson Act contract.

The project would not result in the rezoning of forest land as defined in Public Resources Code section 12220(g), timberland as defined by Public Resources Code section 4526 or Government Code section 51104(f), or timberland production zones as defined by Government Code section 51104(g), as the project site does not contain any of these lands. The project site does not contain any forest land, timberland, or timberland production zones. As such, the project will not impact forest resources.

The project site does not contain any Farmland or forest land. Therefore, the project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of the developed site to non-agricultural or non-forest uses. No impact would occur.

References

California Department of Conservation (DOC), *Santa Clara County Important Farmland 2018,* June 2021.

City of San José, *Envision San José 2040 General Plan,* Adopted November 1, 2011 As Amended on September 30, 2021.

County of Santa Clara, Santa Clara County Planning Office, *Williamson Act Properties*. Available at: https://sccplanning.maps.arcgis.com/apps/webappviewer/index.html?id=1f39e32b4c0644b0915354c3e59778ce. Accessed February 18, 2022.

5.3 Air Quality

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
III. AIR QUALITY — 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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

As addressed as an introduction to this Environmental Checklist, the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the proposed project would significantly exacerbate an existing environmental condition. Based on this decision, any analysis below of the impacts of the environment on the project is provided for informational purposes only.

Environmental Setting

The project site is located in the San Francisco Bay Area Air Basin (Bay Area Air Basin) which is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Santa Clara County has a Mediterranean climate; temperatures rarely reach below freezing, with adequate rainfall year-round, and warm days in the summertime with cool evenings.

Regional and Local Criteria Pollutants

Major criteria pollutants, listed in "criteria" documents by the USEPA and CARB include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants can have health effects such as respiratory impairment and heart/lung disease symptoms. The Project is located in the northern portion of Santa Clara County, which is in the San Francisco Bay Area Air Basin. Based on the California standards, the Bay Area meets all ambient air quality standards with the exception of ground-level ozone, respirable particulate matter (PM10), and fine particulate matter (PM2.5) which are described further below.

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and

nitrogen oxides (NOx). These precursor pollutants react under certain meteorological conditions to form high ozone levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce ozone levels. The highest ozone levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources. High ozone levels aggravate respiratory and cardiovascular diseases, reduce lung function, and increase coughing and chest discomfort.

Particulate matter is a pollutant that exceeds State air quality standards in the Bay Area. Particulate matter is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM10) and fine particulate matter where particles have a diameter of 2.5 micrometers or less (PM2.5). Elevated concentrations of PM10 and PM2.5 are the result of both region-wide (or cumulative) emissions and localized emissions. High particulate matter levels aggravate respiratory and cardiovascular diseases, reduce lung function, increase mortality (e.g., lung cancer), and result in reduced lung function growth in children.

Regional and Local Air Quality

The City of San José is within the jurisdiction of the BAAQMD, which regulates air quality in the San Francisco Bay Area. Air quality conditions in the San Francisco Bay Area have improved significantly since the BAAQMD was created in 1955. Ambient concentrations of air pollutants and the number of days during which the region exceeds air quality standards have fallen dramatically. Neither State nor national ambient air quality standards of these chemicals have been violated in recent decades: nitrogen dioxide, sulfur dioxide, sulfates, lead, hydrogen sulfide, and vinyl chloride. Those exceedances of air quality standards that do occur primarily happen during meteorological conditions conducive to high pollution levels, such as cold, windless nights or hot, sunny summer afternoons. the Bay Area still exceeds the State standard for 1-hour ozone as well as the State and federal 8-hour standards. Levels of particulate matter less than 10 microns in size (PM10) have exceeded State standards two of the last three years, and the area is considered a nonattainment area for this pollutant relative to the State standards. The San Francisco Bay Area is an unclassified area for the federal PM10 standard. The San Francisco Bay Area meets all State and federal attainment standards with the exception of ozone, PM10 and PM2.5.

Sensitive Receptors

For the purposes of this air quality analysis, sensitive receptors are defined as facilities and 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 types of uses include schools, hospitals, and daycare centers. Residential areas are also considered sensitive to poor air quality because people usually stay home for extended periods of time, which results in greater exposure to ambient air quality.

The land directly surrounding the proposed site includes commercial businesses, residences, and a vacant lot. There are no childcare facilities or primary schools within 1,000 feet of the proposed fire station. The closest sensitive receptors to the project site include the residences located along N 13th Street, approximately 10 feet northwest of the project site boundary. To determine the

potential impacts of the project, this air quality analysis uses thresholds from the BAAQMD 2017 *CEQA Air Quality Guidelines* (BAAQMD, 2017b).

Regulatory Framework

Federal

Federal Clean Air Act and United States Environmental Protection Agency (USEPA)

The Clean Air Act authorized the establishment of federal air quality standards and set deadlines for their attainment. The Clean Air Act identifies specific emission reduction goals, requires both a demonstration of reasonable further progress towards attainment, and incorporates more stringent sanctions for failure to meet interim milestones.

The U.S. EPA is the federal agency charged with administering Clean Air Act and other air quality-related legislation. The USEPA sets and enforces the National Ambient Air Quality Standards (NAAQS) under the Clean Air Act. Violations of NAAQS are determined based on air pollutant monitoring data and judged for each air pollutant. Areas that do not violate ambient air quality standards are considered to have attained the standard. The Bay Area Air Basin is currently designated as a non-attainment area for the national 8-hour ozone standard and the federal $PM_{2.5}$ (24-hour) standard. The Bay Area Air Basin has met the CO standards for over a decade and is classified as an attainment area by the USEPA. The USEPA has deemed the area as attainment/unclassified for all other air pollutants, which include PM_{10}.

State

California Clean Air Act

California has established its own ambient air quality standards (California Ambient Air Quality Standards, or CAAQS) that tend to be at least as protective as NAAQS and are often more stringent. In 1988, California passed the California Clean Air Act (California Health and Safety Code Sections 39600 et seq.), which, like its federal counterpart, called for the designation of areas as attainment or non-attainment, but based on state ambient air quality standards rather than the federal standards. Similar to the federal requirements, the California Clean Air Act requires each air district in which state air quality standards are exceeded to prepare a plan that documents reasonable progress towards attainment. If an air basin (or portion thereof) exceeds the CAAQS for a particular criteria air pollutant, it is considered to be non-attainment of that criteria air pollutant until the area can demonstrate compliance. The Bay Area Air Basin is currently designated as a non-attainment area for the state and federal 8-hour ozone standard, the state 1-hour ozone standard, the state PM_{10} standard, and the state and federal $PM_{2.5}$ standards.

Regional and Local

Bay Area Air Quality Management District

BAAQMD is the regional air quality authority in the project area). In April 2017, the BAAQMD adopted the *2017 Clean Air Plan* (BAAQMD, 2017a). The plan's primary goals are to protect public health and protect the climate. The plan includes a wide range of proposed control

measures, which consist of actions to reduce combustion-related activities, decrease fossil fuel combustion, improve energy efficiency, and decrease emissions of potent GHGs.

The *2017 Clean Air Plan* contains 85 measures to address reduction of several pollutants: ozone precursors, particulate matter, air toxics, and/or GHGs. These control strategies can be grouped into the following categories:

- Stationary source measures;
- Transportation control measures;
- Energy Control Measures;
- Building Control Measures;
- Agricultural Control Measures;
- Natural and Working Lands Control Measures;
- Waste Management Control Measures;
- Water Control Measures; and
- Super GHG Control Measures

Envision San José 2040 General Plan

Policies included in the Envision San José 2040 General Plan (General Plan) have been adopted for the purpose of avoiding or mitigating air quality impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Policies Relevant to Air Quality

Policy MS-2.6	Promote roofing design and surface treatments that reduce the heat island effect of new and existing development and support reduced energy use, reduced air pollution, and a healthy urban forest. Connect businesses and residents with cool roof rebate programs through City outreach efforts.
Policy MS-4.1	Promote the use of building materials that maintain healthful indoor air quality in an effort to reduce irritation and exposure to toxins and allergens for building occupants.
Policy MS-4.2	Encourage construction and pre-occupancy practices to improve indoor air quality upon occupancy of the structure
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-10.7	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-13.1	Include dust, particulate matter, and construction equipment exhaust control measures as conditions of approval for subdivision maps, site development and planned development permits, grading permits, and demolition permits. At minimum, conditions shall conform to construction mitigation measures recommended in the current BAAQMD CEQA Guidelines for the relevant project size and type.
Policy MS-13.2	Construction and/or demolition projects that have the potential to disturb asbestos (from soil or building material) shall comply with all the requirements of the California Air Resources Board's air toxics 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. The most recently adopted air quality plan in the Bay Area is the BAAQMD's *2017 Clean Air Plan* (CAP) (BAAQMD, 2017a). BAAQMD guidance states that "if approval of a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation, the project would be considered consistent with the CAP." As indicated in the discussion of criteria "b" and "c" below, the project would not result in significant air quality impacts. The project would also be consistent with applicable control measures of the 2017 Clean Air Plan including emergency backup generators that would be compliant with the regulations set forth in BAAQMD Rule 11-18, resulting in reduced health risks to impacted individuals and implementing dust control best management practices required by the BAAQMD as part of the City's Standard Conditions, to reduce fugitive dust. Therefore, this impact would less than significant.

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

Less than Significant.

Construction

Construction activities would result in emissions of criteria pollutants including ozone precursors such as reactive organic gases (ROG) and nitrogen oxides (NOx) as well as particulate matter (PM_{10} and $PM_{2.5}$). These pollutants are called "criteria" air pollutants because standards have been established for each of them to meet specific public health and welfare criteria. Criteria pollutant emissions would be generated by construction equipment exhaust, on-road vehicle trips of haul trucks for delivering construction material, water trucks for site dust control, and construction worker commutes to and from the project site.

Construction-related criteria air pollutant emissions for the proposed project were estimated using CalEEMod (version 2020.4.0), and modeling output files are included in **Appendix A**. Construction is assumed to take place over an approximate 14-month period. Demolition and tree removal activities (lasting approximately 2 months in an earlier phase) were assumed to precede fire station building construction. Project specific data for construction phasing schedule and equipment fleet provided by the project proponent was used in the model to estimate emissions over the construction period. The total uncontrolled emissions generated over the duration of construction were divided by the number of construction days for each construction year to determine average daily emissions from construction and are presented in **Table 5.3-1**. As shown in the table, emissions of ROG, NOx, PM_{10}, and $PM_{2.5}$ would all be below their respective significance thresholds, which for construction have been established by BAAQMD in terms of average daily emissions. Therefore, the proposed project would not have a significant impact related to construction criteria air pollutant emissions.

TABLE 5.3-1
AVERAGE DAILY CONSTRUCTION-RELATED CRITERIA POLLUTANT EMISSIONS
(POUNDS PER DAY) WITHOUT MITIGATION

Project Average Daily Construction Emissions by Year	ROG	NO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
2022	0.74	6.69	0.34	0.33
2023	1.05	7.88	0.37	0.34
2024	0.60	6.07	0.28	0.26
BAAQMD Threshold for Significant Construction Impacts	54	54	82	54
Potential Significant Impact?	No	No	No	No

SOURCE: ESA (Appendix A)

Additionally, the proposed project would be required to implement Envision San José 2040 policy MS-13.1, which would control dust and exhaust during construction at the project site. Accordingly, the following condition in the City's Standard Project Conditions is applicable to the proposed project:

Standard Permit Condition

Construction Air Quality. The project proponent shall implement the following measures during all phases of construction to control dust and exhaust at the project site:

- Water active construction areas at least twice daily or as often as needed to control dust emissions.
- 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.
- Remove visible mud or dirt track-out onto adjacent public roads by using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- Pave new or improved roadways, driveways, and sidewalks as soon as possible.
- Lay building pads as soon as possible after grading unless seeding or soil binders are used.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.

- Minimize 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.

- 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.

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

In addition, while not necessary to reduce emissions from construction of the proposed project, which would remain below the BAAQMD thresholds of significance, Mitigation Measure AIR-1 (presented under checklist question c below) would further reduce exhaust emissions from construction of the project, as shown in **Table 5.3-2**.

TABLE 5.3-2
AVERAGE DAILY CONSTRUCTION-RELATED CRITERIA POLLUTANT EMISSIONS (POUNDS PER DAY) WITH MITIGATION

Project Construction Emissions by Year	ROG	NO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
2022	0.17	0.84	0.02	0.02
2023	0.46	0.91	0.02	0.02
2024	0.15	0.70	0.02	0.02
BAAQMD Threshold for Significant Construction Impacts	54	54	82	54
Potential Significant Impact?	No	No	No	No

SOURCE: ESA (Appendix A)

As shown in Table 5.3-2, implementation of Mitigation Measure AIR-1 would reduce emissions from construction of the proposed project, which would remain below the BAAQMD thresholds of significance (with or without implementation of the mitigation measure). Therefore, impacts from construction emissions would be less than significant.

Operations

Criteria pollutant emissions during operations would be generated by the increase in service calls and associated fire truck trips, as well as emergency generator usage and electricity usage. Existing Fire Station No. 8 responds to approximately 10 calls per service per day. SJFD estimates that the relocated Fire Station No. 8 would respond to approximately 23 calls per day, which corresponds to a net increase of 13 calls per day. The new Fire Station No. 8 would not employee additional staff beyond the City's current Fire Station No. 8. Additionally, the new Fire Station No. 8 will be constructed to meet higher energy efficiency standards than the current station. Therefore, the only criteria pollutant emissions calculated were for the 13 new fire truck trips. Criteria

pollutant emissions were estimated using EMFAC2021 emission factors for a heavy duty truck (HHDT), conservatively using a four-minute geographic reach to estimate mileage (see Appendix A for calculation details). Average daily operational-related emissions are presented in **Table 5.3-3** and maximum annual operational-related emissions are presented in **Table 5.3-4**.

TABLE 5.3-3
AVERAGE DAILY OPERATIONAL-RELATED CRITERIA POLLUTANT EMISSIONS (POUNDS PER DAY) WITHOUT MITIGATION

	ROG	NO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Project Operational Emissions	<0.01	0.26	0.02	0.01
BAAQMD Threshold for Significant Operational Impacts	54	54	82	54
Potential Significant Impact?	No	No	No	No

SOURCE: ESA (Appendix A)

TABLE 5.3-4
MAXIMUM ANNUAL OPERATIONAL-RELATED CRITERIA POLLUTANT EMISSIONS (TONS PER YEAR) WITHOUT MITIGATION

	ROG	NO_x	Exhaust PM_{10}	Exhaust $PM_{2.5}$
Project Operational Emissions	<0.01	0.05	<0.01	<0.01
BAAQMD Threshold for Significant Operational Impacts	10	10	15	10
Potential Significant Impact?	No	No	No	No

SOURCE: ESA (Appendix A)

As shown in Table 5.3-3 and Table 5.3-4, emissions of ROG, NO_x, PM_{10}, and $PM_{2.5}$ would all be below their respective significance thresholds for project operations that have been established by BAAQMD. Therefore, the proposed project would not have a significant impact related to operational criteria air pollutant emissions.

Cumulative Emissions

Based on the ozone, PM_{10}, and $PM_{2.5}$ nonattainment status of the air basin, there is already a significant cumulative air quality impact. The nonattainment status is a result of past and present development involving regional pollutant sources, including mobile sources.

However, as discussed above, the proposed project would result in less than significant construction and operational impacts, which means the proposed project's incremental contribution to the cumulative impact would not be considerable.

c) *Expose sensitive receptors to substantial pollutant concentrations?*

Less than Significant with Mitigation.

Construction

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known toxic air contaminant (TAC). Construction exhaust emissions may pose health risks for sensitive receptors. The health risk assessment prepared for the proposed project evaluated the potential health effects to nearby sensitive receptors from construction and operational emissions of Diesel Particulate Matter (DPM) and $PM_{2.5}$ (see Appendix A). This assessment included dispersion modeling to predict the off-site concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated. Because cancer risk is a cumulative impact, exposure to operational DPM and $PM_{2.5}$ emissions that would continue after the completion of construction was also evaluated at the maximally-exposed individual residential receptor location (MEIR) found from the construction health risk calculation.

Operations

The proposed project would also introduce a new source of DPM and $PM_{2.5}$ emissions due to the installation of an emergency diesel generator. The relocation of Fire House No. 8 requires the relocation of an emergency generator, and because health risks are location-based impacts, the stationary source should be evaluated, as the proposed project would move a TAC source to a new location. The health risk assessment prepared for the project evaluated the potential health effects to nearby sensitive receptors from operational emissions of DPM and $PM_{2.5}$ (see Appendix A). This assessment was conducted as described above for construction of the fire station. However, an additional MEIR was evaluated to capture the health effects from proximity to the emergency generator, with exposure starting at after construction, for a full 30 years of operations.

Health Risk Assessment Methodology

The HRA was conducted using the U.S. EPA AERMOD dispersion model (version 21112) and uses measured meteorology to predict conservative concentrations at specific locations defined by a Cartesian coordinate system. Diesel construction equipment would be used during the demolition, site preparation, grading, building construction, paving, and architectural coating phases. The proposed emergency generator would also be diesel fueled.

A conservative representation of the on-site construction equipment within the proposed project site was modeled as an area source, based on the site planning diagrams (included in Appendix A). The operational stationary source was modeled as a point source. The modeling parameters are as follows:

- On-site Construction: one polygon area source dimensions covering the project sites, with;
  - Release height of 5 meters for construction equipment exhaust;

  - Initial vertical dimension of 1.4 meters;
  - Emissions occurring only between the hours of 7 AM and 7 PM;
- Operational Stationary Source: point source at emergency generator location, with;
  - Release height of 3.66 meters (12 feet);
  - Gas Exit Temperature of 739.8 K (872.0 °F);
  - Stack Inside Diameter 0.18 meters (0.6 feet);
  - Gas Exit Velocity 45.3 meters/second (148.6 ft/s)
  - Building Downwash applied;
- Receptor flagpole height of 1.5 meters (ground-level receptor at breathing height); and
- Meteorological station of Norman Y. Mineta San José International Airport for the years 2013 through 2017.

The sources were modeled with an emission rate of one gram per second to obtain a dispersion factor (unit concentration) at each receptor location. The DPM and $PM_{2.5}$ concentrations were calculated using the dispersion factors and the DPM and $PM_{2.5}$ emissions from Table 5.3-1 and Table 5.3-2. Emergency generator emissions were calculated in CalEEMod for a 125 KW engine running 50 hours a year of maintenance and testing (see Appendix A).

The HRA was based on recommended methodology of the Office of Environmental of Health Hazard Assessment (OEHHA) and adopted by the BAAQMD (OEHHA 2015). To calculate the resident child cancer risks, the 95th percentile daily child breathing rate is recommended by the BAAQMD for children under the age of two and 80th percentile rate for age groups that are 2 years old or older (BAAQMD 2016). These breathing rates were used along with the modeled annual TAC concentrations and assuming the exposure would occur for 350 days per year at the residence, as recommended by BAAQMD.

The maximum excess residential cancer risks at the adjacent residential receptor would exceed the BAAQMD significance threshold of 10 in one million, and the maximum annual $PM_{2.5}$ concentration would exceed the BAAQMD threshold of 0.3 $\mu g/m^3$ for unmitigated construction activity. The chronic health hazard index is not exceeded at any location. **Table 5.3-5** below summarizes the maximum cancer risks, $PM_{2.5}$ concentrations, and chronic health hazard index for project-related unmitigated construction, and operational activities affecting the residential MEIR.

TABLE 5.3-5
HEALTH RISK IMPACTS AT THE MAXIMUM EXPOSED SENSITIVE RECEPTORS

Receptor Type / Risk Scenario	Maximum Cancer Risk (per million)	Hazard Index	$PM_{2.5}$ concentration ($\mu g/m^3$)
Unmitigated Construction MEIR			
Construction Risk	39.3	0.05	0.22
Operational Risk	0.3	NA	NA
Total	39.6	0.05	0.22
BAAQMD Threshold of Significance	10.0	1.0	0.3
Exceeds Significance Threshold?	Yes	No	No
Mitigated Construction MEIR			
Construction Risk	2.4	<0.01	0.01
Operational Risk	0.3	NA	NA
Total	2.7	<0.01	0.01
BAAQMD Threshold of Significance	*10.0*	*1.0*	*0.3*
Exceeds Significance Threshold?	No	No	No
Operational MEIR			
Operational Risk	0.5	<0.01	<0.01
BAAQMD Threshold of Significance	*10.0*	*1.0*	*0.3*
Potential Significant Impact?	No	No	No

SOURCE: ESA (Appendix A)

As shown in Table 5.3-5, the maximum increase in lifetime residential cancer risk from unmitigated construction would exceed the BAAQMD threshold of 10 in one million. After the implementation of **Mitigation Measure AIR-1: Tier 4 Engines,** DPM from construction equipment would be reduced and the maximum increased lifetime residential cancer risk, would be 2.7 in one million, the maximum annual $PM_{2.5}$ concentrations would be 0.01 $\mu g/m^3$, and the Hazard Index would be less than 0.01 for project-level risk. As a result, health risk impacts would be reduced to less than significant.

Cumulative Impact at MEIRs

Cumulative community risk impacts were addressed through an evaluation of TAC sources located within 1,000 feet of both the construction and operational MEIRs. These sources include freeways or highways, busy surface streets, and stationary sources identified by BAAQMD. For local roadways, BAAQMD has provided the *Roadway Screening Analysis Calculator* to assess whether roadways with traffic volumes of over 10,000 vehicles per day may have a potentially significant effect on a proposed Project (BAAQMD, 2015). A review of the Project area traffic volume counts from the City of San José indicates that traffic on East Santa Clara Street is the only roadways with over 10,000 vehicles per day. Other nearby streets are assumed to have less than 10,000 vehicles per day. A review of BAAQMD's stationary source GIS map tool identified two stationary sources with the potential to affect the MEIRs, both located south of East Santa Clara Street, one of which is a gas dispensing facility and the other is a generator.

Table 5.3-6 reports both the project and cumulative community risk impacts. Without mitigation, the project would have a significant impact with respect to community risk caused by project construction activities, since the maximum cancer risk exceeds the single-source threshold of 10.0 per million for cancer risk. However, the cumulative cancer risk and $PM_{2.5}$ concentrations would not exceed their cumulative source thresholds of greater than 100 per million and greater than 0.8 $\mu g/m^3$, respectively. Thus, a less-than-significant cumulative impact would occur during construction and operation of the proposed project.

Mitigation

Impact AIR-1: Cancer risk from construction activities and operations would be 39.6 per million, which exceeds the single-source significance threshold of 10 per million, at the residence with maximum impact, assuming infant exposure.

Mitigation Measure AIR-1: Tier 4 Engines.

Prior to the start of construction activities, the project proponent shall prepare a construction operations plan that demonstrates that the off-road equipment used on-site to construct the Project would at minimum achieve a fleet-wide average 95-percent reduction in mass of exhaust emissions of diesel particulate matter (DPM). Specifically, this plan shall include, but is not limited to, the measures identified below:

- All diesel-powered off-road equipment larger than 25 horsepower operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines with CARB-certified Level 3 Diesel Particulate Filters, or equivalent. Exceptions could be made for equipment that includes CARB-certified Level 3 Diesel Particulate Filters or equivalent. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement
- Provide electric power if feasible to avoid use of diesel-powered generator sets and other portable equipment.

TABLE 5.3-6
CUMULATIVE HEALTH RISK IMPACTS AT THE MAXIMUM EXPOSED SENSITIVE RECEPTORS

Receptor Type / Risk Scenario	Maximum Cancer Risk (per million)	Hazard Index	$PM_{2.5}$ concentration ($\mu g/m^3$)
Unmitigated Construction MEIR			
Project Risk (Construction + Operations)	39.6	0.05	0.22
Existing Mobile Source Risk	7.4	NA	0.11
Existing Stationary Source Risk	0.1	<0.01	<0.01
Project + Existing	47.2	0.05	0.32
BAAQMD Cumulative Threshold of Significance	*100.0*	*10.0*	*0.8*
Exceeds Significance Threshold?	No	No	No
Mitigated Construction MEIR			
Project Risk (Construction + Operations)	2.7	<0.01	0.01
Existing Mobile Source Risk	7.4	NA	0.11

Existing Stationary Source Risk	0.1	<0.01	<0.01
Project + Existing	10.2	<0.01	0.12
BAAQMD Cumulative Threshold of Significance	*100.0*	*10.0*	*0.8*
Exceeds Significance Threshold?	No	No	No
Operational MEIR			
Project Risk (Operational)	0.5	<0.01	<0.01
Existing Mobile Source Risk	5.6	NA	0.10
Existing Stationary Source Risk	0.1	<0.01	<0.01
Project + Existing	6.2	<0.01	0.1
BAAQMD Cumulative Threshold of Significance	*100.0*	*10.0*	*0.8*
Exceeds Significance Threshold?	No	No	No

SOURCE: ESA (Appendix A)

Off-road equipment descriptions and information shall be provided, including, but not limited to, equipment type, equipment manufacturer, equipment identification number, engine model year, engine certification (Tier rating), horsepower, and engine serial number. Prior to the issuance of any demolition, grading, or building permit (whichever comes first), the Project proponent shall submit the construction operations plan and records of compliance to the Director of the Department of Planning, Building and Code Enforcement or the Director's designee.

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

Less than Significant. Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, and rendering plants. The proposed project would not introduce significant sources of new odors in the vicinity as the proposed project includes a proposed fire station. Therefore, odor impacts from the proposed project would be less than significant.

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5.4 Biological Resources

Issues (and Supporting Information Sources):		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV.	**BIOLOGICAL RESOURCES — 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?	☐	☒	☐	☐
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 U.S. Fish and Wildlife Service?	☐	☐	☐	☒
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 interruption, or other means?	☐	☐	☐	☒
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?	☐	☒	☐	☐
e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
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?	☐	☐	☒	☐

Environmental Setting

The project site is located within an urban and developed area consisting of a surface parking lot with surrounding street trees and minimal landscaping vegetation. The nearest waterways to the project site are Coyote Creek, approximately 0.5-mile to the east and Guadalupe River, approximately 1.3 miles to the west. Due to the developed and urbanized condition of the project site and adjacent parcels, habitat values for special-status wildlife and plant species are considered low. Habitat for several common wildlife species is locally available; however, including potential bird nesting habitat associated with landscaping trees on and near the site.

Information used in preparation of this section includes database queries from the California Department of Fish and Wildlife (CDFW), California Natural Diversity Database (CNDDB) (CDFW, 2022), California Native Plant Society (CNPS) Electronic Inventory (CNPS, 2022),[3] and the U.S. Fish and Wildlife Service Information for Planning and Consultation database (USFWS,

[3] ESA queried CNDDB and CNPS records for the following USGS 7.5-minute quadrangles: Milpitas, Calaveras Reservoir, San Jose West, and San Jose East, U.S. Geographical Survey (USGS) 7.5-minute topographic quadrangles.

2022). ESA also reviewed current and historical Google Earth aerial imagery of the study area and casual citizen science EBird sighting records for *Roosevelt Park* and *San José City Hall* in Santa Clara County, California (EBird, 2022).

Regulatory Framework

Federal and State Special-Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered "special-status species." Federal and state "endangered species" legislation has provided the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project will result in the "take" of a species listed as threatened or endangered. 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. "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provided that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review. These may include CDFW Species of Special Concern and species identified by the California Native Plant Society as rare, threatened, or endangered.

Migratory Bird and Birds of Prey Protection

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines take as causing abandonment and/or loss of reproductive efforts through disturbance.

Regional and Local

Santa Clara Valley Habitat Plan

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP). The SCVHP is both a habitat conservation plan intended to fulfill the requirements of the federal Endangered Species Act and a natural community conservation plan to fulfill the requirements of the California Natural Community Conservation Planning Act. The SCVHP was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, USFWS, and CDFW. The SCVHP 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. Land designations of the project site under the SCVHP are as follows:

- *Area 4*: Urban Development Equal to or Greater than 2 Acres Covered
- *Land Cover*: Urban-Suburban
- *Land Cover Fee Zone*: Urban Areas (No Land Cover Fee)

City of San José Tree Ordinance

The San José Municipal Code includes tree protection measures (Municipal Code Title 13, Chapters 13.28 [Street Trees, Hedges and Shrubs] and 13.32 [Tree Removal Controls]) that regulate the removal of trees. An "ordinance-sized tree" on private property is defined as any tree having a main stem or trunk 12 inches in diameter (38 inches or more in circumference) at a height measured 54 inches (4.5 feet) above ground. For multi-trunk trees, the circumference is measured as the sum of the circumferences of all trunks at 54 inches above grade. On single-family or duplex lots, a permit is required to remove ordinance-sized trees, even if they are unhealthy or dead. On multi-family, commercial, or industrial lots, a permit is required to remove a tree of any size.

The Code also defines a "heritage tree" as any tree that because of factors including but not limited to its history, girth, height, species or unique quality, has been found by the City Council to have a special significance to the community. The locations of all heritage trees within the City of San José are mapped and available online[4]. Pruning or removing a heritage tree is illegal without first consulting the City Arborist and obtaining a permit. Finally, street trees are those that are located in the public right-of-way between the curb and sidewalk. A permit is required before pruning or removing a street tree.

No heritage trees are located or anticipated to be removed on the project site. A permit would be required for any removal of street trees.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts from development projects. The following policies are applicable to the proposed project.

Envision San José 2040 Policies Relevant to Biological Resources	
Policy CD-1.24	Within new development projects, include preservation of ordinance-sized and other significant trees, particularly natives. Avoid any adverse effect on the health and longevity of such trees through design measures, construction, and best maintenance practices. When tree preservation is not feasible, include replacements or alternative mitigation measures in the project to maintain and enhance our Community Forest.
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 of activities that could result in impacts to nests during the breeding season or maintenance of buffers between such activities and active nests would avoid such impacts.
Policy ER-5.2	Require that development projects incorporate measures to avoid impacts to nesting migratory birds.
Policy ER-6.5	Prohibit use of invasive species, citywide, in required landscaping as part of the discretionary review of proposed development.

[4] City of San José Heritage Tree webpage. https://www.sanjoseca.gov/your-government/departments/transportation/roads/landscaping/trees/heritage-trees. Accessed February 28, 2022.

Envision San José 2040 Policies Relevant to Biological Resources	
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-21.8	For Capital Improvement Plan or other public development projects, or through the entitlement process for private development projects, require landscaping including the selection and planting of new trees to achieve the following goals: • Avoid conflicts with nearby power lines. • Avoid potential conflicts between tree roots and developed areas. • Avoid use of invasive, non-native trees. • Remove existing invasive, non-native trees. • Incorporate native trees into urban plantings in order to provide food and cover for native wildlife species. • Plant native oak trees and native sycamores on sites which have adequately sized landscape areas and which historically supported these species.

Discussion

Impact Analysis

The analysis below addresses each of the CEQA checklist categories under Biological Resources.

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

Less than Significant with Mitigation. The project site and surrounding area are located in an urban environment consisting of residences and city streets with high levels of human activity. Vegetation on the Project site consists of landscape plants and trees and is not considered a natural vegetation community. No U.S. Fish and Wildlife Service-designated critical habitat for threatened and endangered species is present in or around the Project site (USFWS, 2022). Queries of the federal and state plant and wildlife databases identified 37 special-status wildlife and 28 special-status plant species from the project region (CDFW, 2022). Of these, 10 are extirpated from the area and are, therefore, not expected to occur at the project site. Of the remaining 54 species, 53 are not expected at the project site or in the local vicinity due to the absence of suitable habitat and/or lack of recent or historic occurrences. One species, Coopers hawk (*Accipiter cooperii*), is considered to have a low to moderate potential to nest in trees near the project site). If present on the site, nesting bird protection measures described

under checklist discussion D (Mitigation Measure BIO-1) will avoid impacts to this species.

Although landscape plants and trees provide only limited habitat to support wildlife species, they can provide cover, foraging, and nesting habitat for a variety of common bird species that tolerate human activity, such as dark-eyed junco (*Junco hyemalis*), California towhee (*Melozone crissalis*), American bushtit (*Psaltriparus minimus*), house finch (*Haemorhous mexicanus*), Anna's hummingbird (*Calypte anna*), and American crow (*Corvus brachyrhynchos*). These species, which are protected by the MBTA and California Fish and Game Code, could nest in the landscape trees and shrubs on and around the Project site. In addition, Cooper's hawk commonly nests in urban trees in the San Francisco Bay Area.

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 U.S. Fish and Wildlife Service?*

No Impact. No riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service were identified within the boundaries of the Project site. Therefore, the Project would not impact any such habitat types.

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 interruption, or other means?*

No Impact. The nearest waterways to the project site are Coyote Creek, approximately 0.5-mile to the east and Guadalupe River, approximately 1.3 miles to the west. Project activities would not have a substantial adverse effect on state or federally protected wetlands, since none are located on or near the site.

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

Less than Significant with Mitigation. The project is proposed on an urban infill site surrounded by development and is not expected to impact existing wildlife corridors, nor support any communal native wildlife nursery sites, such as heron rookeries or shorebird colonies. Tree removal or other construction activities could potentially disrupt individual nesting birds. Implementation of Mitigation Measure BIO-1 would reduce the disturbance of active bird nests containing eggs or chicks by avoiding activities during the nesting season, and provide advance biological surveys and appropriate nest avoidance buffers prior to construction activities during the active nesting season. The impact will be less than significant with incorporation of Mitigation Measure BIO-1 to address direct or indirect impacts to active bird nests containing eggs or chicks. As a

result, the impact would be reduced to less than significant with respect to active bird nests.

Therefore, the Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, nor would it impede the use of native wildlife nursery sites.

Mitigation

Impact BIO-1: Demolition, grading, and construction activities and tree removal during the nesting season could impact migratory birds.

Mitigation Measure BIO-1: Nesting Bird Protection Measures.

- Avoidance: To the extent possible, construction activities that may encounter nesting birds (e.g., tree removal) should be performed outside of the nesting season. For most birds, including most raptors in the San Francisco Bay area, this period extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching.

- Nesting Bird Surveys: For construction activities that are initiated during the nesting season, pre-construction nesting bird surveys shall be completed by a qualified biologist to ensure that active nests are not disturbed by construction. This survey shall be completed no more than 14 days prior to the initiation of construction activities. During this survey, the biologist shall inspect all trees and other possible nesting habitats immediately adjacent to the construction area for nests.

- Buffer Zone: If an active nest is found sufficiently close to work areas to be disturbed by construction, the biologist 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 passerine birds) to ensure that nests are not be disturbed during construction. The no-disturbance buffer shall remain in place until the biologist determines the nest is no longer active or if the nesting season ends. If construction ceases for 14 days or more during the early part of the breeding season (February 1st through April 30th, inclusive) or for 30 days or more during the late part of the breeding season (May 1st through August 31st, inclusive), then resumes again during the nesting season, an additional survey shall be necessary to avoid impacts on active bird nests that may have been established during the pause in construction.

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

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

Less than Significant. Below is a discussion of the project's consistency with local policies and ordinances protecting biological resources, including the City's Tree Ordinance. Construction of the Project would result in the removal of 10 trees, including 8 trees located directly onsite and 2 street trees. Removal of trees from the proposed project site would require the posting of a courtesy notice to the public and review by the City Arborist's Office. Existing trees that would be retained will be protected consistent with City of San José requirements.

Table 5.4-1, below shows all trees proposed for removal, for which seven are ordinance-sized trees two are classified as street trees.

TABLE 5.4-1
TREES PROPOSED FOR REMOVAL

Tag No.	Species	Scientific Name	Trunk Circumference (inches)[a]	Ordinance Tree/Non-Ordinance/Street Tree[b]
30415	Narrow-leaved ash	*Fraxinus angustifolia*	75.4	Ordinance Tree
30453	Narrow-leaved ash	*Fraxinus angustifolia*	41.5	Ordinance Tree
30457	Narrow-leaved ash	*Fraxinus angustifolia*	41.5	Ordinance Tree
30460	Narrow-leaved ash	*Fraxinus angustifolia*	41.5	Ordinance Tree
30465	Narrow-leaved ash	*Fraxinus angustifolia*	18.8	Non-Ordinance Tree
30468	London plane	*Platanus acerifolia*	47.1	Ordinance Tree
30484	London plane	*Platanus acerifolia*	56.5	Ordinance Tree
30377	London plane	*Platanus acerifolia*	82.9	Ordinance Tree
40348	Chinese pistache	Pistachia chinensis	37.6	Street Tree
30327	Narrow-leaved ash	*Fraxinus angustifolia*	52.7	Street Tree

NOTES:
[a] Measured at 4.5 feet above grade.
[b] The removal of Ordinance trees greater than 38-inches diameter requires a Tree Removal Permit or equivalent from the City.

SOURCE: ESA, 2021. City of San José, 2022

The City requires replacement of all removed trees in accordance with established tree replacement ratios as outlined by Table 5.4-2, *Tree Replacement Ratios*, below. The seven on-site native ordinance size trees which have a circumference of 38 inches or greater would each be replaced at a ratio 5:1 or 35 trees. The one native non-ordinance size tree would be replaced at a ratio of 1:1 for a total number of 36 trees to be replaced at least 15-gallons in size. The species of trees to be planted would be determined in coordination with the City Arborist and staff from the Department of Planning, Building and Code Enforcement.

Standard Permit Condition

Tree Replacement. Any removed trees would be replaced according to tree replacement ratios required by the City, as provided in **Table 5.4-2** below, as amended.

TABLE 5.4-2
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 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 Multi-Family 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 that a project site does not have sufficient area to accommodate the required tree replacement, one or more of the following may be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement, at the development permit stage:

- The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the Project site, at the development permit stage.
- Due to the nature of site size and use, when the site is not able to fit more than identified by City Tree ratio, required trees can be replaced using other City Facilities Architectural Services project sites (numerous park projects).

Pursuant to the City's Standard Permit Condition above, the proposed project will replace the trees on-site or pay the in-lieu off-site fee. Therefore, the impact would be less than significant.

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?*

Less than Significant. The project is located within the SCVHP plan area and is considered a Covered Activity. The project is located on land cover type designated by the SCVHP as Urban-Suburban. The nitrogen deposition fee applies to all projects that create new vehicle trips. A nitrogen deposition fee would be required for each new vehicle trip generated by the project, at the time of development. The project would

implement the Standard Permit Condition below in accordance with the SCVHP. Therefore, the impact would be less than significant.

Standard Permit Condition

Santa Clara Valley Habitat Plan Conditions. The project is subject to applicable Santa Clara Valley Habitat Plan (SCVHP) conditions and fees (including the nitrogen deposition fee) prior to issuance of any grading permits. The project proponent 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 atwww.scv-habitatplan.org.

References

California Department of Fish and Wildlife (CDFW), 2022. *California Natural Diversity Database (CNDDB). RareFind version 5 query of the San José West, San José East, Milpitas, Calaveras Reservoir USGS 7.5-minute topographic quadrangle*, accessed February 24, 2022.

California Native Plant Society (CNPS), 2022. *Inventory of Rare and Endangered Plants for the San José West, San José East, Milpitas, Calaveras Reservoir USGS 7.5-minute topographic quadrangles*. Available at: http://www.rareplants.cnps.org/, accessed February 24, 2022.

E-bird, 2022. *e-Bird Field Checklist, Roosevelt Park and San José City Hall*. Accessed February 25, 2022.

Santa Clara Valley Habitat Agency (SCVHA), *Final Santa Clara Valley Habitat Plan,* Santa Clara County, California August 2012.

U.S. Fish and Wildlife Service (USFWS), 2022. *My Project, IPaC Trust Resource Report of Federally Endangered and Threatened Species in the vicinity of 601 E. Santa Clara Street, San José, CA 95141*, generated February 24, 2022.

5.5 Cultural Resources

Issues (and Supporting Information Sources):		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V.	**CULTURAL RESOURCES — Would the project:**				
a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Environmental Setting

Background Research

ESA completed a records search at the Northwest Information Center (NWIC) of the California Historical Resources Information System on February 8, 2022 (File No. 21-1279). The review included the project site and a 0.25-mile radius. Previous surveys, studies, and site records were accessed. Records were also reviewed in the Built Environment Resources Directory for Santa Clara County, which contains information on places of recognized historical significance including those evaluated for listing in the *National Register of Historic Places*, the *California Register of Historical Resources*, the *California Inventory of Historical Resources*, *California Historical Landmarks*, and *California Points of Historical Interest*. The purpose of the records search was to (1) determine whether known cultural resources have been recorded within the project vicinity; (2) assess the likelihood for unrecorded cultural resources to be present based on historical references and the distribution of nearby sites; and (3) develop a context for the identification and preliminary evaluation of cultural resources.

The NWIC records search indicated that no previously recorded cultural resources intersect the project site and no cultural resources have been previously recorded within 0.25 mile of the project site. There are no previously recorded pre-contact or historic-era archaeological resources recorded within the project site or within a 0.25-mile radius. The nearest pre-contact archaeological resource is located 0.9-miles southwest of the project site.

The records search results indicated that the project site has not been previously surveyed for cultural resources and is currently completely paved and built over.

Archaeological Sensitivity Assessment

As part of an archaeological sensitivity analysis, ESA reviewed historic maps and aerial photography, geology and soils maps, and the results of the geotechnical and soil analysis reports prepared for the proposed Project. This analysis found that the project site has historically experienced heavy urban development, including residential and commercial sprawls and infrastructure to accommodate a growing population and escalating settlement patterns.

Based on the historic maps and aerials, the project site has been occupied since at least 1891. At this time, there was a house that intersected the project site, and an outhouse and windmill with

an elevated tank just north of the project site. Between 1915 and 1931, an oil station was constructed within the project site at the corner of N. 13th Street and E. Santa Clara. The outhouse north of the main residence (outside of the Project Area) was removed sometime between 1948 and 1950. The windmill was replaced with a greasing building, which likely provided oil and/or lube services in conjunction with the oil station, sometime between 1915 and 1950. The main residence was demolished between 1950 and 1956. Between 1956 and 1960, the oil station and greasing building were demolished, the parcel was split into the current parcel configuration, and an L-shaped building was constructed on the project site. Between 1982 and 1987, the L-shaped building was demolished, and the entire parcel became a parking lot, as it is today (Library of Congress, 2022; NETR, 2022; UCSB, 2022; USGS, 2022).

Soils in the project site are Urban land-Elpaloalto complex soils. Urban land complex soils are disturbed human transported material usually found in dense urban areas where the soils have been greatly disturbed from modern development (USDA, 2022). Urban land-Elpaloalto complex soils consist mainly of silty clay loam that can be more than 7 feet deep (USDA, 2022). The underlying geology of the project site consists of Quaternary alluvial gravel, sand, and silt which represent undifferentiated stream alluvium in drainages and younger alluvial fan deposits (Diblee and Minch, 2007). Given this context, the distance to previously recorded archaeological resources, and evidence of previous disturbance of the project site based on the presence of modern fill, the project site's sensitivity for pre-contact archaeological resources and historic-era archaeological resources is low.

Regulatory Framework

National Register of Historic Places

The National Historic Preservation Act of 1966, as amended (U.S. Code Title 54, Section 306108), and its implementing regulations established the National Register of Historic Places (National Register) as a comprehensive inventory of known historic resources throughout the United States. The National Register is administered by the National Park Service under the direction of the Secretary of the Interior. It includes buildings, structures, sites, objects, and districts that possess historic, architectural, archaeological, engineering, or cultural significance. A property is considered significant if it meets the criteria for listing in the National Register at Code of Federal Regulations Title 36, Section 60.4 (36 CFR 60.4).

California Register of Historical Resources

The California Register is "an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1(a)). Certain resources are determined by law to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.

Native American Heritage Commission

The Native American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of

special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

California Public Resources Code Sections 5097.98 and 5097.99

PRC Section 5097.98 (reiterated in CEQA Guidelines Section 15064.5(e)) identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. PRC Section 5097.99 prohibits obtaining or possessing any Native American artifacts or human remains that are taken from a Native American grave or cairn (stone burial mound).

California Health and Safety Code Section 7050.5

California Health and Safety Code Section 7050.5 protects human remains by prohibiting the disinterment, disturbance, or removal of human remains from any location other than a dedicated cemetery.

City of San José Policies and Historic Preservation Ordinance

The City of San José Historic Preservation Ordinance (Municipal Code Chapter 13.48) is designed to identify, protect, and encourage the preservation of significant resources as a means to stabilize neighborhoods, enhance property values, carry out the goals of the General Plan, foster civic pride in the city's cultural resources, and celebrate the unique historical identity of San José.

Envision San José 2040 General Plan

General Plan Policies

The General Plan includes numerous policies to promote reduction or avoidance of impacts on historic and cultural resources. The policies listed below are relevant to the proposed project:

Envision San José 2040 Policies Relevant to 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

Discussion

To support the following discussion ESA prepared a cultural resources technical memo, which is included as **Appendix B** to this Initial Study.

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

No Impact. CEQA Guidelines Section 15064.5 requires the lead agency to consider the effects of a project on historical resources. An historical resource is defined as any building, structure, site, or object listed in or determined to be eligible for listing in the California Register, or determined by a lead agency to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California. The following discussion focuses on architectural and structural resources. Archaeological resources, including archaeological resources that are potentially historical resources according to CEQA Guidelines Section 15064.5, are addressed under impact b, below.

Through a records search and background research, no historical resources were identified in the project site. As such, there are no architectural or structural resources in the project site that qualify as historical resources, as defined in CEQA Guidelines Section 15064.5; therefore, the project is not anticipated to impact any historical resources and no mitigation is required.

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

Less than Significant with Mitigation. This section discusses archaeological resources, both as historical resources according to CEQA Guidelines Section 15064.5, as well as unique archaeological resources, as defined in California Public Resources (PRC) (CEQA) Section 21083.2(g). A significant impact would occur if the project would cause a substantial adverse change to an archaeological resource through physical demolition, destruction, relocation, or alteration of the resource.

Based on the results of the records search, background research, and archaeological sensitivity assessment, no archaeological resources have been identified in the project site. The archaeological sensitivity analysis found that the project site has a low potential for encountering archaeological resources. While unlikely, there is the potential for the discovery of buried archaeological resources during ground-disturbing activities. Accordingly, the project shall implement **Mitigation Measure CUL-1: Cultural Resources Awareness Training,** in addition to the Standard Permit Condition below to determine, mitigate, and reduce any potential significant impacts. If any previously unrecorded archaeological resources are identified during project ground disturbing activities and were found to qualify as a historical resource per CEQA Guidelines Section

15064.5 or a unique archaeological resource, as defined in PRC (CEQA) Section 21083.2(g), any impacts to the resource resulting from the project could be potentially significant. Any such potential significant impacts would be reduced to a less than significant level with implementation of **Mitigation Measure CUL-1** and the Standard Permit Condition, below.

Standard Permit Condition

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 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.

Mitigation

Impact CUL-1: Project ground disturbing activities could result in a substantial adverse change in the significance of an archaeological resource.

Mitigation Measure CUL-1: Cultural Resources Awareness Training.

Prior to issuance of any grading or building permits, a Secretary of the Interior (SOIS)-qualified archaeologist and a Native American representative registered with the Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area, as described in Public Resources Code Section 21080.3 shall conduct a training program for all construction and field personnel involved in ground disturbance. On-site personnel shall attend a mandatory pre-project training that shall outline the general archaeological sensitivity of the area and the procedures to follow in the event an archaeological resource and/or human remains are inadvertently discovered. A training program shall be established for new project personnel before they begin project work. The project proponent shall submit a copy of the training documents to the Director of Planning Building and Code Enforcement or the Director's designee for review and approval prior to the issuance of any grading or building permits. Documentation confirming the training sessions conducted shall be submitted to the Director of Planning, Building and Code Enforcement or Director's designee prior start of construction activities.

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

Less than Significant. Based on the records search and survey results, no human remains are known to exist within the project site. It is possible that human remains would be

encountered during construction of the proposed project. Therefore, the possibility of inadvertent discovery cannot be entirely discounted. In the event of the discovery of human remains during project construction activities, implementation of the Standard Permit Condition below would reduce potential impacts to human remains.

Standard Permit Condition

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 proponent shall immediately notify the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the qualified archaeologist, who shall then notify the Santa Clara County Coroner. The Coroner will make a determination as to whether the remains are Native American. If the remains are believed to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC will then designate a Most Likely Descendant (MLD). The MLD will inspect the remains and make a recommendation on the treatment of the remains and associated artifacts. If one of the following conditions occurs, the landowner or his authorized representative shall work with the Coroner to reinter the Native American human remains and associated grave goods with appropriate dignity in a location not subject to further subsurface disturbance:

a. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being given access to the site.

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

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

References

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5.6 Energy

Issues (and Supporting Information Sources):		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI.	**ENERGY — 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?	☐	☐	☒	☐
b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Environmental Setting

San José Clean Energy (SJCE) is the electricity provider for most residents and businesses in the City of San José. SJCE sources electricity, and the Pacific Gas and Electric Company (PG&E) delivers it to customers using existing PG&E utility lines. SJCE buys its power from a number of suppliers. Sources of renewable and carbon-free power include California wind, solar, and geothermal; Colorado wind; and hydroelectric power from the Pacific Northwest. SJCE customers are automatically enrolled in the GreenSource program, which provides 80 percent greenhouse gas (GHG) emission-free electricity. Customers can enroll in the TotalGreen program through SJCE and receive 100 percent GHG free electricity from entirely renewable resources.

Regulatory Framework

Many federal, State, and local statutes and policies address energy conservation. At the federal level, energy standards set by the USEPA apply to numerous consumer and commercial products.

State

California Renewable Energy Standards

In 2002, California established its Renewables Portfolio Standard (RPS) Program, with the goal of increasing the percentage of renewable energy in the State's electricity mix to 20 percent of retail sales by 2010. In 2006, California's 20 percent by 2010 RPS goal was codified under Senate Bill (SB) 107. Under the provisions of SB 107 (signed into law in 2006), investor-owned utilities were required to generate 20 percent of their retail electricity using qualified renewable energy technologies by the end of 2010. In 2008, Executive Order S-14-08 was signed into law and requires that retail sellers of electricity serve 33 percent of their load with renewable energy by 2020.

In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 for retail sellers and publicly owned utilities, requires them to procure 50 percent of the State's electricity from renewable sources by 2030.

California Building Codes

At the State level, the Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6, of the California Code of Regulations (Title 24), was established

in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years. Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments (California Energy Commission, 2020).[5]

The California Green Building Standards Code (CalGreen) 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.

Local

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating energy impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Energy

Policy MS-1.6	Recognize the interconnected nature of green building systems, and, in the implementation of Green Building Policies, give priority to green building options that provide environmental benefit by reducing water and/or energy use and solid waste.
Policy MS-2.1	Develop and maintain policies, zoning regulations, and guidelines that require energy conservation and use of renewable energy sources
Policy MS-2.4	Promote energy efficient construction industry practices.
Policy MS-2.11	Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).
Policy MS-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.
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, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
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-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.

[5] California Energy Commission. 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. 2018. https://ww2.energy.ca.gov/2018publications/CEC-400-2018-020/CEC-400-2018-020-CMF.pdf.

Discussion

a, b) *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Less than Significant. Construction and operation of the proposed project would require energy consumption. Construction of the project would increase consumption of energy in the forms of electricity and fossil fuels (e.g., gasoline and diesel) during proposed construction activities. The primary construction-related energy demands would be construction equipment, worker vehicles, and material delivery trucks. The project does not have unusual characteristics that would require construction equipment that would be less energy-efficient than at comparable construction sites in other parts of the County. Therefore, it is expected that construction fuel consumption associated with the proposed project would not be any more inefficient, wasteful, or unnecessary than at other construction.

During project operation, electricity would be consumed through fire station building operation and EV charging spaces. The proposed project would meet LEED Silver, with a goal of obtaining LEED Gold certification. The proposed project would also include on-site renewable electric generation via a rooftop approximately 62.7 kW solar electric PV system, which is estimated to generate between 97,753 and 103,460 kWh of electricity per year (NREL, 2022). As such, much of the building-related electricity would be offset by on-site generated electricity.

Gasoline fuel would be used by SJFD personnel and visitors traveling to and from the project site. However, since uses from the existing Fire Station No. 8 would be relocated to the project site following proposed project construction, and the relocation of Fire Station No. 8 would not result in additional staffing, it is not expected that a measurable increase in fuel usage would occur as a result. EV spaces and charging would also be provided which would encourage the use of EVs to travel to and from the project site. Bicycle facilities would also we provided on the project site, including long- and short-term bicycle parking spaces. The proposed fire station would also include showers and other amenities as part of its dormitories, which would encourage the use of bicycles for commuting purposes.

Diesel fuel would be consumed by diesel emergency generator testing and usage, and by fire apparatus during calls for service. Emergency generator use would be intermittent, occurring only during routine testing activities and during emergency events. Uses from the existing Fire Station No. 8, including the fire apparatus, would be relocated to the project site following proposed project construction. Existing Fire Station No. 8 responds to approximately 10 calls per service per day. While service boundaries have not yet been set, SJFD estimates that the relocated Fire Station No. 8 would respond to approximately 23 calls per day, based on the four-minute geographic reach of the relocated station, or a potential net increase of 13 service calls per day. Based on the relatively small increase in calls for service, the local-serving nature of the fire station, and that the use of diesel fuel

would be tied to the provision of emergency services, diesel fuel consumption associated with the proposed project would not be inefficient, wasteful, or unnecessary.

Considering the information presented above, the proposed project's construction and operational-related energy consumption would not result in inefficient, wasteful, or unnecessary use of energy.

By reducing the need for single-occupancy traffic trips and including green design measures to achieve LEED certification, the proposed project would comply with existing State energy standards. On-site renewable energy generation would also directly support local plans for renewable energy. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency, and impacts would be less than significant.

References

City of San José, *Envision San José 2040 General Plan,* Adopted November 1, 2011 As Amended on September 30, 2021.

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5.7 Geology and Soils

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
VII. GEOLOGY AND SOILS — Would the project:				
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.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐

As described previously under *Air Quality*, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the proposed project would significantly exacerbate an existing environmental condition. Thus, with respect to seismic hazards, this Initial Study is not required to consider the effects of bringing a new population into an area where such hazards exist because the project would not increase or otherwise affect the conditions that create those risks. Furthermore, the identified significance criteria related to locating development on unstable geologic units and soils are valid only to extent that the project would significantly exacerbate those risks. Thus, potential seismic and geologic hazards, and applicable regulatory mechanisms that address these effects, are disclosed in this section, for informational purposes.

Environmental Setting

The project site is located in the San Francisco Bay Region, on the west flank of the Diablo Range foothills of the Coast Range geomorphic province, prominent northwest-trending

mountains defining the eastern boundary of Santa Clara Valley. Regional geologic mapping indicates that the site is predominantly underlain by Holocene-age levee deposits (Qhl), which consist of sandy and clayey silt ranging to sandy and silty clay, loose and moderately to well sorted. Holocene-age flood plain deposits (Qhfp) are mapped immediately west of the site and can be characterized by gray, dense, sandy to silty clay materials.

The San Francisco Bay Region contains numerous active earthquake faults. The project site is located within the Santa Clara Valley region, which lies to the east of the San Andreas Fault and to the west of the Hayward and Calaveras Faults. The California Geologic Survey (CGS) defines an active fault as one that has had surface displacement within Holocene time (about the last 11,700 years). According to the Working Group on California Earthquake and the 30-year probability of a Moment Magnitude 6.7 or greater earthquake occurring on the known active fault systems in the Bay Area, there is an estimated an overall probability of 72 percent for the Bay Area as a whole, 14.3 percent for the Hayward Fault, 7.4 percent for the Calaveras Fault, and 6.4 percent for the Northern San Andreas Fault (the closest major faults to the site). The project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Hazard Zone, and no known active faults across the project site.

Groundwater has been encountered approximately 12.5 feet below the ground surface of the project site. However, fluctuations in the level of groundwater may occur due to variations in rainfall, irrigation practices, and other factors, which may result in groundwater levels that differ from the levels measured. Historical groundwater data in the project vicinity indicates shallower groundwater levels are possible. For purposes of the planning and design of the proposed project, it is recommended that an estimated design groundwater depth of 10 feet below the ground surface be used.

The project site is located within a mapped State of California Seismic Hazard Zone for areas that may be susceptible to liquefaction. Soil liquefaction results from loss of strength during cyclic loading, such as imposed by earthquakes. The soil considered most susceptible to liquefaction is clean, loose, saturated, uniformly graded fine sand below the groundwater table (ENGEO, 2021).

The project site is identified as having a "high sensitivity at depth" to yield significant fossil; that is, the project site it is not likely to yield resources at the surface but may contain resources at depth (City of San José, 2011).

Regulatory Framework

State

California Building Code

The 2019 California Building Standards Code (CBC) was published on July 1, 2019 and took effect on January 1, 2020. The 2019 CBC is a compilation of three types of building criteria from three different origins:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;

- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

The CBC identifies acceptable design criteria for construction that addresses seismic design and load- bearing capacity, including specific requirements for seismic safety; excavation, foundation and retaining wall design, site demolition, excavation, and construction, and drainage and erosion control.

Changes in the 2019 provide enhanced clarity and consistency in application. The basis for the majority of these changes resulted from California amendments to the 2018 model building codes. Some of the most significant change include the following:

- Aligns engineering requirements in the building code with major revisions to national standards for structural steel and masonry construction, minor revisions to standards for wood construction, and support and anchorage requirements of solar panels in accordance with industry standards;
- Clarifies requirements for testing and special inspection of selected building materials during construction; and
- Recognizes and clarifies design requirements for buildings within tsunami inundation zones.

Paleontological Resources Regulations - California Public Resources Code

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. California Public Resources Code (Section 5097.5) stipulates that the unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Geology and Soils

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.

Envision San José 2040 Policies Relevant to Geology and Soils	
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. [The City Geologist will issue a Geologic Clearance for approved geotechnical reports.]
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.
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.
Action EC-4.12	Require review and approval of grading plans and erosion control plans prior to issuance of grading permits by the Director of Public Works.
Policy ES-4.9	Permit development only in those areas where potential danger to health, safety, and welfare of the persons in that area can be mitigated to an acceptable level.
Policy ER-10.3	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.

Discussion

a.i) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

Less than Significant. The project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone or a Santa Clara County Hazard Zone, and no known active faults across the project site. The major active faults, nearest to the project site are the Silver Creek (0.96 miles) Hayward (5.73 miles), Calaveras (6.92 miles), and San Andreas fault (12.74 miles). As the site is not located in an Alquist-Priolo Earthquake Fault Zone nor located on an active fault, fault rupture hazards associated with the proposed project is considered low and there would be a less than significant impact.

a.ii, iii) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking; Seismic-related ground failure, including liquefaction?*

Less than Significant. The project site is located in a seismically active region. The project site could experience a range of ground shaking effects during an earthquake on one of the Bay Area regional active faults. An earthquake on the nearby faults could result in very strong ground shaking intensities.[6] This could pose a risk to proposed structures and infrastructure. Seismic impacts would be minimized by implementation of standard engineering and construction techniques in compliance with the requirements of the California and Uniform Building Codes.

Such seismic shaking can also trigger ground failures caused by liquefaction, potentially resulting in foundation damage, disruption of utility service and roadway damage.[7] The project site is located within a mapped State of California Seismic Hazard Zone for areas that may be susceptible to liquefaction. A Design-Level Geotechnical Exploration (ENGEO, 2021) was prepared for the proposed project which evaluated the liquefaction hazard at the project site. Based on the study of the liquefaction hazard at the project site, a total potential liquefaction-induced settlement of up to 0.5-inch was estimated. Accordingly, the proposed structure was recommended to be designed to accommodate differential settlement up to 0.25-inch between column spans. In addition, the capping effect of any overlying non-liquefiable soil was evaluated to assess the potential for ground surface disruption. Based on review of the thickness of potentially liquefiable deposits and thickness of non-liquefiable cap materials, the risk for ground surface rupture and sand boils is negligible (ENGEO, 2021). The Standard Permit Condition below requires that the project implement recommendations identified in an approved geotechnical engineering report, which would include design and construction recommendations to avoid and reduce liquefaction hazards. Implementation of these recommendations along with adherence to these design and construction recommendations along with seismic provisions in the CBC, included as the Standard Permit Conditions, would reduce potential impacts from ground shaking and liquefaction to less than significant.

Standard Permit Condition

Seismic Damage. The project proponent shall implement the following conditions:

- To avoid or minimize potential damage from seismic shaking, project construction shall use standard engineering and seismic safety design techniques. Complete building design and construction at the site in conformance with the recommendations of an approved geotechnical investigation. The geotechnical investigation report shall be reviewed and approved by the Department of Public Works as part of the building permit review and entitlement 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

[6] Shaking intensity is a measure of ground shaking effects at a particular location, and can vary depending on the overall magnitude of the earthquake, distance to the fault, focus of earthquake energy, and type of underlying geologic material. The Modified Mercalli (MM) intensity scale is commonly used to measure earthquake effects due to ground shaking. The MM values for intensity range from I (earthquake not felt) to XII (damage nearly total).

[7] Liquefaction is the process by which saturated, loose, fine-grained, granular, soil, like sand, behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

life or property on site and off site to the extent feasible and in compliance with the Building Code.

- Schedule all excavation and grading work in dry weather months or weatherize construction sites.
- Cover stockpiles and excavated soils with secured tarps or plastic sheeting.
- Install ditches 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.

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

No Impact. The project site has no appreciable vertical relief and would not be subject to landslides.

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

Less than Significant. Implementation of the proposed project would include earthwork activities such as grading and trenching. If not conducted appropriately, these activities could potentially expose underlying materials to the effects of erosion. The proposed project would be required to comply with the City of San José's Grading Ordinance, which requires the use of erosion and sediment controls while the site is under construction (refer to Section 5.10, *Hydrology and Water Quality* below). Sediment control measures during construction are also required by the Standard Permit Conditions. Because the contractor would be required to develop and implement BMPs to minimize potential erosion and subsequent sedimentation of stormwater runoff in accordance with the City's Grading Ordinance and the Standard Permit Condition below, the potential impact or erosion or loss of topsoil would be less than significant.

Standard Permit Condition

Construction-related Water Quality. The project proponent shall implement the following 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 proponent 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.

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. As addressed under a.iv) above, the project site would not be subject to landslides. Lateral spreading is a failure within a nearly horizontal soil zone (possibly due to liquefaction) that causes the overlying soil mass to move toward a free face or down a gentle slope. The closest free face to the proposed project is the Coyote Creek northeast of the site. Based on the distance from Coyote Creek to the project site and subsurface conditions encountered, the risk of lateral spreading at the project site is very low (ENGEO, 2021).

Land subsidence is a settling of the earth's surface due to the compaction of subsurface materials. Fine-grained soil may experience consolidation settlement when new loads are introduced by structures, earthwork, or equipment. The amount of consolidation settlement is dependent on the magnitude and duration of the applied load, the shape and size of the applied load area, the depth, thickness, and stress history of the compressible soil, and foundation type. Load-induced settlement was modeled as part of the Design-Level Geotechnical Exploration (ENGEO, 2021), and it was recommended that footing bearing pressure be limited to 2,000 psf and isolated footing sizes be limited to a maximum of 8 feet by 8 feet to limit load-induced settlement to approximately 1 inch or less.

As addressed under a.ii, iii), the project site is located within a mapped State of California Seismic Hazard Zone for areas that may be susceptible to liquefaction. Based on the study of the liquefaction hazard at the project site, the proposed structure was recommended to be designed to accommodate differential settlement up to 0.25-inch between column spans. In addition, the capping effect of any overlying non-liquefiable soil was evaluated to assess the potential for ground surface disruption. Based on review of the thickness of potentially liquefiable deposits and thickness of non-liquefiable cap

materials, the risk for ground surface rupture and sand boils is negligible (ENGEO, 2021).

The Standard Permit Conditions require that the project implement recommendations identified in an approved geotechnical engineering report, which would include design and construction recommendations to avoid and reduce load-induced settlement and liquefaction hazard. Implementation of these recommendations along with adherence to these design and construction recommendations along with seismic provisions in the CBC, included as the Standard Permit Conditions**,** would include incorporation of site preparation measures to ensure site stability. Therefore, while the project would be located on a geologic unit or soil that is potentially unstable, project characteristics and the building code requirements would ensure it does not exacerbate on- or off-site conditions, and the impact would be less than significant.

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

Less than Significant. Expansive soil changes in volume with changes in moisture. It can shrink or swell and cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. Sampling and testing of near-surface soil at the site to characterize the physical properties in relation to expansion potential was performed as part of the Design-Level Geotechnical Exploration (ENGEO, 2021) for the proposed project. Test results indicate that the soil at the project site exhibits moderate expansion potential. Native site soil and existing fill that is re-used as engineered fill should be placed in accordance with the fill placement recommendations contained in the Design-Level Geotechnical Exploration to reduce the potential for changes in volume (ENGEO, 2021). Implementation of the Standard Permit Conditions, which requires that building design and construction at the site be in conformance with the recommendations of an approved geotechnical investigation, would reduce the potential impact from expansive soils to less than significant.

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

No Impact. The project would not include any septic tanks or alternative waste water disposal systems. The project site is within an urban area and existing sanitary sewer main lines run along Santa Clara Street and in N 13th Street adjacent to the project site. The proposed project would connect to the existing 10-inch sewer main on E Santa Clara Street through a proposed 6-inch sewer lateral. Therefore, there would be no impact.

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

Less than Significant. The project site is identified as having a "high sensitivity at depth" to yield significant fossil; that is, the project site it is not likely to yield resources at the surface but may contain resources at depth (City of San José, 2011). The project

site has previously been modified by development, and thus soil at the project site is previously disturbed. Excavation for the proposed project would occur up to a maximum depth of approximately 12 feet. While the proposed project construction is not expected to encounter paleontological resources, it has the potential to impact paleontological resources. Consistent with General Plan Policy ER-10.3, the Standard Permit Condition below would be implemented by the project to reduce or avoid impacts to paleontological resources to a less than significant level. No other unique geological features are found on this infill site.

Standard Permit Condition

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

References

City of San José, *Envision San José 2040 General Plan,* Adopted November 1, 2011 As Amended on September 30, 2021.

City of San José, 2011. Draft Program Environmental Impact Report for the Envision San José 2040, General Plan, State Clearinghouse Number 2009072096 File Number: PP09-011

ENGEO, 2021. *Fire Station No. 8 Design-Level Geotechnical Exploration*, October 22, 2021.

5.8 Greenhouse Gas Emissions

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
VIII. GREENHOUSE GAS EMISSIONS — Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

Environmental Setting

Certain gases in the earth's atmosphere, greenhouse gases (GHGs), are important in regulating the earth's surface temperature. As solar radiation enters the atmosphere from space, some of the radiation is absorbed by the earth's surface. Radiation is emitted back toward space; however, greenhouse gases in the atmosphere absorb this radiation, resulting in a warming of the atmosphere. Carbon dioxide (CO_2), methane, ozone, water vapor, nitrous oxide, and chlorofluorocarbons are the most prominent greenhouse gases. The emission of these gases is excess of natural ambient concentrations has led to an enhanced greenhouse effect and accelerated warming of the atmosphere. In California, the transportation and industrial sectors result in the largest emission of GHGs (CARB, 2018).

The project site is currently developed with a surface parking lot. GHG emissions generated by the current use is primarily generated from the parking lot lighting.

Regulatory Framework

State and Regional

The California Global Warming Solutions Act (Assembly Bill [AB] 32, 2006), as amended, sets statewide GHG emissions caps. California Air Resources Board (CARB) established the Climate Change Scoping Plan, which outlined a framework for achieving the emission reduction goals set in the California Global Warming Solutions Act. Senate Bill (SB) 375 requires CARB to develop regional GHG reduction goals for the automobile and light truck sectors. The *Plan Bay Area* is a plan to achieve regional GHG reduction goal by improving transportation access, maintaining the region's infrastructure, and enhancing resilience to climate change through strategies such as fostering open space. There are a number of other laws in California intended to reduce GHG emissions through the regulation of construction standards, growth, and municipal operations as highlighted below.

California Building Efficiency Standards – Title 24, Part 6

California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24 Building Standards) were established by the California Energy Commission in Title 24, Part 6 of the CCR. These standards mandate a reduction in California's energy consumption and are

updated on a three-year cycle to allow for innovation and incorporation of new energy efficient technologies and methods. Applications for building permits after January 1, 2020 have to be compliant with the 2019 standards. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions.

California Green Building Standards Code – CALGreen

In January 2010, the State of California adopted the California Green Building Standards Code (CalGreen) that established new sustainable 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 minimum guidelines, as well as more rigorous voluntary measures, for new construction projects to achieve specific green building performance levels. This Code went into effect as part of local jurisdictions' building codes on January 1, 2011, and was most recently updated as the 2019 California Green Building Standards Code, which became effective January 1, 2020 (California Building Standards Commission, 2019).

Bay Area Air Quality Management District

The Project is located in Santa Clara County, within the San Francisco Bay Area Air Basin (SFBAAB), and falls under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The BAAQMD is primarily responsible for assuring that the federal and state ambient air quality standards for criteria pollutants are attained and maintained in the SFBAAB.

The BAAQMD established its California Environmental Quality Act Air Quality Guidelines (CEQA Guidelines) to assist in the evaluation of air quality and climate change impacts of projects and plans proposed in the SFBAAB. In June 2010, BAAQMD's Board of Directors adopted CEQA thresholds of significance and an update of the BAAQMD CEQA Guidelines, which included significance thresholds for GHG emissions based on the emission reduction goals for 2020 articulated by the California Legislature in AB 32. The first threshold, 1,100 $MTCO_2e$ per year, is a numeric emissions level below which a project's contribution to global climate change would be less than cumulatively considerable. For larger and mixed-use projects, the guidelines state that emissions would be less than cumulatively significant if the project as a whole would result in an efficiency metric of 4.6 $MTCO_2e$ per service population or better.

Under the current BAAQMD Air Quality Guidelines, a local government may prepare a qualified GHG reduction strategy that is consistent with State GHG reduction goals. If a project is consistent with an adopted qualified GHG reduction strategy and general plan that addresses the project's GHG emissions, it can be presumed that the project will not have significant GHG emissions under CEQA (BAAQMD, 2017a).

2017 Bay Area Clean Air Plan

The BAAQMD and other air districts develop plans to reduce emissions of pollutants for which regions are designated as non-attainment areas. The most recent clean air plan for the SFBAAB is the *Bay Area 2017 Clean Air Plan: Spare the Air, Cool the Climate* (2017 Clean Air Plan). This is an update to the 2010 Clean Air Plan, and centers on protecting public health and climate.

Consistent with the state's GHG reduction targets, the plan lays the groundwork for a long-term effort to reduce Bay Area GHG emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 Clean Air Plan describes control measures and specific actions to reduce emissions of air and climate pollutants from the full range of emission sources; it is based on the following four key priorities (BAAQMD, 2017b):

- Reduce emissions of criteria air pollutants and toxic air contaminants from all key sources.
- Reduce emissions of "super-GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels (gasoline, diesel, and natural gas).
- Decarbonize our energy system.

Local

City of San José Greenhouse Gas Reduction Strategy

The City prepared the *Greenhouse Gas Reduction Strategy* (GHGRS) in conjunction with the General Plan and in accordance with the requirements of AB 32 and CEQA Guidelines Section 15183.5. 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 can be incorporated at the City's discretion as mitigation measures for proposed projects.

In response to the 2030 GHG reduction goals set forth by SB 32, the City updated the strategy in August 2020. The City's 2030 Greenhouse Gas Reduction Strategy (2030 GHGRS) builds on the City's *Envision San José 2040 General Plan* as well as Climate Smart San José (City of San José, 2020a). The 2030 GHGRS serves as a Qualified Climate Action Plan for the purposes of CEQA tiering. Pursuant to CEQA Guidelines Sections 15064(h)(3), 15130(d), and 15183(b), a Project's GHG emissions would be determined not cumulatively considerable if it demonstrates compliance with the requirements of the 2030 GHGRS through the Compliance Checklist (City of San José, 2020b). A GHGRS Compliance Checklist was prepared for the proposed project and is included as **Appendix C**.

Climate Smart San José

Climate Smart San José, adopted in 2018, is a plan to reduce air pollution, save water, and create a healthy community. The plan focuses on three pillars and nine key strategies to transform San José into a climate smart city that is substantially decarbonized and meeting requirements of Californian climate change laws.

City of San José Municipal Code

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

- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.11)
- Prohibition of Natural Gas Infrastructure in Newly Constructed Buildings (Chapter 17.845)

- Construction and Demolition Diversion Deposit Program (Chapter 9.10)

City of San José Reach Code

The City has adopted a reach code, which is a building code that is more advanced than those required by the State of California. Reach codes that support energy efficiency, electrification, and renewable energy can save energy and reduce GHG emissions. In September 2019, the San José City Council approved a building reach code ordinance that encourages building electrification and energy efficiency, requires solar readiness on nonresidential buildings, and requires electric vehicle (EV) readiness and installation of EV equipment (City of San José, 2019).

General Plan

The City of San José adopted the Envision San José 2040 General Plan for the purpose of avoiding or mitigating greenhouse gas emissions impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Greenhouse Gas Emissions

Policy MS-1.2	Continually increase the number and proportion of buildings within San José that make use of green building practices by incorporating those practices into both new construction and retrofit of existing structures.
Policy MS-2.2	Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.
Policy MS-2.3	Encourage consideration of solar orientation, including building placement, landscaping, design, and construction techniques for new construction to minimize energy consumption.
Policy MS-2.11	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-14.4	Implement the City's Green Building Policies so that new construction and rehabilitation of existing buildings fully implements industry best practices, including the use of optimized energy systems, selection of materials and resources, water efficiency, sustainable site selection, passive solar building design, and planting of trees and other landscape materials to reduce energy consumption.
Policy 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.
Policy MS-19.4	Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.
Policy 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.
Policy MS-21.6	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.
Policy 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.

Envision San José 2040 Policies Relevant to Greenhouse Gas Emissions	
Policy 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.
Policy 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.
Policy CD-3.2	Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity
Policy CD-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.
Policy 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.
Policy TR-2.18	Provide bicycle storage facilities as identified in the Bicycle Master Plan.
Policy TR-8.5	Promote participation in car share programs to minimize the need for parking spaces in new and existing development.

Discussion

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

Less than Significant. As discussed above, projects that demonstrate consistency with the City's 2030 GHGRS are considered to have a less than significant impact related to GHG emissions. Projects show consistency with the 2030 GHGRS, through the completion of Section A (General Plan Policy Conformance) and Section B (Greenhouse Gas Reduction Strategies) of the Compliance Checklist.

As shown in Appendix C, the proposed project would be consistent with the City's General Plan and the City's applicable GHG reduction strategies included in the 2030 GHGRS. Specifically, the proposed project would include building design measures to meet LEED Silver, with a goal of obtaining LEED Gold certification and on-site renewable electric generation via a rooftop solar PV system. Therefore, the project would be considered consistent with the 2030 GHGRS and the project's contribution to cumulative GHG emissions would not be cumulatively considerable. The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

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

Less than Significant. As described above, the City of San José has established policies to reduce GHG emissions in its General Plan, its GHGRS, and its Municipal Code. Overall, the proposed project would be consistent with GHGRS Measures, as it would be required to comply with the Green Building Ordinance. The proposed project would meet LEED Silver, with a goal of obtaining LEED Gold certification. The proposed project would also include on-site renewable electric generation via a rooftop solar electric PV system. EV spaces and charging would also be provided to meet California Green Building Standards. Additionally, the project would be in conformance with the City of San José 2030 GHGRS as shown in the GHGRS Compliance Checklist prepared for the project (see Appendix C).

Given that the project will be consistent with the GHG reduction strategies identified above, the proposed project would not conflict with implementation of recommended actions in plans adopted to reduce GHGs including the AB 32 Climate Change Scoping Plan and the City of San José GHGRS. Therefore, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for reducing the emissions of GHGs, and the project would have a less than significant impact.

References

Bay Area Air Quality Management District (BAAQMD), 2017a. *Final 2017 Clean Air Plan*, April 2017.

BAAQMD, 2017b. *BAAQMD CEQA Guidelines, California Environmental Quality Act Air Quality Guidelines*, http://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en. May 2017.

California Air Resources Board (CARB), 2018. *California Greenhouse Gas Emissions for 2000 to 2016*. 2018 Edition.

California Air Resources Board (CARB), *Climate Change Scoping Plan*, November 2017.

California Building Standards Commission, 2019. California 2019 Green Building Standards Code, CalGreen California Code of Regulations, Title 24, Part 11. Effective Date: January 1, 2020.

City of San José, *Envision San José 2040 General Plan,* Adopted November 1, 2011 As Amended on September 30, 2021.

City of San José, 2020a. 2030 Greenhouse Gas Reduction Strategy. August 2020. Available at https://www.sanjoseca.gov/Home/ShowDocument?id=63605. Accessed February 28, 2022.

City of San José, 2020b. GHGRS Project Compliance Checklist. Available at https://www.sanjoseca.gov/Home/ShowDocument?id=63603. Accessed February 2, 2022.

City of San José, *San Jose Reach Code*, 2019. Available at https://www.sanjoseca.gov/your-government/departments-offices/environmental-services/climate-smart-san-jos/2019-reach-code-initiative. Accessed February 28, 2022.

5.9 Hazards and Hazardous Materials

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
IX. HAZARDS AND HAZARDOUS MATERIALS — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
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?	☐	☒	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
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?	☐	☒	☐	☐
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?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

As described previously under *Air Quality*, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the proposed project would significantly exacerbate an existing environmental condition. The identified significance criteria related to locating development on a site, which is included on a list of hazardous materials sites; projects within an airport land use plan or in the vicinity of a private airstrip; locating development and population in a wildland fire risk area, are valid only to extent that the project would significantly exacerbate those risks. Nonetheless, all potential applicable project impacts associated with hazards and hazardous materials, and applicable regulatory mechanisms that address these effects, are disclosed in this section, for informational purposes.

Environmental Setting

Site information is based on the results of a Soil and Groundwater Quality Evaluation prepared for the project site in October 2020 by Cornerstone Earth Group.

On-Site and Off-Site Sources of Contamination

The Department of Toxic Substances Control (DTSC) publishes the Hazardous Waste and Substances Sites (Cortese) List, which identifies known hazardous materials sites. The list is a planning document used by several agencies and developers to comply with CEQA requirements. The project site is included on the list of leaking underground storage tank sites from the State Water Board's (SWRCB) GeoTracker database, which meets "Cortese List" listing requirements (SWRCB, 2022; CalEPA, 2022).

The project site is a former leaking underground fuel tank (LUFT) case that was closed by the Santa Clara County Department of Environmental Health (SCCDEH) and Regional Water Quality Control Board (Water Board) in 2016 (SCCDEH case no. 07S1E08A02f; Water Board case no. 14-819). The project site consisted of an auto service station from approximately 1935 to 1975. The project site is adjacent to 579 East Santa Clara Street, which was historically used as an auto service/repair station and identified as a leaking underground storage tank (UST) case. These cases were investigated and monitored simultaneously due to the likely coalescence of the groundwater plumes beneath both sites.

Soil and groundwater sampling at the project site in 2009 found gasoline-range petroleum hydrocarbons (TPHg) in exceedance of the Tier 1 Environmental Screening Level (ESL) in both soil and groundwater. In December 2011 and January 2012, Cornerstone performed a soil and groundwater evaluation that identified elevated concentrations of diesel-range petroleum (TPHd), fuel-related volatile organic compounds (VOCs), and TPHg in soil samples. Monitoring wells were installed and an additional investigation work plan was performed. Results from groundwater monitoring events showed stable to decreasing contaminants of concern (COC) concentrations in groundwater. The COC identified consisted of TPHg, benzene, toluene, and naphthalene. In its *Second Quarter 2015 Ground Water Monitoring Report*, Cornerstone concluded that the potential for significant human health risks in a commercial setting appeared low and recommended case closure under the Water Board's Low-Threat UST Case Closure Policy. The SCCDEH and Water Board closed the case, and the three monitoring wells were subsequently destroyed in 2016 per the approved Work Plan.

Based on information provided by the City, Rincon Consultants, Inc. performed a Phase II Environmental Site Assessment (ESA) in July 2017 to further evaluate the presence of Recognized Environmental Conditions (RECs) identified in their March 2017 Phase I ESA. The Phase II ESA investigation included the collection of soil, soil vapor, and groundwater samples for laboratory analyses. TPHd, TPHo, and benzene were detected in soil samples exceeding the Tier 1 ESLs. The laboratory reporting limits for many of the other compounds analyzed in the soil vapor samples were also above their respective Tier 1 ESLs.

In June 2020, Cornerstone collected soil and soil vapor samples from four exploratory borings to supplement the soil and soil vapor analytical results reported by Rincon in 2017 and the soil and groundwater analytical results reported by Cornerstone in 2011 to 2012 as part of the UST monitoring and closure work. Results from the most recent sampling event detected elevated concentrations of TPHg in soil vapor samples, with the highest concentration reported on the southwestern portion of the project site. Elevated concentrations of the VOC naphthalene and

TPHg were detected in soil samples. These elevated concentrations primarily occurred in samples collected at depths of approximately 9.5 to 10 feet (Cornerstone, 2020).

The DTSC EnviroStor and the SWRCB GeoTracker databases were consulted to identify any other hazardous materials sites in the Project area. No hazardous waste and substances sites were identified within 1,000 feet of the project site (DTSC, 2022). There are 6 LUFT cases within 1,000 feet of the project site, but all cases have been closed (SWRCB, 2022).

Regulatory Background

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

CERCLA, commonly known as Superfund, was enacted by Congress in 1980. This law provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment. CERCLA established prohibitions and requirements concerning closed and abandoned hazardous waste sites; provided for liability of persons responsible for releases of hazardous wastes at these sites; and established a trust fund to provide for cleanup when no responsible party could be identified. CERCLA was amended by the Superfund Amendments and Reauthorization Act on October 17, 1986. The EPA maintains the National Priorities List of Superfund sites.

State Water Resources Control Board (SWRCB)

The SWRCB was created by the Porter-Cologne Act (1967) and is responsible for the oversight of water rights, water pollution and water quality functions. The state is divided into nine regions, each with a Regional Water Quality Control Board (RWQCB). These agencies are authorized to adopt regional water quality control plans, prescribe waste discharge requirements, and perform other functions concerning water quality control within their respective regions. The City of San José is located in Region 2 (San Francisco Bay).

The San Francisco Bay RWQCB oversees the unauthorized releases of pollutants to soils and ground water but in some cases also to surface waters or sediments. Sites that are managed by the San Francisco Bay Regional Water Quality Control Board include sites with pollution from recent or historical surface spills, subsurface releases (e.g., pipelines, sumps, etc.), and other unauthorized discharges that pollute or threaten to pollute surface and groundwater. The State Water Code provides authority for the RWQCB to require investigation and cleanup of sites with unauthorized pollutant releases. The Water Code Section 13304 also authorizes the RWQCB to require technical reports from suspected dischargers, issue "cleanup and abatement" orders to dischargers, and recover costs for oversight of site cleanup. State Water Board Resolution No. 92-49, "Policies and Procedures for Investigation, Cleanup and Abatement of Discharges Under Water Code Section 13304;" No. 68-16, "Statement of Policy with Respect to Maintaining High Quality of Waters in California;" and No. 88-63, "Sources of Drinking Water," contain the policies and procedures that all Regional Water Quality Control Boards shall follow to oversee and regulate investigations and cleanup and abatement activities resulting from all types of discharge or threat of discharge subject to Water Code Section 13304. The RWQCB provides guidance on required cleanup at low risk fuel sites.

The RWQCB also oversees the discharge of storm water/urban runoff to the South San Francisco Bay. In 2009 it issued a Regional Municipal Stormwater NPDES for the entire Bay Area based in large part on an earlier joint NPDES Permit to Santa Clara County, the Santa Clara Valley Water District, and 13 of the cities within the County, including San José. This collection of municipalities and agencies formed an association called the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) to meet National Pollutant Discharge Elimination System (NPDES) permit regulations by sharing resources and collaborating on projects of mutual benefit. Program participants share a common permit to discharge storm water to South San Francisco Bay. To reduce pollution in urban runoff to the "maximum extent practicable", the program incorporates regulatory monitoring, "Industrial/Commercial Discharger Control" (referred to as "IND") inspections, and outreach measures aimed at improving the water quality of South San Francisco Bay and the streams of the Santa Clara Valley

Hazardous Materials Management

The California Hazardous Materials Release Response Plans and Inventory Law (Business Plan Act, Health and Safety Code Section 25500 et seq.) requires any business that handles hazardous materials at or above specified thresholds to prepare a hazardous materials business plan (HMBP). The HMBP must include the following:

- Details, including floor plans, of the facility and business conducted at the site
- An inventory of hazardous materials that are handled or stored on site
- An emergency response plan
- A safety and emergency response training program for new employees with annual refresher courses

The primary purpose of the HMBP requirements is to provide basic information needed by first responders to prevent or mitigate damage to the public health and safety and to the environment from a release or threatened release of a hazardous material.

Local Hazardous Materials Ordinances

In addition to the programs listed above, the San José Fire Department administers a local Hazardous Materials Storage Ordinance (San José Municipal Code Chapter 17.68) and Toxic Gas Ordinance (San José Municipal Code Chapter 17.78). The Storage Ordinance and the Toxic Gas Ordinance are standalone ordinances developed to address specific safety needs in San José that were not adequately covered in previous state codes. The Storage Ordinance was first adopted in 1983, and the Toxic Gas Ordinance in 1990. At the time, they were the first attempt in the nation at providing some framework for regulation. Since then, a high percentage of the requirements in those ordinances have been adopted in national model codes and the International Fire Code.

San José 2040 General Plan

The following policies from the City's General Plan have been adopted for the purpose of reducing or avoiding impacts related to hazards and hazardous materials:

Envision San José 2040 Policies Relevant to Hazards and Hazardous Materials	
Policy EC-6.1	Require all users and producers of hazardous materials and wastes to clearly identify and inventory the hazardous materials that they store, use or transport in conformance with local, state and federal laws, regulations and guidelines.
Policy EC-6.2	Require proper storage and use of hazardous materials and wastes to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal by businesses and residences. Require proper disposal of hazardous materials and wastes at licensed facilities.
Policy EC-6.4	Require all proposals for new or expanded facilities that handle hazardous materials that could impact sensitive uses off-site to include adequate mitigation to reduce identified hazardous materials impacts to less than significant levels.
Policy EC-6.7	Do not approve land uses and development that use hazardous materials that could impact existing residences, schools, day care facilities, community or recreation centers, senior residences, or other sensitive receptors if accidentally released without the incorporation of adequate mitigation or separation buffers between uses.
Policy 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.
Policy EC-6.10	Promote source reduction and recycling as alternatives to hazardous materials land disposal whenever feasible.
Policy EC-6.11	Promote the provision of used oil recycling and/or hazardous waste recycling facilities and drop-off locations for residents.
Policy EC-7.1	For development and redevelopment projects, require evaluation of the proposed site's historical and present uses to determine if any potential environmental conditions exist that could adversely impact the community or environment.
Policy EC-7.2	Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, State and federal laws, regulations, guidelines and standards.
Policy EC-7.3	Where a property is located in near proximity of known groundwater contamination with volatile organic compounds or within 1,000 feet of an active or inactive landfill, evaluate and mitigate the potential for indoor air intrusion of hazardous compounds to the satisfaction of the City's Environmental Compliance Officer and appropriate regional, state and federal agencies prior to approval of a development or redevelopment project.
Policy EC-7.4	On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-paint and asbestos-containing materials, shall be implemented in accordance with state and federal laws and regulations.
Policy EC-7.5	On development and redevelopment sites, require all sources of imported fill to have adequate documentation that it is clean and free of contamination and/or acceptable for the proposed land use considering appropriate environmental screening levels for contaminants. Disposal of groundwater from excavations on construction sites shall comply with local, regional, and State requirements.
Policy EC-7.6	The City will encourage use of green building practices to reduce exposure to volatile or other hazardous materials in new construction materials.
Policy EC-7.8	Where 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 hazardous materials found in the soil, groundwater, soil vapor, or. In existing structures.
Policy 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.

Envision San José 2040 Policies Relevant to Hazards and Hazardous Materials	
Policy 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. During the construction phase, construction equipment and materials would include fuels, oils and lubricants, solvents and cleaners, cements and adhesives, paints and thinners, degreasers, cement and concrete, and asphalt mixtures, which are all commonly used in construction. Construction activities would be required to comply with numerous hazardous materials regulations designed to ensure that hazardous materials are transported, used, stored, and disposed of in a safe manner to protect worker safety, and to reduce the potential for a release of construction-related fuels or other hazardous materials into the environment, including stormwater and downstream receiving water bodies. The required compliance with the numerous laws and regulations, such as those governed by the California Fire Code, U.S. Department of Transportation (USDOT), Caltrans, and the California Highway Patrol (CHP), require driver-training requirements, load labeling procedures, and container specifications designed to minimize the risk of an accidental release during the transportation, use, handling, and disposal of hazardous materials, would limit the potential for creation of hazardous conditions due to the routine use of hazardous materials. The proposed project's compliance would render this impact less than significant.

Project operation would involve the use of diesel fuel for the proposed emergency generator and apparatus fueling station, with fuel delivered on an as-needed basis. Fuel oil piping would serve the proposed generator, fuel tank (comprised of a day tank and main storage tank), and apparatus fueling station. All fuel storage tanks and piping would be compliant with State regulations to ensure any spills or leaks are contained. A fuel oil leak detection system would be provided for the approximately 2,000-gallon double wall fuel storage tank and surrounding space and piping. All materials delivered to the Project site would be in approved USDOT packaging and all commercial vehicles transporting hazardous materials to the Project site would be required to have the proper USDOT hazardous materials placards. As required by law, a HMBP would also be prepared to minimize the potential for spills and leaks from material handling and storage. Requirements include secondary containment or using double-walled storage tanks, conducting regular inspections, and training employees to ensure proper handling, storage, transport, and disposal techniques and methods are implemented. Adherence to the HMBP would further ensure that all handling, storage, and disposal of hazardous materials

would be conducted in accordance with proven practices to minimize exposure to workers or the public. Therefore, the impact during operations would be less than significant.

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

Less than Significant with Mitigation. The project site is included on the list of leaking underground storage tank sites from the SWRCB's GeoTracker database, which meets "Cortese List" listing requirements. The project site is currently a closed LUST case with SCCDEH and the Water Board. The construction of a fire station constitutes a land use change and would require notification to the SCCDEH per the closure documentation. Due to the change in land use and most recent data, the LUST case will likely be re-opened by SCCDEH. Cornerstone Earth Group's Soil and Groundwater Quality Evaluation (2020) prepared for the project site recommends the preparation of a Site Management Plan (SMP). **Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures,** would require the preparation of a SMP that would summarize the results of the previous and recent investigations, discusses COC detected in soil, groundwater and soil vapor, and corrective actions to address COC. The SMP would include a plan for management of soil during construction, dust control measures, and waste management. The SMP would also provide measures if areas of unexpected contamination or subsurface structures are encountered. Corrective actions in the SMP that could be considered include limited soil removal around the former LUST area, in-situ enhanced bioremediation or chemical oxidation, monitored natural attenuation, or a combination of one or more of these.

Additionally, based on the results of prior soil vapor samples, Mitigation Measure HAZ-1 requires that the proposed fire station structure incorporate vapor intrusion mitigation measures (VIMS), such as a sub-slab vapor membrane and passive venting or active sub-slab depressurization to help reduce the potential for vapor intrusion into the future fire station structure during operation.

Therefore, with implementation of Mitigation Measure HAZ-1, potential impacts from upset or accidental releases during or after project construction or due to being located on a "Cortese List" site would be considered less than significant.

Mitigation

Impact HAZ-1: Development of the proposed project could potentially expose construction works and the public to soil, soil vapor and/ or groundwater contamination from an off-site source during the demolition and construction phases of the project, and future site occupants to soil vapor contamination after construction.

Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures.

Prior to issuance of any demolition or grading permits, the City of San Jose shall enter into an agreement with the Santa Clara County Department of Environmental under their Site Cleanup Program. The project propenent shall meet with the SCCDEH and perform additional soil, soil gas and/or groundwater sampling and testing to adequately define the known and suspected contamination from past agricultural use and any other past uses of concern. A Site Management Plan (SMP), Corrective Action Plan, Remedial Action Plan, or other equivalent plan shall be prepared and submitted to the SCCDEH for their approval. The Plan must include a Health & Safety Plan (HASP) and must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The SMP shall include a plan for management of soil during construction, dust control measures, and waste management. The SMP would also provide measures if areas of unexpected contamination or subsurface structures are encountered. Corrective actions in the SMP that could be considered include limited soil removal around the former LUST area, in-situ enhanced bioremediation or chemical oxidation, monitored natural attenuation, or a combination of one or more of these. Additionally, based on the results of soil vapor samples, the planned structure shall incorporate vapor intrusion mitigation measures to help reduce the potential for vapor intrusion into the future structure in accordance with SCCDEH oversight and recommendations.

The Plan and evidence of regulatory oversight shall be provided to the Director of the City of San José Planning, Building, and Code Enforcement Department, or the Director's designee, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

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

No Impact. There are no schools located within a quarter mile of the project site. The closest schools to the project site are Saint Patrick School (0.27 mile southwest), Horace Mann Elementary School (0.41 mile southwest), and San José High School (0.46 mile northeast). As described above, the proposed project would not emit any substantive quantities of hazardous emissions or handle acutely hazardous materials, substances, or waste in quantities that could affect existing or future students or other off-site receptors. There would be no impact.

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 located a little over two miles southeast of the Norman Y. Mineta San José International Airport. The project site is not located within an airport land

use plan or within two miles of a public airport or public use airport and would not result in a safety hazard to airport operations.

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

Less than Significant. The proposed project would construct a new building for SJFD Fire Station No. 8 at 601 E Santa Clara Street and relocate the uses from its current location at 802 E Santa Clara Street to the new building. The proposed project would support adopted emergency and evacuation plans. Construction employees and delivery trucks would result in a minor increase in vehicle trips in the project vicinity during project construction. Construction of the proposed project would result in the temporary closure of lanes on E Santa Clara Street and N 13th Street for construction and utility connections into adjacent streets. However, these closures would be temporary and would not result in the obstruction of any emergency response or evacuation plans. Therefore, the impact would be considered less than significant.

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

No Impact. The Project would not expose people or structures, either directly or indirectly, to risk of loss, injury or death from wildland fires since it is located in a highly urbanized area that is not prone to such events. See also Section 5.20*, Wildfire* of this Initial Study.

References

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5.10 Hydrology and Water Quality

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY — Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
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 imperious surfaces, in a manner which would:	☐	☐	☒	☐
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☒	☐
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; or	☐	☐	☒	☐
iv) impede or redirect flood flows?	☐	☐	☒	☐
d) In flood hazard, tsunami, or seiche zones, risk or release of pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐

As described previously under *Air Quality*, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might impact a project's users or residents, except where the proposed project would significantly exacerbate an existing environmental condition. Accordingly, the identified significance criteria related to placement of structures within a flood hazard area, or exposure of people or structures to risks from failure of levee or dam, are valid only to the extent that the project would significantly exacerbate the potential for flooding or for failure of a levee or dam. Nonetheless, potential flooding hazards, and applicable regulatory mechanisms that address these effects, are disclosed in this section, for informational purposes.

Environmental Setting

The approximately 0.35-acre site project site is relatively level and lies at an elevation of about 80 feet above mean sea level (ENGEO, 2021). The site is currently paved with asphalt and concrete. Stormwater runoff from the project site currently drains to an existing 15-inch storm drain main in E Santa Clara Street.

The Flood Insurance Rate Maps issued by the Federal Emergency Management Agency (FEMA) indicate that the Project site is located within Zone D (Panel 234 of 830 effective May 18, 2009). Zone D is defined as an area of undetermined but possible flood hazard outside the 100-year floodplain. The City does not have any floodplain restrictions for development in Zone D.

The project site does not contain any waterways or features. The nearest waterway to the project site is Coyote Creek, located approximately 0.25 miles to the east of the site.

Regulatory Framework

Federal and State

National Flood Insurance Program

FEMA established the National Flood Insurance Program (NFIP) in order to reduce flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Porter-Cologne Water Quality Act

The Porter-Cologne Act delegates authority to the State Water Resources Control Board (SWRCB)to establish regional water quality control boards. The San Francisco Bay Area RWQCB has authority to use planning, permitting, and enforcement to protect beneficial uses of water resources in the project region. Under the Porter-Cologne Water Quality Control Act (California Water Code Sections 13000- 14290), the RWQCB is authorized to regulate the discharge of waste that could affect the quality of the state's waters, including projects that do not require a federal permit through the USACE. To meet RWQCB 401 Certification standards, all hydrologic issues related to a project must be addressed, including the following:

- Wetlands
- Watershed hydrograph modification
- Proposed creek or riverine related modifications
- Long-term post-construction water quality

Statewide Construction General Permit

The SWRCB has implemented a NPDES Construction General Permit for the State of California. For projects disturbing one acre or more, a Notice of Intent and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspection, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

The proposed project would not require Construction General Permit coverage based on area of land disturbed, which is 0.35 acre. All development projects, whether subject to the Construction General Permit or not, are required to 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 the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30), the proposed project will submit to the Director of Public Works an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater Permit

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo. The City of San José is required to operate under the MRP to discharge stormwater from the City's storm drain system to surface waters. The MRP mandates that the City of San José use its planning and development review authority to require that stormwater management measures are included in new and redevelopment projects to minimize and properly treat stormwater runoff. Provision C.3 of the MRP regulates the following types of development projects:

- Projects that create or replace 10,000 square feet or more of impervious surface.
- Special Land Use Categories that create or replace 5,000 square feet or more of impervious surface.

The MRP requires regulated projects to include Low Impact Development (LID) practices. These include site design features to reduce the amount of runoff requiring treatment and maintain or restore the site's natural hydrologic functions, source control measures to prevent stormwater from pollution, and stormwater treatment features to clean polluted stormwater runoff prior to discharge into the storm drain system. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained.

City of San José Post-Construction Urban Runoff Management (Policy 6-29)

The City of San José's Policy 6-29 implements the stormwater treatment requirements of Provision C.3 of the Municipal Regional Stormwater NPDES Permit. The City of San José's Policy 6-29 requires all new development and redevelopment projects to implement post-construction BMPs and Treatment Control Measures (TCMs).

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Hydrology and Water Quality

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 for proposed developments that define needed drainage improvements per City standards.
Policy MS-3.4	Promote the use of green roofs (i.e., roofs with vegetated cover), landscape-based treatment measures, pervious materials for hardscape, and other stormwater management practices to reduce water pollution.
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 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 stormwater controls.
Policy EC-5.7	Allow new urban development only when mitigation measures are incorporated into the project design to ensure that new urban runoff does not increase flood risks elsewhere.

Discussion

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

Less than Significant with Mitigation Incorporated. The project site contains a mix of pervious and impervious surfaces, including a surface parking lot and landscaping. Due to ground disturbing activities, construction of the proposed project could potentially affect water quality from sediment erosion in stormwater runoff. However, the proposed project would be required to 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 the issuance of a permit for grading activity occurring during the rainy season (October 1st to April 30), the proposed project would be required to submit to the Director of Public Works an Erosion Control Plan detailing BMPs that would prevent the discharge of stormwater pollutants. Sediment control measures are also required by the Standard Permit Condition below. The required erosion control plan and measures required by the Standard Permit Conditions would reduce water quality impacts during construction to a less than significant level.

Standard Permit Condition

Construction-related Water Quality. The project proponent shall implement the following 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 proponent 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.

To ensure that contaminants would not be released into groundwater during construction activities, the proposed project would implement Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures, as described in Section 5.9, *Hazards and Hazardous Materials*. Mitigation Measure HAZ-1 requires development of a plan to provide for the safe handling, transport, and disposal of potentially hazardous materials, if encountered in site soils.

The project site would be designed in accordance with the Santa Clara Valley Urban Pollution Prevention Program C.3 Handbook. Two bioretention areas are proposed to receive and treat the site stormwater runoff, along with permeable paving areas (see Figure 3-7 for the proposed project's stormwater management plan). Special consideration would also be given to the washing of the fire apparatus on the north side of the building, behind the bays. A trench drain would be provided with an automated valve to allow for the disconnection from the storm drain system and the connection to the sewer system when washing the trucks to prevent pollutants from entering the storm drain system. The proposed on-site sewer system would also include a grease-oil

separator to control the potential discharge of pollutants from the washing of fire apparatus into the sewer system.

With implementation of Mitigation Measure HAZ-1 and compliance with regulatory requirements, including measures required by the City's Grading Ordinance, C.3 MRP requirements, and City Standard Permit Conditions, impacts on water quality would be less than significant with mitigation incorporated.

Mitigation

Impact HYD-1: During construction activities, contaminants could be released into groundwater.

> **Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures.** (see Section 5.9, *MM HAZ-1*, above)

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

Less than Significant. The depth of groundwater in the site vicinity is expected to be 10 to 12 feet below ground surface (ENGEO, 2021). The proposed project is located within the Santa Clara Plain Confined Area of the Santa Clara Subbasin, an area where a low permeability aquitard restricts groundwater recharge (Valley Water, 2020). The proposed project includes excavation to a depth of approximately 12 feet below grade and does not propose the installation of new ground water wells. Dewatering may be necessary during proposed project construction. However, this dewatering would be temporary and would not decrease groundwater supplies or interfere substantially with groundwater recharge (such that the project may impede sustainable groundwater management of the basin). Additionally, the proposed project would not result in a net increase in impervious surface on the site. Therefore, the proposed project would not significantly reduce groundwater supplies due to groundwater extraction, or substantively reduce groundwater recharge, or conflict or obstruct and water quality control plan or management plan. Impacts would be less than significant.

c.i - iii) *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 imperious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; 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. The proposed project would not alter any stream or river, but would alter the existing drainage patterns through the alteration of impervious and pervious surfaces on the project site.

Construction of the Project would require grading activities that could result in a temporary increase in erosion affecting the quality of storm water runoff. This increase in erosion is expected to be minimal, due to the small size and flatness of the site. As discussed under a) above, the proposed project would be required to prepare an erosion control plan and sediment control measures are also required by the Standard Permit Conditions, which would reduce potential erosion or siltation impacts during construction to a less than significant level.

The proposed project would result in a net increase in pervious surfaces on the project site through proposed bioretention areas that would receive and treat site stormwater runoff, along with proposed permeable paving areas in the proposed parking areas and landscaping (approximately 3,838 square feet). The proposed project would comply with the City of San José's Post-Construction Urban Runoff Policy 6-29 and C.3 MRP requirements, as described in a) above. Stormwater from proposed project impervious surfaces would drain into treatments area prior to entering the storm drainage system. Consistent with the C.3 MRP requirements, the proposed treatment facilities will be numerically sized and will have sufficient capacity to treat the runoff generated by the proposed project, prior to entering the storm drainage system through connection to an existing 15-inch storm drain main in E Santa Clara Street. Special consideration would also be given to the washing of the fire apparatus on the north side of the building, behind the bays. A trench drain would be provided with an automated valve to allow for the disconnection from the storm drain system and the connection to the sewer system when washing the trucks to prevent pollutants from entering the storm drain system. The proposed on-site sewer system would also include a grease-oil separator to control the potential discharge of pollutants from the washing of fire apparatus into the sewer system. Therefore, the proposed project would not contribute runoff water that would exceed the capacity of the City's existing and/or planned storm drainage systems or provide additional sources of polluted runoff, or impede/redirect flood flows.

Therefore, the potential impact of altered drainage causing erosion or siltation, offsite or onsite flooding, or substantial additional sources of polluted runoff would be less than significant.

c.iv) *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 imperious surfaces, in a manner which would: impede or redirect flood flows?*

Less than Significant. As described above, while the project would alter existing drainage patterns onsite, the project would not impede or redirect the flow of any existing water body. Any runoff created by the added impervious surface of the project would continue to flow to existing stormwater drainage facilities. The project would not impede or redirect flood flows and impacts would be less than significant.

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

Less than Significant. The project is not located in a tsunami or seiche zone. The project site is not located in an area subject to significant seiche or tsunami. The project site is in FEMA Flood Zone D, which is undetermined and outside any flood hazard zones. However, the project site is located within the Lexington Dam and Anderson Dam failure inundation hazard zone (Valley Water, 2016a; Valley Water, 2016b). All of the dams potentially affecting San José fall under the jurisdiction of the California Department of Water Resources Division of Safety of Dams (DSOD). DSOD is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. As part of its comprehensive dam safety program, the Santa Clara Valley Water District (Valley Water) routinely monitors and studies the condition of each of its 10 dams, including Anderson and Lexington. The City's General Plan EIR (as amended) concluded that with the regulatory programs currently in place, the possible effects of dam failure would not expose people or structures to a significant risk of loss, injury or death (City of San José, 2011). As a result, future occupants of the site would not be exposed to flooding hazards or to the release of pollutants due to inundation.

During project operations diesel fuel for the emergency generator and apparatus fueling station would be stored on site. As discussed in Section 5.9, *Hazards and Hazardous Materials*, above, all fuel storage tanks and piping would be compliant with State regulations to ensure any spills or leaks are contained. As required by law, a HMBP would also be prepared to minimize the potential for spills and leaks from diesel handling and storage. Requirements include secondary containment or using double-walled storage tanks and conducting regular inspections. Adherence to the HMBP would further ensure that if the project site were to be inundated, it would not lead to the release of pollutants. Therefore, impacts would be less than significant.

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

Less than Significant with Mitigation. As described above, the project would not involve groundwater extraction and would not alter the course of any stream or river. During construction, the proposed project would prepare an erosion control plan and measures required by the Standard Permit Conditions to reduce water quality impacts. Additionally, Mitigation Measure HAZ-1 would ensure that any potentially contaminated soil would be handled, transported, and disposed of in a manner consistent with public health and safety and applicable regulations, as described in Section 5.9, *Hazards and Hazardous Materials*.

The project would be generally consistent with the objectives for sustainable management of groundwater resources, which include managing groundwater to optimize water supply reliability and minimize land subsidence and protecting against groundwater contamination. Therefore, the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management

plan. With implementation of Mitigation Measure HAZ-1, impacts would be less than significant.

Mitigation

Impact HYD-2: During construction, groundwater contamination could occur due to disturbance of potentially contaminated soil on-site.

Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures. (see Section 5.9, *MM HAZ-1*, above)

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5.11 Land Use and Planning

Issues (and Supporting Information Sources):		Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI.	**LAND USE AND PLANNING — Would the project:**				
a)	Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☒	☐

Environmental Setting

The project site is located within the Naglee Park neighborhood of San José and the surrounding area is comprised generally of medium density residential, commercial, and open space uses. A 9-story mixed use office building is located adjacent to the east of the project site (towards N 14th Street) and a two-story multi-family residential complex is located adjacent to the north (on N 13th Street). One- and two-story commercial buildings are located to the south and southwest of the project site directly across E Santa Clara Street and a vacant parking lot is located to the west of the project site across N 13th Street.

The project site is designated *Mixed Use Commercial* (MUC) in the Envision 2040 San José General Plan and the *East Santa Clara Street Urban Village Plan* (City of San José, 2021). The Zoning designation for the project site is Commercial General (CG). Per Resolution No. 79873 (Approved 01-26-2021), City services and facilities such as public parks, fire stations, and libraries are allowed on all properties within the City, regardless of General Plan land use designation or zoning district.

Regulatory Framework

Local

East Santa Clara Street Urban Village Plan

The project site is located within the *East Santa Clara Street Urban Village Plan*, adopted by City Council on October 23, 2019. The 78-acre Urban Village is located on both sides of East Santa Clara Street and is bounded by 7th Street and Downtown to the west, and 17th Street and Coyote Creek to the east. The Urban Village Major Strategy in the *Envision San José 2040 General Plan* promotes the development of Urban Villages to provide active, walkable, bicycle-friendly, transit-oriented, mixed-use urban settings for new housing and job growth attractive to a variety of people and consistent with the Plan's environmental goals. The *East Santa Clara Street Urban Village Plan* is a policy document that establishes the framework to further the transition of the Urban Village into a more vibrant mixed-use and pedestrian-oriented place that supports and creates a safe environment for all modes of travel, a thriving commercial corridor, and public gathering places.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating land use impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Land Use	
Policy VN-1.11	Protect residential neighborhoods from the encroachment of incompatible activities or land uses which may have a negative impact on the residential living environment.
Policy VN1.12	Design new public and private development to build upon the vital character and desirable qualities of existing neighborhoods
Policy IN-1.10	Require undergrounding of all new publicly owned utility lines. Encourage undergrounding of all privately owned utility lines in new developments. Work with electricity and telecommunications providers to underground existing overhead lines.
Policy IP-1.11	City services and facilities necessary to serve the community are allowed on all properties within the Urban Service Area, regardless of General Plan land use designation or Zoning District.

San José Zoning Ordinance

The Zoning Ordinance (Title 20 of the San José Municipal Code) is a set of regulations that promote and protect the public peace, health, and general welfare by:

- Guiding, controlling, and regulating future growth and development in the City in a sound and orderly manner, and promoting the achievement of the goals and purposes of the General Plan;
- Protecting the character and economic and social stability of agricultural, residential, commercial, industrial, and other areas in the City;
- Providing light, air, and privacy to property;
- Preserving and providing open space and preventing overcrowding of the land;
- Appropriately regulating the concentration of population;
- Providing access to property and preventing undue interference with and hazards to traffic on public rights-of-way; and
- Preventing unwarranted deterioration of the environment and promoting a balanced ecology.

Discussion

a) *Physically divide an established community?*

No Impact. The proposed project is proposed on a developed site that is surrounded by commercial mixed-use and multi-family residential developments. The proposed project, which includes the construction of a new fire station structure and relocation of fire station operations, would not physically divide an established community.

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. The General Plan Land Use designation for the site is Mixed Use Commercial (MUC) and the Zoning is Commercial General (CG). The proposed project construct a single-company, two-story fire station with a single apparatus bay as part of the relocation of Fire Station No. 8 to 601 E Santa Clara Street. Per Resolution No. 79873 (Approved 01-26-2021), City services and facilities such as public parks, fire stations, and libraries are allowed on all properties within the City, regardless of General Plan land use designation or zoning district, consistent with General Plan Policy IP-1.11.

Physical effects that would ensue from development of the proposed fire station are analyzed in this Initial Study under the applicable topics. As concluded herein, the project would not result in any significant effects that could not be mitigated to a less-than-significant level. Accordingly, no additional mitigation is required.

References

City of San José, *Envision San José 2040 General Plan,* Adopted November 1, 2011 As Amended on September 30, 2021.

City of San José, 2021. *East Santa Clara Street Urban Village Plan,* Adopted October 23, 2018. As Amended on November 7, 2021.

5.12 Mineral Resources

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. MINERAL RESOURCES — Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Environmental Setting

Under the Surface Mining and Reclamation Act of 1975 (SMARA), the State Mining and Geology Board has designated only the Communications Hill Area of San José as containing mineral deposits of regional significance for aggregate (Sector EE). There are no mineral resources in the project area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits that are of statewide significance or for which the significance requires further evaluation. Other than the Communications Hill area cited above, San José does not have mineral deposits subject to SMARA.

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 Communications Hill Area is the only area in San José that contains mineral deposits subject to the SMARA (City of San José, 2020). The Communications Hill Area is located over 3 miles from the project site; as a result, construction of the project would not result in the loss of availability of known mineral resources classified as regional or statewide significance.

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 only locally important mineral resource recovery site delineated in the City of San José 2040 General Plan or other land use plan is the Communications Hill Area, as discussed above. Given the distance of the Communications Hill Area from the project site, the project would not result in the loss of availability of a locally-important mineral resource recovery site.

References

City of San José, *Envision San José 2040 General Plan,* Adopted November 1, 2011 As Amended on September 30, 2021.

5.13 Noise

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XIII. NOISE — 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?	☐	☒	☐	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
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?	☐	☐	☒	☐

As described previously under *Air Quality*, in the *California Building Industry Association v. Bay Area Air Quality Management District* case decided in 2015, the California Supreme Court held that CEQA does not generally require lead agencies to consider how existing environmental conditions might affect a project's users or residents, except where the proposed project would exacerbate the existing environmental condition. Accordingly, the identified significance criteria related to exposure of people, including sensitive receptors, to excessive noise levels or vibration are valid only to the extent that the Project significantly contributes to those worsened noise conditions. The analysis in this section with respect to noise exposure of future project occupants, therefore, is provided for informational purposes.

Environmental Setting

Noise Exposure and Community Noise

Noise levels rarely persist consistently over a long period. Rather, noise levels at any one location vary with time. Specifically, community noise is the result of many distant noise sources that constitute a relatively stable background noise exposure where the individual contributors are unidentifiable. Throughout the day, short duration single-event noise sources (e.g., aircraft flyovers, motor vehicles, sirens) that are readily identifiable to the individual add to the existing background noise level. The combination of the slowly changing background noise and the single-event noise events give rise to a constantly changing community noise environment.

To characterize a community noise environment and evaluate cumulative noise impacts, community noise levels must be measured over an extended period of time. This time-varying characteristic of environmental noise is described using statistical noise descriptors, including the following:

L_{eq}: The equivalent sound level is used to describe noise over a specified period of time, typically one hour, in terms of a single numerical value. The L_{eq} is the constant sound level that would contain the same acoustic energy as the varying sound level, during the same time period (i.e., the average noise exposure level for the given time period).

L_{max}: The instantaneous maximum noise level measured during the measurement period of interest.

DNL: The day-night average sound level (DNL) is the energy average of the A-weighted sound levels occurring during a 24-hour period, accounting for the greater sensitivity of most people to nighttime noise by weighting ("penalizing") nighttime noise levels by adding 10 dBA to noise between 10:00 p.m. and 7:00 a.m. The noise thresholds for the City of San Jose are derived from the General Plan and use the dBA DNL descriptor.

CNEL: Similar to the DNL, the Community Noise Equivalent Level (CNEL) adds a 5-dBA "penalty" for the evening hours between 7:00 p.m. and 10:00 p.m. in addition to the 10-dBA penalty between the hours of 10:00 p.m. and 7:00 a.m.

In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise would be judged by those hearing it. With regard to increases in A-weighted noise level, the following relationships occur:

- except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived;
- outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- a change in level of at least 5 dBA is required before any noticeable change in human response would be expected; and
- a 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause adverse response.

These relationships occur in part because of the logarithmic nature of the decibel system. Because the decibel scale is based on logarithms, two noise sources do not combine in a simple additive fashion, but rather logarithmically. For example, if two identical noise sources produce noise levels of 50 dBA, the combined sound level would be 53 dBA, not 100 dBA.

Vibration Background

Vibration is an oscillatory motion through a solid medium in which the motion's amplitude can be described in terms of displacement, velocity, or acceleration. Several different methods are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV is most frequently used to describe physical vibration impacts on buildings. Typical groundborne vibration generated by human activities attenuates rapidly with distance from the source of the vibration. Sensitive receptors to vibration include people (especially residents, the elderly, and sick people), structures (especially older masonry structures), and vibration-sensitive equipment.

Another useful vibration descriptor is known as vibration decibels or VdBs. VdBs are generally used when evaluating human response to vibration, as opposed to structural damage (for which PPV is the more commonly used descriptor). Vibration decibels are established relative to a reference quantity, typically 1×10^{-6} inches per second.[8]

[8] Federal Transit Administration, Transit Noise and Vibration Impact Assessment, 2006.

There are no major sources of vibration in the project site vicinity. Most motor vehicles and trucks have independent suspension systems that substantially reduce if not eliminate vibration generation, barring discontinuities in the roadway.

Existing Noise Environment - Sensitive Receptors

The noise element of the current General Plan identifies residential uses, hotels, hospitals, schools libraries, museums and meeting halls as noise-sensitive land uses, with a normally acceptable exterior noise level of 60 DNL (City of San José, 2020). The area surrounding the project site consists of an apartment building to the north, a commercial office building to the east, and commercial buildings across Santa Clara Street and North 13th Street. The nearest sensitive receptor is the apartment building to the north, approximately 35 feet from the footprint of the proposed new fire station. Long-term noise monitoring conducted at the project site indicates that the existing noise environment is substantially affected by vehicle traffic on Story Road and on U.S. 101. The DNL at these receptors was monitored to be 66 dBA.

TABLE 5.13-1
MONITORED NOISE ENVIRONMENT AT PROJECT AREA RECEPTORS

		Noise Levels in dBA	
Long Term (LT) Noise Monitoring Location	**Day-Night Noise Level (DNL)**	**24-Hour Average L_{eq}**	**Nighttime Hourly Average (10 p.m.–7 a.m.) L_{eq}**
LT-1: 601 East Santa Clara Street adjacent to apartments to north	66	63	59

SOURCE: Data compiled by Environmental Science Associates in 2022.
NOTES: dBA = A-weighted decibels;DNL_n = day/night average sound level; L_{eq} = equivalent continuous sound level

Regulatory Framework

State

California Building Code

The current 2019 version of the California Building Code (CBC) requires interior noise levels attributable to exterior environmental noise sources to be limited to a level not exceeding 45 dBA DNL/CNEL in any habitable room. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2016 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). These sections identify the standards (e.g., STC rating) that building materials and assemblies need to be in compliance with based on the noise environment.

Local

San José General Plan Noise Compatibility Guidelines

The City's General Plan includes goals and policies pertaining to noise and vibration. Community Noise Levels and Land Use Compatibility (commonly referred to as the Noise Element) of the General Plan utilizes the DNL descriptor and identifies interior and exterior noise standards for

residential uses. The General Plan includes the following criteria for land use compatibility and acceptable exterior noise levels in the City based on land use types.

TABLE 5.13-2
LAND USE COMPATIBILITY GUIDELINES FOR COMMUNITY NOISE IN SAN JOSÉ

(Exterior Noise Exposure [DNL in Decibels DBA] From the General Plan)

Land Use Category	Exterior DNL Value In Decibels					
	55	60	65	70	75	80
1. Residential, Hotels and Motels, Hospitals and Residential Care						
2. Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
3. Schools, Libraries, Museums, Meeting Halls, and Churches						
4. Office Buildings, Business Commercial, and Professional Offices						
5. Sports Arenas, Outdoor Spectator Sports						
6. Public and Quasi-Public Auditoriums, Concert Halls, and Amphitheaters						

☐	**Normally Acceptable:** Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
▒	**Conditionally Acceptable:** Specified land use may be permitted only after detailed analysis of the noise reduction requirements and noise mitigation features included in the design.
■	**Unacceptable:** New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. (Development will only be considered when technically feasible mitigation is identified that is also compatible with relevant design guidelines.)

Additionally, policies in the General Plan have been adopted for the purpose of avoiding or mitigating noise and vibration impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Noise and Vibration	
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. Applicable standards and guidelines for land uses in San José include: *Interior Noise Levels* • The City's standard for interior noise levels in residences, hotels, motels, residential care facilities, and hospitals is 45 dBA DNL. Include appropriate site and building design, building construction and noise attenuation techniques in new development to meet this standard. For sites with exterior noise levels of 60 dBA DNL or more, an acoustical analysis following protocols in the City-adopted California Building Code is required to demonstrate that development projects can meet this standard. The acoustical analysis shall base required noise attenuation techniques on expected *Envision General Plan* traffic volumes to ensure land use compatibility and General Plan consistency over the life of this plan. *Exterior Noise Levels* • The City's acceptable exterior noise level objective is 60 dBA DNL or less for residential and most institutional land uses (refer to Table EC-1 in the General Plan. Residential uses are considered "normally acceptable" with exterior noise exposures of up to 60 dBA DNL and "conditionally compatible" where the exterior noise exposure is between 60 and 75 dBA DNL such that the specified land use may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features are included in the design.
Policy EC-1.2	Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Land Use Categories 1, 2, 3 and 6 in Table EC-1 in the General Plan 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-1.7	Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would: • Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
Policy EC-2.3	Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or buildings 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. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of a historical building, or building 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.

San José Municipal Code

City of San José Municipal Code Section 20.100.450 establishes noise exposure limits for stationary noise sources (non-transportation sources) and specifies hours for project construction. The Municipal Code restricts construction within 500 feet of a residential unit to 7 a.m. to 7 p.m.

Monday through Friday, with no construction on weekends; however, overnight and weekend construction is permitted if expressly allowed in a development permit or other planning approval. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the city.

Municipal Code Sections 20.20.300, 20.30.700, 20.40,600, and 20.50.300 establish performance standards for noise exposure associated with stationary/non-transportation sources at the property line of noise-sensitive uses. Specifically, noise exposure is limited to 55 dBA, 60 dBA, and 70 dBA at the property line of residential, commercial, and industrial receivers, respectively. Although the code is not explicit with respect to the acoustical descriptor assigned to these noise levels, it is a reasonable interpretation that these levels may be applied to an hourly average noise level (hourly L_{eq}). This assumption is consistent with other jurisdictions in the Bay Area and Northern California.

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 with Mitigation.

Construction

As discussed above, the City of San José has established allowable construction hours within its municipal code. Project construction activities are proposed to occur from approximately 7:00 a.m. to 7:00 p.m., Monday through Friday. Chapter 20.100.450 of the San José Municipal Code restricts construction activities to between 7:00 a.m. and 7:00 p.m., Monday through Friday, and no construction activities are permitted on the weekends at sites within 500 feet of a residence. The proposed construction activities would be consistent with the time restrictions of the City ordinance.

Construction of the proposed project could result in a substantial temporary increase in ambient noise levels in the project vicinity above levels existing without the proposed project. While the City of San José noise ordinance or General Plan do not establish quantitative noise exposure standards from construction equipment, the Federal Transit Administration publishes a general construction noise assessment criterion of 90 dBA for residential uses during daytime hours.

Construction noise levels at and near the project site would fluctuate depending on the type, number, and duration of use of various pieces of construction equipment. Given the low level of construction-related vehicle trips associated with hauling (178 truck trips over 9 months of soil remediation or an average of approximately one truck trip per day) and commuting workers, these trips would not be expected to raise ambient noise levels along haul routes. **Table 5.13-3** shows typical noise levels produced by various types of construction equipment that would operate during the construction of the proposed project.

To quantify construction-related noise exposure that would occur at the nearest sensitive receptors, it was assumed that the two loudest pieces of construction equipment would operate at the same time at the closest location of the project site to the nearest off-site sensitive receptors. **Table 5.13-4** presents the highest L_{eq} noise levels that sensitive receptors could be exposed to at each of the construction sites.

As shown in Table 5.13-4, construction activities of all phases of the proposed project would generate noise levels at the nearest sensitive receptors below the 90 dBA criterion of the FTA. The temporary increase in ambient noise levels would cause a less-than-significant impact.

TABLE 5.13-3
REFERENCE CONSTRUCTION EQUIPMENT NOISE LEVELS – (50 FEET FROM SOURCE)

Type of Equipment	L_{max}, dBA	Hourly L_{eq}, dBA/Percent Used[a]
Bulldozer	85	81/40
Front End Loader	80	76/40
Excavator	85	81/40
Dump Truck	84	80/40
Water Truck	84	80/40
Compactor	80	73/20
Crane	85	77/16
Concrete Saw	90	83/20
Tractor	84	80/40
Grader	85	81/40
Gradall	83	79/40
Compressor (air)	78	74/40

NOTE:
[a] "Percent used" were obtained from the FHWA Roadway Construction Noise Model User's Guide.

SOURCE: FHWA 2006.

TABLE 5.13-4
ESTIMATED NOISE LEVELS AT SENSITIVE RECEPTORS DURING PROPOSED PROJECT CONSTRUCTION

Receptor	Distance to Nearest Sensitive Receptor (feet)	Two Loudest Pieces of Construction Equipment	Combined Noise level from 50 feet (dBA L_{eq})[a]	Attenuated Noise Level (dBA L_{eq})[b]	Exceed 90 dBA Leq (yes or no)?
Demolition					
30 N 13h Street Apartment	35	Concrete Saw, Tractor	85	88	No
28 S 13th Street Residence	230	Concrete Saw, Tractor	85	71	No
Site Preparation/Grading					
30 N 13h Street Apartment	35	Grader, Tractor	84	87	No
28 S 13th Street Residence	230	Grader, Tractor	84	70	No

Building Construction					
30 N 13h Street Apartment	35	Gradall, Tractor	83	86	No
28 S 13th Street Residence	230	Gradall, Tractor	83	70	No
Paving					
30 N 13h Street Apartment	35	Tractor, Front End Loader	81	84	No
28 S 13th Street Residence	230	Tractor, Front End Loader	81	68	No

NOTE:
[a] Reference construction equipment noise levels were obtained from Caltrans' Roadway Construction Noise Level (RCNM).
SOURCE: FHWA 2006.

Construction of the proposed Project is anticipated to occur over the course of 14 months. As such, the project shall implement the following Mitigation Measure NOI-1, which incorporates applicable provisions outlined in the City's General Plan Policy EC-1.7 and Title 20, Part 3, Section 20.100.450 of the City's Municipal Code. Implementation of Mitigation Measure NOI-1 would reduce potential construction noise impacts to a less than significant level.

Mitigation Measures

Impact NOI-1: Sensitive receptors in the project area would be intermittently exposed to high noise levels during project construction.

Mitigation Measure NOI-1: **Construction Phasing.**

Prior to the issuance of any grading or demolition permits, the project proponent shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a noise disturbance coordinator. The noise disturbance coordinator shall respond to neighborhood complaints and shall be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.

- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion–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 noise-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 businesses, 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 hours to 7 a.m. to 7 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. Because it is anticipated that certain construction activities (such as continuous pours of concrete foundations) may require work outside normally permitted construction hours (e.g., overnight), the project's Planned Development Permit would allow for such construction activities, subject to conditions of approval, including performance standards, imposed by the City to limit noise impacts.

Operation

Once all construction activities are completed, the proposed project would result in daily on-site activities such as cleaning and maintenance of equipment, conducting drills and physical fitness training, and responding to emergency service calls. While the existing Fire Station No. 8 responds to approximately 10 calls per service per day, SJFD estimates that the relocated Fire Station No. 8 would respond to approximately 23 calls per day, based on the four-minute geographic reach of the relocated station.

The typical practice for emergency siren use is to use sirens to break traffic at intersections or warn drivers of the emergency vehicle approach when traffic is congested or at intersections where sound is the only way the oncoming driver can be alerted to the emergency vehicle's presence. Because FS-8 is a proposed relocation of the existing facility approximately 1,200 feet to the northeast on Santa Clara Street, the magnitude of localized noise from emergency sirens would be similar to existing conditions, while the potential frequency would result in a modest increase in the frequency of siren use within the service area and not necessarily for the residents surrounding the proposed relocation site. The use of sirens in connection with emergency responses would generate a high level of sound along the response routes; however, siren noise would be occasional and short-lived. Sirens would be used in-transit for a very short duration in the vicinity of the project site. Furthermore, siren noise from emergency vehicles are part of the existing environment from responses to emergencies in the general population and from responses to

emergencies. Therefore, the noise from sirens would not substantially increase the CNEL noise levels in the project site vicinity.

Because the proposed project relocates an existing fire station, project traffic would just result in a minor redistribution of existing commuter vehicles. Given that the fire station would only have seven parking spaces for personnel and three visitor spaces, any increase in vehicle traffic in the vicinity of the project site would be inconsequential and not result in a noticeable increase in roadside noise levels.

The relocation of Fire Station No. 8 requires the relocation of an emergency generator which would be operated for no more than one hour once a week for maintenance testing as a condition of permit. Given the brief period of testing, which would occur during daytime hours, noise from generator testing would be a less than significant impact.

Long-term noise monitoring conducted at the project site indicates that the existing noise environment is substantially affected by vehicle traffic on Story Road and on U.S. 101. The DNL at these receptors was monitored to be 66 dBA, which is within the conditionally acceptable range for Residential, Hotels and Motels, Hospitals and Residential Care (including the adjacent sensitive residential receptor) consistent with General Plan Policy EC-1.2. Operational noise from emergency siren re-distribution, traffic re-distribution, and maintenance operations of back-up generator would not substantially increase the CNEL noise levels in the project site vicinity and would not result in an increase exceeding the standards defined in Policy EC-1.2.

Therefore, overall operational noise from emergency siren re-distribution, traffic re-distribution, and maintenance operations of back-up generator, would be a less than significant impact**.**

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

Less than Significant. Project construction is expected to require 14 months. Construction activity would utilize standard construction equipment and would not involve and substantial vibration-inducing activities such as pile driving or blasting. Policy EC-2.3 of the City of San José General Plan requires 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 is used to minimize the potential for cosmetic damage to a building, while a continuous vibration limit of 0.20 in/sec PPV is used to minimize the potential for cosmetic damage at buildings of normal conventional construction. According to the Caltrans *Transportation and Construction Vibration Manual*, both caisson drilling and large bulldozer typically generate vibration levels of 0.089 inch/second PPV at a distance of 25 feet (Caltrans, 2018). There are two structures located within 100 feet of the project site. There is an apartment complex located 35 feet northwest from the proposed project footprint. As shown in **Table 5.13-5**, the apartment complex would be exposed to a vibration level of less than .054 inch/second PPV, well below the applied 0.2 PPV building damage

threshold. There is a commercial building located 30 feet northeast from the proposed project site. The commercial building would be exposed to a vibration level of less than .068 inch/second PPV, well below the building damage threshold. Because construction would be restricted to daytime hours, Consequently, existing sensitive receptors and structures near the project site would not be affected by substantial ground-borne vibration during project construction. Therefore, the potential for project-related vibration from construction would represent a less than significant impact.

TABLE 5.13-5
VIBRATION LEVELS FOR CONSTRUCTION ACTIVITY

Equipment	Estimated PPV (inches per second)		
	At 25 Feet (reference)	At 35 Feet	At 30 Feet
Jack Hammer	0.035	0.021	0.027
Loaded Trucks	0.076	0.046	0.058
Caisson Drilling	0.089	0.054	0.068
Large Bulldozer	0.089	0.054	0.068
Vibratory Roller	0.21	0.127	0.16

SOURCE: Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, 2018 and Caltrans, 2013

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

Less than Significant. The proposed project is approximately 2.0 miles southeast of the nearest runway of the Norman Y. Mineta San José International Airport, and 2.8 miles northwest of the nearest runway of the Reid-Hillview County Airport. The proposed project site exists outside of the 60 CNEL noise contour lines of Norman Y. Mineta San José International Airport and the Reid-Hillview County Airport and does not represent a noise-sensitive land use. Therefore, although the project would be located within two miles of an active public airport, the potential for noise exposure from aircraft operations would be a less than significant impact.

References

City of San José, *Envision San José 2040 General Plan,* Adopted November 1, 2011 As Amended on March 16, 2020.

Caltrans, *Transportation and Construction-Induced Vibration Guidance Manual*, June 2018.

Santa Clara County Airport Land Use Commission (SCCALUC), 2016. Comprehensive Land Use Plan for the Santa Clara County Norman Y. Mineta San José International Airport. Available at: https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf. Amended November 16, 2016.

U.S. Department of Transportation, Federal Transit Administration, Transit Noise and Vibration Impact Assessment, April, 2018.

U.S. Department of Transportation, Federal Highway Administration, *FHWA Highway Noise Construction Handbook*, August 2006.

5.14 Population and Housing

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. POPULATION AND HOUSING — 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)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Environmental Setting

Based on information from the Department of Finance, the City of San José's population was estimated to be 1,029,782 in January 2021 (CA Department of Finance, 2021). As of December 2021, employment in the City was approximately 531,600 (CA Employment Development Department, 2022).

A project can induce substantial population growth by: 1) proposing new housing beyond projected or planned development levels, 2) generating demand for housing as a result of new businesses, 3) extending roads or other infrastructure to previously undeveloped areas, or 4) removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

Discussion

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

No Impact. The proposed fire station would staff approximately four SJFD personnel daily. Uses from the existing Fire Station No. 8 would be relocated to the project site following proposed project construction. Relocation of Fire Station No. 8 would not result in additional staffing. Therefore, the proposed project would not create any new housing or businesses and would not extend any roads or infrastructure. As a result, the project would not result in either direct or indirect unplanned growth.

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

No Impact. The project site does not contain any residential structures. Therefore, the project would not demolish or otherwise remove any existing housing units or displace any people.

References

California Department of Finance, *E-1 Population Estimates for Cities, Counties and the State with Annual Percent Change — January 1, 2020 and 2021.* Sacramento, California, May 2021.

California Employment Development Department, *Monthly Labor Force Data for Cities and Census Designated Places (CDP), December 2021 – Preliminary*, January 22, 2022.

5.15 Public Services

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XV. PUBLIC SERVICES — Would the project:				
a) 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 following public services:				
i) Fire protection?	☐	☒	☐	☐
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

Environmental Setting

Fire Protection: Fire protection services are provided to the project site by the San José Fire Department (SJFD). The closest fire station to the project site is the existing Fire Station No. 8, located three and a half blocks east of the project site.

Police Protection: Police protection services are provided to the project site by the San José Police Department (SJPD) headquartered at 201 West Mission Street. The City has four patrol divisions and 16 patrol districts. Patrols are dispatched from police headquarters and the patrol districts consist of 83 patrol beats, which include 357 patrol beat building blocks.

Parks: The San José Parks, Recreation, and Neighborhood Services Department (PRNS) operates the City's regional and neighborhood parks. PRNS also operates community and recreation centers and provides various recreation, community service, and other programs for children, youth, teens, adults, seniors, and people with disabilities. The nearest City of San José park facility is Roosevelt Park located about 0.22 miles from the project site at East Santa Clara Street and 19th Street.

Schools: The project site is within the San José Unified School District (SJUSD) operates 41 schools serving over 30,000 students.

Libraries: The City of San José is served by the San José Public Library System. The San José Public Library System consists of one main library (Dr. Martin Luther King Jr.) and 22 branch libraries.

Regulatory Framework

Local

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating public service impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Public Services	
Policy CD-5.5	Include design elements during the development review process that address security, aesthetics and safety. Safety issues include, but are not limited to, minimum clearances around buildings, fire protection measures such as peak load water requirements, construction techniques, and minimum standards for vehicular and pedestrian facilities and other standards set forth in local, state, and federal regulations.
Policy ES-3.1	Provide rapid and timely Level of Service (LOS) response time to all emergencies: 1. For police protection, use as a goal a response time of six minutes or less for 60 percent of all Priority 1 calls, and of eleven minutes or less for 60 percent of all Priority 2 calls. 2. For fire protection, use as a goal a total response time (reflex) of eight minutes and a total travel time of four minutes for 80 percent of emergency incidents.
Policy ES-3.9	Implement urban design techniques that promote public and property safety in new development through safe, durable construction and publicly-visible and accessible spaces.
Policy ES-3.11	Ensure that adequate water supplies are available for fire-suppression throughout the City. Require development to construct and include all fire suppression infrastructure and equipment needed for their projects.
Policy PR-1.1	Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.

Discussion

a.i) *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 following public services: Fire protection?*

Less than Significant with Mitigation Incorporated. As described under Chapter 3, the proposed project includes construction a single-company, two-story fire station with a single apparatus bay as part of the relocation of Fire Station No. 8 to 601 E Santa Clara Street. To the extent construction of this new fire station structure as part of the proposed project could potentially result in significant environmental effects, such effects are analyzed throughout this Initial Study. Mitigation measures are included to reduce construction-related impacts to air quality, biological resources, cultural resources, hazards and hazardous materials, noise, and tribal cultural resources to less than significant levels. These include Mitigation Measures AIR-1: Tier 4 Engines; BIO-1: Nesting Bird Protection Measures; CUL-1: Cultural Resources Awareness Training; HAZ-1: Site Management Plan and Vapor Intrusion Measures; and NOI-1: Construction

Phasing. Therefore, the impacts regarding the effects of constructing the new fire protection infrastructure would be less than significant with mitigation incorporated.

Mitigation

Impact PUB-1: Construction of the proposed fire protection facilities could result in substantial adverse physical impacts.

Mitigation Measure AIR-1: Tier 4 Engines. (see Section 5.3, *Air Quality*, above)

Mitigation Measure BIO-1: Nesting Bird Protection Measures. (see Section 5.4, *MM BIO-1*, above)

Mitigation Measure CUL-1: Cultural Resources Awareness Training. (see Section 5.5, *MM CUL-1*, above)

Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures. (see Section 5.9, *MM HAZ-1*, above)

Mitigation Measure NOI-1: **Construction Phasing.** (see Section 5.14, *Noise*, above)

a.ii-v) *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 following public services: Police protection; Schools; Parks; Other public facilities?*

No Impact. Uses from the existing Fire Station No. 8 would be relocated to the project site following proposed project construction, and relocation of Fire Station No. 8 would not result in additional staffing. Therefore, the proposed project would not create any new housing or businesses and would not extend any roads or infrastructure. As a result, the project would not result in either direct or indirect unplanned growth. The project would not alter demand of existing police protection, schools, parks or other public facility services. Therefore, the project would not result in an impact to these public services.

References

City of San José, *Envision San José 2040 General Plan,* Adopted November 1, 2011 As Amended on September 30, 2021.

5.16 Recreation

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XVI. RECREATION:				
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Environmental Setting

San José has more than 3,537 acres of parkland, consisting of 1,225 acres of neighborhood/ community parkland, 548 acres of regional parkland, 321 acres of land on three public golf courses, and 1,443 acres of open space and undeveloped land. PRNS operates 206 parks throughout the city: 197 neighborhood parks and 9 regional serving parks. The IBM campus also contains private recreational facilities including an outdoor multi-purpose field and basketball courts.

Discussion

a, b) *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; 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 includes construction a single-company, two-story fire station with a single apparatus bay as part of the relocation of Fire Station No. 8 to 601 E Santa Clara Street. As discussed in Section 5.14, *Population and Housing,* the project would not result in population growth and, as a result, would not increase the use of existing neighborhood regional parks or other recreational facilities. Therefore, no impact would occur in this regard.

5.17 Transportation

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION — Would the project:				
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
d) Result in inadequate emergency access?	☐	☐	☐	☒

Environmental Setting

The approximately project site is located at 601 E Santa Clara Street on the northeast corner of E Santa Clara Street and N 13th Street (in between N 13th St and N 14th St), east of U.S. 101 and west of State Route 87. The project site currently contains two access driveways on N 13th Street.

E Santa Clara Street is a Grand Boulevard as defined in the City's General Plan. Grand Boulevards serve as major transportation corridors that connect City neighborhoods. In most cases these are primary routes for VTA light-rail, bus rapid transit (BRT), and standard/community buses, as well as other public transit vehicles. Grand Boulevards accommodate moderate to high volumes of through traffic within and beyond the City. N 13th Street is a Local Connector Street. in the roadway. Local Connector Streets accommodate low to moderate volumes of through traffic within the City, and prioritize automobiles, bicycles, pedestrians, transit, and trucks equally.

Protected bike lanes are located on N 11th Street, two blocks southwest of the project site that run north and south. Protected bike lanes are a dedicated bikeway that combines the user experience of a multi-use path but are located on a street. They are physically distinct from the sidewalk and separated from motor vehicle traffic by a physical object such as parking, a curb, or posts. E St. John Street located one block north of the project site is a Bike Boulevard that runs east-west. Bike Boulevards are basic bike routes on calmer streets that are enhanced with additional elements to increase comfort for people bicycling. These elements include crossing enhancements and traffic calming features such as speed humps, bulbouts, or traffic diverters. These bicycle lanes serve as the closest connectors to the City's bike lane network to the project site.

Bus stops are located on E Santa Clara Street adjacent to the project site across E Santa Clara Street to the south for eastbound trips and across N 13th Street to the west for westbound trips on the 22 and 23 bus lines. The bus stops for the BRT Rapid 522 line are also located within 0.25-mile of the project site on E Santa Clara Street near 17th Street.

Regulatory Framework

Local

Council Policy 5-1 Transportation Analysis

In alignment with SB 743 and the City's goals in the Envision San José 2040 General Plan, the City has adopted a Transportation Analysis Policy (Council Policy 5-1) to replace the former Transportation Level of Service Policy (Council Policy 5-3). The new policy establishes the thresholds for transportation impacts under CEQA based on vehicle miles traveled (VMT) rather than intersection level of service (LOS). VMT is the total miles of travel by personal motorized vehicles from a project in a day. The intent of this change in policy is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway capacity to a reduction in vehicle emissions and the creation of multimodal networks that support integrated land uses.[9]

Transportation Analysis Handbook

The City's Transportation Analysis Handbook (April 2018) sets forth objectives and methodologies related to the preparation of project-related transportation analyses. The Transportation Analysis Handbook outlines significance criteria, screening criteria, and thresholds of significance for environmental clearance for development projects, transportation projects, and General Plan Amendments. The Transportation Analysis Handbook aligns with SB 743; City Council Policy 5-1, and the major strategies, goals, and policies of the City's General Plan. According to the Transportation Analysis Handbook, a detailed CEQA transportation analysis would not be required if a project meets certain screening criteria. Small infill projects and other projects of sufficiently small size (i.e., 30,000 square feet or less of industrial use) would meet the City's screening criteria, in which case the Project would not be required to prepare a detailed CEQA transportation analysis.

San Jose Bike Plan 2020

The San José Bike Plan 202089 includes policies for developing and maintaining bike trails and associated facilities within the City. The following five goals are listed within the plan in order to improve bike accessibility and connectivity: (1) complete 500 miles of bikeways; (2) achieve a 5 percent bike mode share; (3) reduce bike collision rates by 50 percent; (4) add 5,000 bicycle parking spaces; and (5) achieve Gold-Level Bicycle Friendly Community status.

General Plan

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating transportation impacts from development projects. Policies applicable to the project are presented below.

[9] The new policy took effect on March 29, 2018.

Envision San José 2040 Policies Relevant to Transportation	
Policy TR-1.1	Accommodate and encourage use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled (VMT).
Policy TR-1.2	Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
Policy TR-1.3	Increase substantially the proportion of commute travel using modes other than the single-occupant vehicle in order to meet the City's mode split targets for San José residents and Workers.
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-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-8.1	Promote transit-oriented development with reduced parking requirements and promote amenities around appropriate transit hubs and stations to facilitate the use of available transit services.
Policy TR-8.3	Support using parking supply limitations and pricing as strategies to encourage the use of non-automobile modes.
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.

Discussion

a) *Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?*

Less than Significant. The proposed project includes construction of a single-company, two-story fire station with a single apparatus bay as part of the relocation of Fire Station No. 8 to 601 E Santa Clara Street. Uses from the existing Fire Station No. 8 would be relocated to the project site following proposed project construction, and relocation of Fire Station No. 8 would not result in additional staffing. Existing Fire Station No. 8 responds to approximately 10 calls per service per day. While service boundaries have not yet been set, SJFD estimates that the relocated Fire Station No. 8 would respond to approximately 23 calls per day, based on the four-minute geographic reach of the relocated station, or a potential net increase of 13 service calls per day. As discussed further under b) below, per City Council Policy 5-,1 the proposed project would be considered a local-serving public facility that further City goals and policies and will not result in significant transportation impacts.

The proposed project would neither directly nor indirectly eliminate existing or planned alternative transportation corridors or facilities (e.g., bike paths, lanes, etc.), including changes in polices or programs that support alternative transportation, nor construct facilities in locations in which future alternative transportation facilities may be planned.

The proposed project would not conflict with adopted polices, plans and programs supporting alternative transportation. In addition, the project would not generate traffic volume increases that would affect traffic flow on area roadways. Therefore, the performance of public transit, bicycle and pedestrian facilities in the area would not be impacted by the proposed project and the impact would be less than significant.

b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

Less than Significant. On December 28, 2018, the California Natural Resources Agency certified CEQA Guidelines Section 15064.3(b), which required, among other things, that by July 2020, all public agencies must base the determination of transportation impacts under CEQA on VMT rather than level of service.[10] On February 27, 2018, the City Council for the City of San José adopted the VMT metric for determining level of significance (Council Policy 5-1). Per City Council Policy 5-1, local-serving public facilities either produce very low VMT, or divert existing trips from established local facilities to new local facilities without measurably increasing trips outside of the area; these projects will further City goals and policies and will not result in significant transportation impacts. Since the proposed project would construct a fire station as part of the relocation of Fire Station No. 8 to 601 E Santa Clara Street, it would qualify as a local-serving public facility that produces very low VMT (approximately 23 service calls per day based on the four-minute geographic reach of the relocated station) and would divert trips from the existing Fire Station No. 8. Therefore, the proposed project's VMT impact would be considered less than significant.

c) *Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

Less than Significant. The Project would not substantially increase hazards due to a design feature or incompatible use. The proposed project would include one driveway on N 13th Street and two driveways on E Santa Clara Street. Primary fire truck and apparatus access to the project site would be provided via the gate-controlled driveway on N 13th Street. The pull-through apparatus bay would open to the western gate-controlled driveway on E Santa Clara Street where the fire apparatus would exit. The proposed project would include "KEEP CLEAR" pavement markings in E Santa Clara Street across all lanes of the street along the western driveway where the fire apparatus would pull through onto the street. This would reduce hazards by prohibiting vehicle stopping or parking within the primary driveway used by the fire apparatus to respond to emergency calls. Therefore, potential transportation hazard impacts related to road design would be less than significant.

[10] VMT measures the amount and distance people drive by personal vehicle to a destination. VMT is measured by multiplying the total vehicle trips by the average distance of those trips. Level of service, by contrast, measures the operating conditions of an individual facility (intersection or roadway) in terms of average vehicle delay (intersection) or measures such as average speed (roadway).

d) *Result in inadequate emergency access?*

No Impact. The proposed project would not result in inadequate emergency access. As a fire station, the proposed project would be designed to allow adequate access for fire apparatus and emergency service vehicles to use the facility. Therefore, the proposed project would have a no impact on emergency access.

References

City of San José, *Envision San José 2040 General Plan,* Adopted November 1, 2011 As Amended on September 30, 2021.

City of San José, 2018. Transportation Analysis Policy, Policy Number 5-1, approved by Council Action February 27, 2018 by Resolution 78520, effective March 29, 2018. Available at: https://www.sanjoseca.gov/home/showpublisheddocument/28459/636691896044230000. Accessed February 28, 2022.

5.18 Tribal Cultural Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XVIII. TRIBAL CULTURAL RESOURCES — 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 Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☒	☐	☐
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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Environmental Setting

ESA contacted the California State Native American Heritage Commission (NAHC) on February 7, 2022, to request a search of the NAHC's Sacred Lands File and a list of Native American representatives who may have knowledge of tribal cultural resources in the project site, or interest in the project. The NAHC replied to ESA by email on March 27, 2022, with the statement that the result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was positive. The NAHC response included a list of 11 Native American representatives from 8 tribes who may have knowledge of tribal cultural resources in the project site, or be interested in the project.

In 2017, the City sent a letter to tribal representatives in the area to welcome participation in consultation processes for all ongoing, proposed, or future projects within the City's Sphere of Influence or specific area of the City. The Ohlone Tribe submitted a request in July of 2018 for email notification of projects requiring a Negative Declaration, a Mitigated Negative Declaration, or an Environmental Impact Report that would involve ground-disturbing activities within the downtown area of the City of San José. On May 28, 2021, Tamien Nation requested certified mail notification of all non-exempt projects within the City of San José. In April, 2022 Tamien Nation verbally revised their original request to receive notice of all non-exempt projects within the City of San Jose via email only. The tribal representatives for the Ohlone Tribe, Tamien Nation, and other tribes known to have traditional lands and cultural places within the City of San José, were sent Tribal Consultation letters via email on May 10, 2022. The City of San Jose did not receive any requests for consultation on this project. See Section 5.5, *Cultural Resources*, above for a

summary of ESA's NWIC records search, background research, and archaeological sensitivity analysis.

Regulatory Framework

Native American Heritage Commission

NAHC was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

California Public Resources Code and Tribal Cultural Resources

In 2014, the California Legislature enacted Assembly Bill (AB) 52, which added provisions to the Public Resources Code regarding the evaluation of impacts on tribal cultural resources under CEQA, and requirements to consult with California Native American tribes. In particular, AB 52 requires lead agencies to analyze project impacts on tribal cultural resources separately from archaeological resources (PRC Sections 21074 and 21083.09). AB 52 defines "tribal cultural resources" in PRC Section 21074 and requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC Sections 21080.3.1, 21080.3.2, and 21082.3).

A *tribal cultural resource* is defined in PRC Section 21074 as either a site, feature, place, or 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:

1. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in PRC Section 5020.1(k); or

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c). In applying the criteria set forth in PRC Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.

California Public Resources Code Sections 5097.98 and 5097.99

PRC Section 5097.98 (reiterated in CEQA Guidelines Section 15064.5(e)) identifies steps to follow in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery. PRC Section 5097.99 prohibits obtaining or possessing any Native American artifacts or human remains that are taken from a Native American grave or cairn (stone burial mound).

Discussion

a.i) *Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).*

Less than Significant with Mitigation Incorporated No known tribal cultural resources listed or determined eligible for listing in the California Register, or included in a local register of historical resources as defined in PRC Section 5020.1(k), pursuant to PRC Section 21074(a)(1), would be affected by the proposed Project.

However, if any previously unrecorded archaeological resource were identified during ground-disturbing construction activities and were found to qualify as a tribal cultural resource pursuant to PRC Section 21074(a)(1) (determined to be eligible for listing in the California Register or in a local register of historical resources), any impacts of the proposed Project on the resource could be potentially significant. Any such potentially significant impacts would be reduced to a less-than-significant level by implementing **Mitigation Measure CUL-1: Cultural Resources Awareness Training** and the associated Standard Permit Conditions (see Section 5.5, *Cultural Resources*).

Mitigation

Mitigation Measure CUL-1: Cultural Resources Awareness Training. (see Section 5.5, *MM CUL-1*, above)

a.ii) *Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

Less than Significant with Mitigation Incorporated. The City of San José did not determine any resource that could potentially be affected by the proposed Project to be a tribal cultural resource significant pursuant to criteria set forth in PRC Section 5024.1(c). Therefore, the project is not anticipated to affect any such resources.

Mitigation

Mitigation Measure CUL-1: Cultural Resources Awareness Training. (see Section 5.5, *MM CUL-1*, above)

References

Northwest Information Center (NWIC), Records Search File No. File No. 21-1279. On file, ESA, February 8, 2022.

5.19 Utilities and Service Systems

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XIX. UTILITIES AND SERVICE SYSTEMS — 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?	☐	☐	☒	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
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?	☐	☐	☒	☐
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?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Environmental Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San José/Santa Clara Water Regional Wastewater Facility (RWF); sanitary sewer lines maintained by the City of San José
- Water Service: San Jose Water Company (SJWC)
- Storm Drainage: City of San José
- Solid Waste: Garbage: Garden City Sanitation; Recycling; California Waste Solutions (CWS)
- Natural Gas & Electricity: PG&E

There is an existing 12-inch water main in the sidewalk along E Santa Clara Street and in N 13th Street. An existing 10-inch sanitary sewer main in Santa Clara Street and an existing 12-inch sanitary sewer main in N 13th Street are located adjacent to the project site. For stormwater, the existing point of connection to the project site is a 15-inch storm drain main in E Santa Clara Street.

Regulatory Framework

State

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 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.

Assembly 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.

Assembly Bill 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

California Green Building Standards Code

The California Green Building Standards Code ("CalGreen") establishes mandatory green building standards for new and remodeled structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance including water and energy efficiency measures, and recycling and/or salvage of 65 percent of nonhazardous construction and demolition debris.

Local

San José Zero Waste Strategic Plan/Climate Smart San José Climate Smart

San José provides a comprehensive approach to achieving sustainability through new technology and innovation. The Zero Waste Strategic Plan outlines policies to help the City of San José foster a healthier community and achieve its Climate Smart San José goals, including 75 percent diversion of waste from the landfill by 2013 and zero waste by 2022. Climate Smart San José also includes ambitious goals for economic growth, environmental sustainability, and enhanced quality of life for San José residents and businesses.

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.

General Plan Policies

Policies in the General Plan have been adopted for the purpose of avoiding or mitigating utilities and service system impacts from development projects. Policies applicable to the proposed project are presented below.

Envision San José 2040 Policies Relevant to Utilities & Service Systems

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.
Action 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.
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-3.7	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.
Policy IN-3.10	Incorporate appropriate stormwater treatment measures in development projects to achieve stormwater quality and quantity standards and objectives in compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit.

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?*

Less than Significant. The proposed Fire Station No. 8 building would require utility connections to support the newly constructed fire station. The proposed project would tie into the existing City infrastructure as follows:

- Water: the proposed project would connect to an existing 12-inch water main in the sidewalk along E Santa Clara Street, and three new laterals will be provided, with one each for domestic water, irrigation water, and fire water.
- Sewer: the proposed project would connect to the existing 10-inch sewer main on E Santa Clara Street through a proposed 6-inch sewer lateral.
- Storm Drainage: the proposed project would connect to an existing 15-inch storm drain main in E Santa Clara Street.
- Electric and telecommunications: the proposed project would tie into PG&E electric lines and AT&T telephone service via a new underground connection across N 13th Street. Cable service would be provided through Comcast with a connection to the nearest pole and City of San José Fiber could also be provided through a proposed pull box at the sidewalk along N 13th Street. No natural gas connection is proposed.

Physical effects that would ensue from development of the utility connection required for the proposed fire station are analyzed in this Initial Study under the applicable topics. As concluded herein, the project would not result in any significant effects that could not be mitigated to a less-than-significant level. Accordingly, no additional mitigation is required.

The Project would incrementally increase demands on utility services. Given the small scale of the proposed project (an approximately 5,562 square foot fire station structure), the increase in utility demand is expected to be minor if any, since uses would be relocated from the existing Fire Station No. 8 (and no related staffing increases) and new fixtures in the proposed fire station would be more efficient.

Therefore, the proposed project would not require the relocation or construction of additional utility infrastructure which might have significant environmental impacts, beyond those proposed as part of the project and analyzed in this Initial Study.

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. The proposed project would incrementally increase demands on utility services. Water service to the site would be supplied by SJWC, a private entity that obtains water from a variety of groundwater and surface water sources. The City will acquire a "will serve" letter from SJWC to assure adequate water is available to serve the proposed fire station uses during normal, dry, and multiple dry year conditions. Additionally, as the proposed project's growth is consistent with the City's General Plan and associated water use was analyzed in the General Plan EIR. Additionally, uses from the existing Fire Station No. 8 would be relocated to the new fire station, which would have more efficient water and plumbing fixtures as required by the CalGreen Code and may result in lower water use at the new facility. Therefore, the proposed project would have a less than significant impact with regard to water supply and availability.

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?*

Less than Significant. Wastewater from the City of San José is treated at the RWF. The RWF is permitted to provide tertiary-level treatment to up to 167 million gallons per day (mgd) in the dry season and has a permitted wet weather peak capacity of 261 mgd (City of San José, 2018). Based on the General Plan EIR, the City's average dry weather flow is approximately 69.8 million gallons per day and the City's capacity allocation is approximately 108.6 mgd, leaving the City with approximately 38.8 mgd of excess treatment capacity. Development allowed under the General Plan (which includes the Project) would not exceed the City's allocated capacity at the RWF. Additionally, uses from the existing Fire Station No. 8 would be relocated to the new fire station, which would have more efficient plumbing fixtures as required by the CalGreen Code and may result in lower wastewater generation at the new facility. Therefore, development of the Project would have a less than significant impact on wastewater treatment capacity.

d, e) *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; Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Less than Significant. During construction, the proposed project would generate construction-related debris. Chapter 9.10, Part 15 of the San José Municipal Code establishes the City's Construction and Demolition Diversion Deposit Program, which uses financial incentives to encourage the recycling of C&D material and requires projects to divert at least 50 percent of the total projected waste (City of San José, 2022), and the CalGreen Code requires that at least 65 percent of nonhazardous C&D debris be recycled or salvaged. Therefore, during construction the amount of waste sent to landfill would be minimized through compliance with regulations.

Operation of the fire station would generate minimal amounts of waste through operation and maintenance activities. Garbage from the project site would be processed at the Greenwaste Recovery Facility Material Recovery Facility (MRF) and recycling would be processed at California Waste Solutions, Inc. MRF for sorting and diversion. These MRFs have a capacity of 3,500 tons per day and 530 tons per day, respectively (CalRecycle, 2022). Since the uses from the existing Fire Station No. 8 would be relocated to the new fire station, the waste generation from the proposed project is not expected to increase.

The City's General Plan EIR concluded that growth identified in the General Plan would not exceed the capacity of existing landfills serving the City of San José. The increase in solid waste generation from development of the proposed project would be avoided through implementation of the City's Zero Waste Strategic Plan, which set a goal of 75 percent waste diversion by 2013 and zero waste by 2022 (City of San José, 2008). The Zero Waste Strategic Plan in combination with existing regulations and programs, would ensure that

full buildout of the General Plan would not result in significant impacts on solid waste generation, disposal capacity, or otherwise impair the attainment of solid waste reduction goals. Furthermore, with the implementation of City policies to reduce waste the proposed project would comply with all federal, state, and local statutes and regulations related to solid waste. Impacts would be less than significant.

References

California Department of Resources Recycling and Recovery (CalRecycle), 2022. SWIS Facility/Site Search, Greenwaste Recovery Facility (43-AN-0019) & California Waste Solutions, Inc. (CWS) (43-AN-0024). Available at: https://www2.calrecycle.ca.gov/SolidWaste/Site/Search. Accessed July 7, 2022.

City of San José, 2022. Construction and Demolition Diversion Program. Available at: https://www.sanjoseca.gov/your-government/environment/recycling-garbage/construction-demolition-debris. Accessed February 28, 2022.

City of San José, San José-Santa Clara Regional Wastewater Facility Annual Pollution Prevention Report, 2018.

City of San José, Integrated Waste Management Zero Waste Strategic Plan, 2008.

5.20 Wildfire

Issues (and Supporting Information Sources):	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. WILDFIRE — 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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒
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?	☐	☐	☐	☒

Environmental Setting

The project site is located in a Local Responsibility Area that is not designated as a Very High Fire Hazard Severity Zone (VHFHSZ) and is not located near any local or state responsibility areas that have been designated as VHFHSZs (CAL FIRE, 2008). The project site is also not located in an area designated as a wildland-urban interface (SJFD, 2017). The project site is relatively flat and is located in an urbanized area.

Regulatory Framework

State

Public Resources Code Section 4201 – 4204

Sections 4201 through 4204 of the California Public Resources Code direct the California Department of Forestry and Fire Protection (CAL FIRE) to map Fire Hazard Severity Zones (FHSZ) within State Responsibility Areas (SRA), based on relevant factors such as fuels, terrain, and weather. Mitigation strategies and building code requirements to reduce wildland fire risks to buildings within SRAs are based on these zone designations.

Government Code Section 51175 – 51189

Sections 51175 through 51189 of the California Government Code directs CAL FIRE to recommend FHSZs within Local Responsibility Areas (LRA). Local agencies are required to designate VHFHSZs in their jurisdiction within 120 days of receiving recommendations from CAL FIRE, and may include additional areas not identified by CAL FIRE as VHFHSZs.

California Fire Code

The California Fire Code (Chapter 49) establishes the requirements for development within wildland-urban interface areas, including regulations for wildfire protection building construction, hazardous vegetation and fuel management, and defensible space maintained around buildings and structures.

Discussion

a-d) *Substantially impair an adopted emergency response plan or emergency evacuation plan; Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire; Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

No Impact. The proposed project would construct a new building for SJFD Fire Station No. 8 at 601 E Santa Clara Street and relocate the uses from its current location at 802 E Santa Clara Street to the new building. The proposed project would support adopted emergency and evacuation plans. The proposed project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors due to the project site's urbanized location away from natural areas susceptible to wildfire. The project site is not located within an area of moderate, high, or very high fire hazard severity for the local responsibility area nor does it contain any areas of moderate, high, or very high Fire Hazard Severity for the State responsibility area. Due to the project site's urbanized location and lack of interface with any natural areas susceptible to wildfire, the proposed project would not require the installation or maintenance of associated wildfire suppression or related infrastructure. The Project would also not expose people or structures to significant wildfire risks given its highly urban location away from natural areas susceptible to wildfire.

References

California Department of Forestry and Fire Protection (CAL FIRE) 2008. *Santa Clara County, Very High Fire Hazard Zones in LRA*, as Recommended by CAL FIRE October 8, 2008, Available at: https://osfm.fire.ca.gov/media/5935/san_jose.pdf. Accessed February 28, 2022.

City of San José Fire Department (SJFD), 2017. San José Fire Department Wildland-Urban Interface (WUI) Fire Conformance Policy. Available at: https://www.sanjoseca.gov/Home/ShowDocument?id=9345. Accessed February 28, 2022.

5.21 Mandatory Findings of Significance

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
XXI. MANDATORY FINDINGS OF SIGNIFICANCE —				
a) Does the project 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?	☐	☒	☐	☐
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)?	☐	☒	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Discussion

a) *Does the project 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 with Mitigation. Based upon background research and the analysis contained herein, with implementation of mitigation measures identified in this Initial Study, the project does not have the potential to 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, 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. Any potential short-term increases in potential effects to the environment during construction, and long-term effects on the environment during project operation, are mitigated to a less-than-significant level, as described throughout the Initial Study.

Mitigation

Mitigation Measure BIO-1: Nesting Bird Protection Measures. (see Section 5.4, *Biological Resources*, above)

Mitigation Measure CUL-1: Cultural Resources Awareness Training. (see Section 5.5, *Cultural Resources*, above)

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 with Mitigation. In accordance with CEQA Guidelines Section 15183, the environmental analysis in this Initial Study was conducted to determine if there were any project-specific effects that are peculiar to the project or its site. In addition to this requirement, Section 15065(a)(3) states that 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."[11] If cumulative impacts could occur, cumulative analysis asks whether the project's contribution to the significant cumulative impact would be cumulatively considerable.

Based on the above discussion, the project would not result in cumulatively considerable contributions to significant cumulative impacts. The project would not result in impacts to agricultural and forestry resources, mineral resources, population and housing, recreation, and wildfire; therefore, the project would not contribute to cumulative impacts to these resources. The project's impacts to geology and soils and hazards and hazardous materials are site specific and, therefore, would not contribute to a significant cumulative impact to those resources. There are no cumulative projects in the vicinity of the project site that the project would contribute cumulatively to for aesthetics, noise, or utility and service system impacts. With implementation of the identified mitigation measures and SCAs, the project would not result in cumulatively considerable contributions to significant biological resources, hydrology and water quality, or cultural or tribal cultural resources.

The project's cumulative impact on land use was determined to be less than significant, as the project would not alter land use in a manner that would modify the existing service population. Implementation of the project would marginally contribute to criteria pollutants and global GHG emissions. As discussed in Section 5.3, *Air Quality,* and Section 5.8, *Greenhouse Gas Emissions*, the project's individual criteria pollutant and was below the BAAQMD threshold criteria and the proposed project would comply with the City's Greenhouse Gas Reduction Strategy Compliance Checklist measures; it would thus have a less than significant cumulative impact. The project would not result in significant emissions of criteria air pollutants or GHGs and, therefore, would not result in a cumulatively considerable impact. As discussed in Section 5.3, with mitigation health risk impacts would be reduced to less than significant; therefore, the proposed project would not contribute to a significant impact.

[11] *Cumulatively considerable* is defined in Section 15065(a)(3) of the CEQA Guidelines as "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."

Based on the above discussion, the project would not have cumulatively considerable contributions to significant cumulative impacts.

Mitigation

Mitigation Measure AIR-1: Tier 4 Engines. (see Section 5.3, *Air Quality*, above)

Mitigation Measure BIO-1: Nesting Bird Protection Measures. (see Section 5.4, *Biological Resources*, above)

Mitigation Measure CUL-1: Cultural Resources Awareness Training. (see Section 5.5, *Cultural Resources*, above)

Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures. (see Section 5.9, *Hazards and Hazardous Materials*, above)

Mitigation Measure NOI-1: **Construction Phasing.** (see Section 5.14, *Noise*, above)

c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

Less than Significant with Mitigation. Based on the analysis provided in this Initial Study, the proposed Project would not result in environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with implementation of identified mitigation measures and Standard Permit Conditions.

Mitigation

Mitigation Measure AIR-1: Tier 4 Engines. (see Section 5.3, *Air Quality*, above)

Mitigation Measure BIO-1: Nesting Bird Protection Measures. (see Section 5.4, *Biological Resources*, above)

Mitigation Measure CUL-1: Cultural Resources Awareness Training. (see Section 5.5, *Cultural Resources*, above)

Mitigation Measure HAZ-1: Site Management Plan and Vapor Intrusion Measures. (see Section 5.9, *Hazards and Hazardous Materials*, above)

Mitigation Measure NOI-1: **Construction Phasing.** (see Section 5.14, *Noise*, above)

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