Initial Study/Mitigated Negative Declaration

1535-1575 Industrial Avenue Project

NOVEMBER 2022

Prepared for:

CITY OF SAN JOSÉ
200 East Santa Clara Street
San José, California 95113
Contact: Bethelhem Telahun

Prepared by:

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1 Introduction

1.1 Project Overview

The 1535-1575 Industrial Avenue project ("project") proposes to construct an approximately 71,550 square-foot concrete tilt-up building with a loading dock and adjacent parking lot within two (2) adjoining parcels (Assessor's Parcel Numbers (APNs) 237-30-020 and APN 237-30-025) totaling approximately 3.62 acres within the City of San José ("City"). Upon completion, it is anticipated that the proposed project site would be utilized for high cube storage and distribution with an ancillary office.

1.2 California Environmental Quality Act Compliance

This Initial Study (IS) has been prepared per the requirements of the California Environmental Quality Act (CEQA) of 1970 (Public Resources Code [PRC] Section 21000, et seq.), and the CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.).

1.3 Project Planning Setting

The project site is located within the City of San José, in Santa Clara County, California (Figure 1). The site is located on two (2) parcels (APNs 237-30-020 and APN 237-30-025). The project is proposed on an approximately 3.62-acre site located at 1535-1575 Industrial Avenue, within an urbanized industrial area of the City along Interstate 880 (I-880). An aerial image of the project site and surrounding area is presented in (Figure 2).

Previously, there were five (5) permanent one (1)-story buildings on the project site and two (2) modular office trailers. However, in August 2021, to discourage vandalism, the onsite buildings and structures were demolished with City approval. The southernmost parcel was occupied by a truck and trailer rental, sales, and maintenance business. The truck and trailer facility occupied three (3) buildings on the southernmost parcel and a modular office trailer. The northernmost of the two (2) parcels that comprise the site supported two (2) permanent buildings and a modular office trailer. A rigging equipment sales company and a geo-services business each occupied one (1) of the permanent buildings on the parcel and the truck and trailer facility occupied the third building, a truck maintenance shop, and the 1,000 square foot modular office trailer. The site also contained paved parking areas, unpaved driveways and exterior truck part storage areas, and weedy vegetation and grass. There is no landscaping on the site. Chain-link fencing surrounds the project site.

1.4 Public Review Process

The IS and the proposed Mitigated Negative Declaration (MND) will be circulated for public review for a period of 20 days, pursuant to CEQA Guidelines Section 15073(a). The City will provide public notice at the beginning of the public review period.

This IS is being routed to State agencies through the Office of Planning and Research under a Notice of Completion. The City has posted a Notice of Intent (NOI) to adopt a MND at the project site, on the City's website, and has provided the NOI to the County Clerk's office and via direct mailings and emails to other stakeholders, local agencies, and other parties that have expressed interest in the project.

After the document has been noticed and made publicly available for 20 days, the City will consider all comments received, revise the IS as necessary, and schedule the project and this IS for consideration by the City Council. The scheduled City Council hearing will be publicly noticed prior to the public hearing. The City Council will accept any written and oral comments at the hearing and make a decision on the project.

Comments or questions may be addressed to:

Bethelhem Telahun, Planner
Bethelhem.telahun@sanjoseca.gov
City of San José
Planning, Building and Code Enforcement
200 E. Santa Clara Street
San José, CA 95113

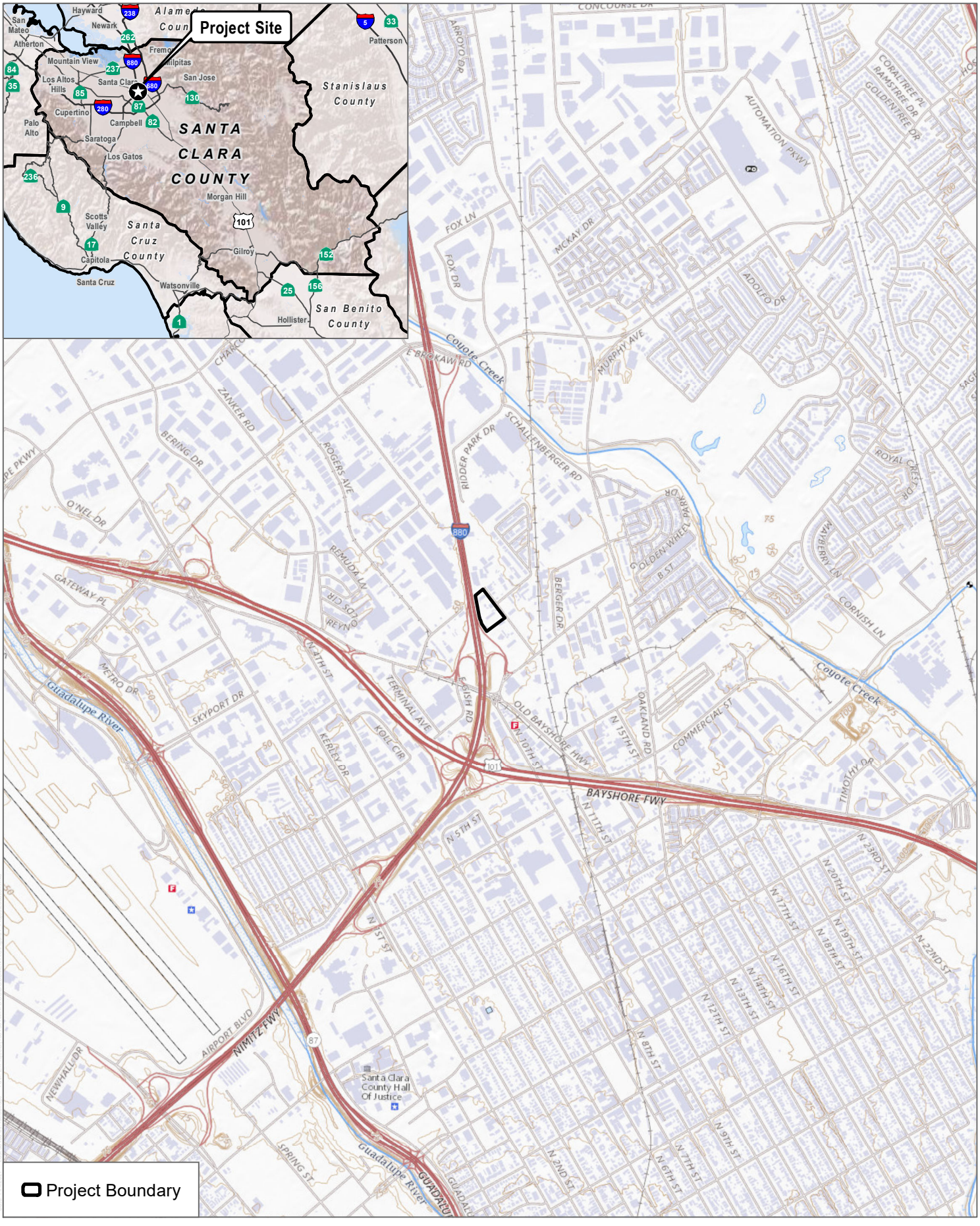

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FIGURE 1

Project Location

1535-1575 Industrial Avenue Project

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SOURCE: Bing Maps 2021, Santa Clara County 2019

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0 250 500 Feet

FIGURE 2

Project Site

1535-1575 Industrial Avenue Project

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2 Initial Study Checklist

1. **Project title:**

   1535-1575 Industrial Avenue Project

2. **Lead agency name and address:**

   City of San José
   Planning, Building and Code Enforcement
   200 E. Santa Clara Street
   San José, CA 95113

3. **Contact person:**

   Bethelhem Telahun, Planner
   Bethelhem.telahun@sanjoseca.gov

4. **Project location:**

   1535 to 1575 Industrial Avenue; APNs 237-30-020 & APN 237-30-025

5. **Project sponsor's name and address:**

   Dave Poquette, Vice President, Industrial Development
   LBA Realty/LBA Logistics
   1149 S. Hill Street, Ste H300
   Los Angeles, CA 90015

6. **General plan designation:**

   General Plan Land Use Designation: Heavy Industrial

7. **Zoning:**

   Zoning: Heavy Industrial

8. **Description of project. (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary):**

   The proposed project include construction of a new, 71,550-gross-square-foot (GSF) warehouse building and associated site improvements (Figure 3). Previously, the site included five (5) buildings that were demolished in August 2021 with City approval. On the south side of the proposed building, the project would include nine (9) dock doors for truck loading. To the north of the proposed building, the project would construct a parking lot with 41 parking stalls, including three (3) Americans with Disabilities (ADA) parking spaces and two (2) clean air/electric vehicle spaces. As shown in Figure 3, Proposed Site Plan, the proposed building would occupy the majority of the central portion of the site. The new warehouse building would be

one (1) story and have a maximum height of 42 feet, which conforms to the 50-foot height limit for the Heavy Industrial zoning district. Figure 4 displays the preliminary building elevations.

The project would replace the existing impervious surfaces on the site and add 21,812 square feet of new impervious surface area, for a total impervious surface area on the site of 140,751 square feet (90 percent of the site). Stormwater runoff would be directed to bioretention basins on site prior to entering storm drains. A total of 8,065 square feet of bioretention landscaping would be provided in three (3) drainage management areas throughout the site, as shown on Figure 5.

Access, Circulation, and Parking

The existing site access points from Industrial Avenue would remain, one access to the north of the building to the parking lot for passenger vehicles and one to the south to access the docking doors on the south side of the building. A 26-foot wide fire lane would run around the perimeter of the building. The design of the driveways on the site would accommodate truck turning to access the loading dock (nine) and container parking stall areas. The site plan shows a swinging gate that would separate the parking area on the north side of the project from the loading docks on the south side of the building. The gate would swing outward, from the dock are in the south, towards the parking area on the north. Any vehicles headed from the parking area towards the south would need to queue several feet in advance in order for the gate to swing outwards. The site plan also shows an 8-foot gate approximately 120 feet from the inside edge of sidewalk at the southern driveway. A standard trailer truck would be able to queue in front of the proposed sliding gate without blocking the sidewalk or extending onto the street. A total of 41 vehicle parking stalls would be provided to the north of the building as well as four (4) bike parking spaces (1 space per 10 full-time employees per San José's Zoning Code Section 20.90.060B) and two (2) motorcycle spaces. Furthermore, a shower and changing room has been included in the building design (San José Zoning Code Section 20.90.066A).

Construction Activities and Schedule

As previously described, demolition of buildings at the site occurred in August 2021. Remaining construction activities include removal of concrete, utility relocations/protection in place/replacement, excavation, grading, scarifying, moisturizing, fill placement, compaction, and building construction.

Construction activities would be anticipated to commence in November 2022 and last approximately 10 months long, ending in August 2023. Construction hours would occur during hours permitted by the City's noise ordinance. The project would be expected to be operational in 2023.

Site Lighting

The proposed project may require the use of lighting in the event of nighttime construction. Safety lighting could be required during operation and would adhere to the site photometric plan included as part of the plan submittal.

Landscaping and Tree Removal

The proposed project would require the removal of one (1) palm tree and a small grouping of six (6) eucalyptus trees located in the southwest corner of the site according to the field survey and Arborist Report prepared for the project (Appendix G). This would occur at the beginning of construction activities. Figure 6

depicts the preliminary landscape plan for the project. The majority of the proposed new landscaping would be provided along the project frontage at Industrial Avenue. The project landscaping would include the planting of 36 15-gallon trees and approximately 20,000 square feet of a variety of shrubs and groundcover. Per the City's Industrial Design Guidelines, California native species and drought tolerant species of plants, trees, and groundcover would be required.

Grading

The project site is relatively flat (sloping slightly to the west) and the project would be constructed at grade. Construction of the project would require minor cuts (4,870 cubic yards), fills (8,796 cubic yards), and grading. It is expected that the majority of the soil removed would be reused onsite. Soils cuts and fills would be balanced onsite, so no soil export is anticipated at this time.

Materials Storage Areas and Equipment Staging

Materials and equipment storage and staging would occur within the project site. After construction, any materials not used or reused in the proposed project would be hauled off-site and reused or disposed of in a landfill or recycled at a recycling facility.

Onsite Drainage and Erosion Control

The proposed project would be required to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit and Stormwater Pollution Prevention Plan (SWPPP). The proposed project would also implement commonly used best management practices for erosion control, including fiber wattles and silt fencing, covering exposed soil piles, and mulching disturbed areas during construction. The project includes stormwater and drainage facilities onsite.

PERMITS AND APPROVALS REQUIRED

The following permits and approvals could be required to carry out the proposed project:

- Lot merger to combine two (2) existing parcels into one (1);
- Adoption of a Mitigated Negative Declaration (MND) – California Environmental Quality Act (CEQA) clearance;
- Site Development Permit; and
- Grading Permit, Building Permit, and all other Public Works Clearances.

9. Surrounding land uses and setting (Briefly describe the project's surroundings):

The project site is bounded by industrial/warehouse uses to the north and east, and the I-880 and Old Bayshore Highway interchange to the west and south.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

- Regional Water Resources Control Board, San Francisco Bay, NPDES General Permit

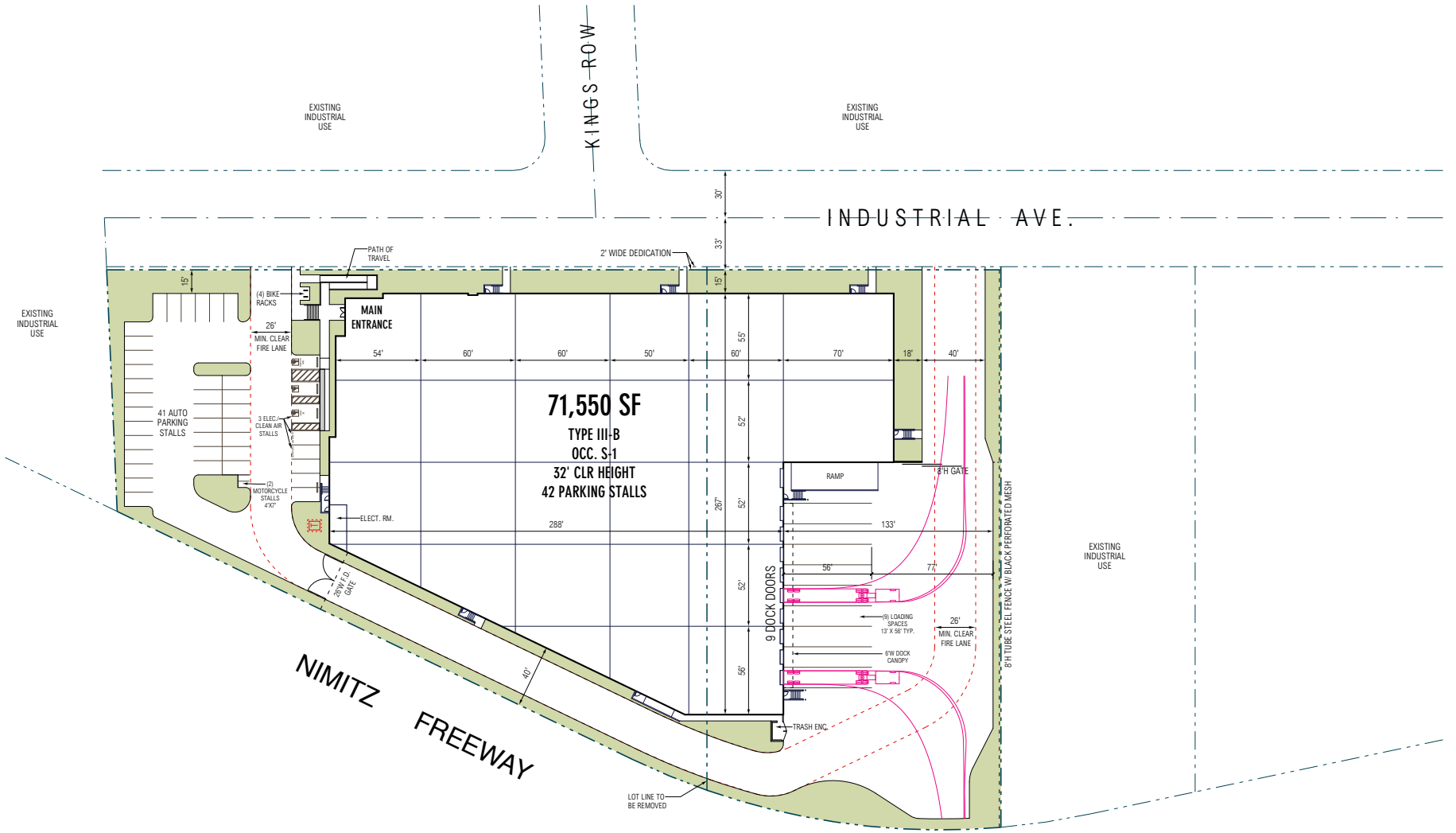
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?

No tribes have requested consultation for the project area.

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 and Soils	☐ Greenhouse Gas Emissions	☒ Hazards and Hazardous Materials
☐ Hydrology and Water Quality	☐ Land Use and Planning	☐ Mineral Resources
☐ Noise	☐ Population and Housing	☐ Public Services
☐ Recreation	☒ Transportation	☐ Tribal Cultural Resources
☐ Utilities and Service Systems	☐ Wildfire	☒ Mandatory Findings of Significance



SOURCE: RGA 2021

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FIGURE 3

Site Plan

1535-1575 Industrial Avenue Project

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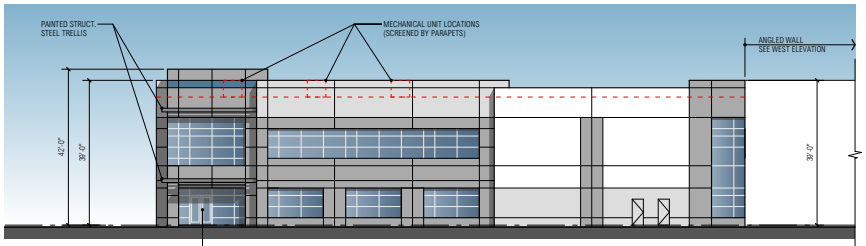
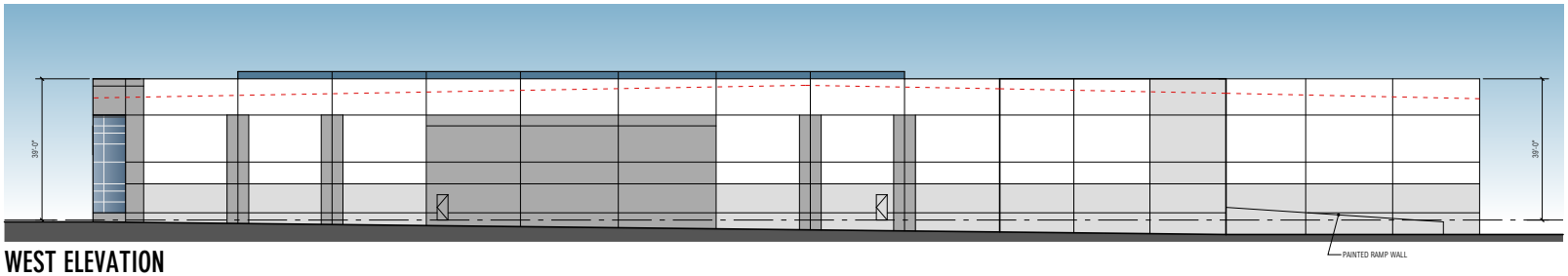
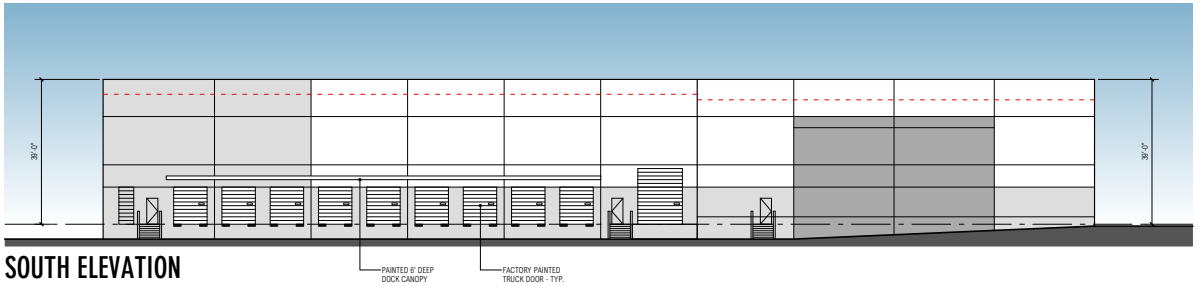


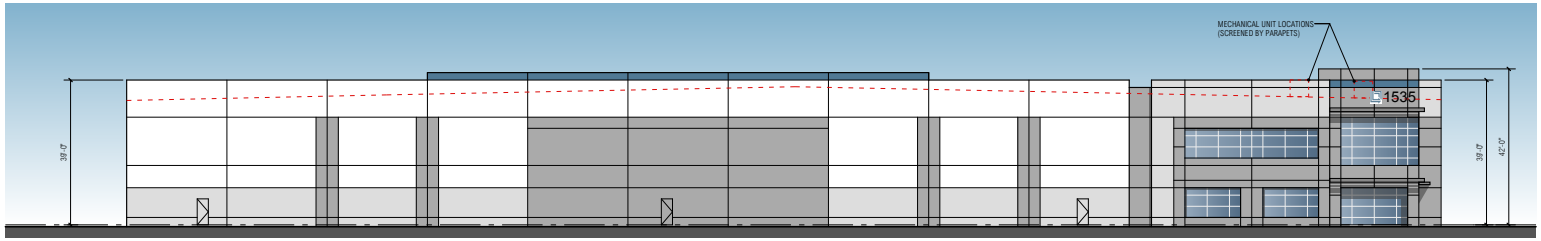
NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

SOURCE: RGA 2021

FIGURE 4

Elevations

1535-1575 Industrial Avenue Project

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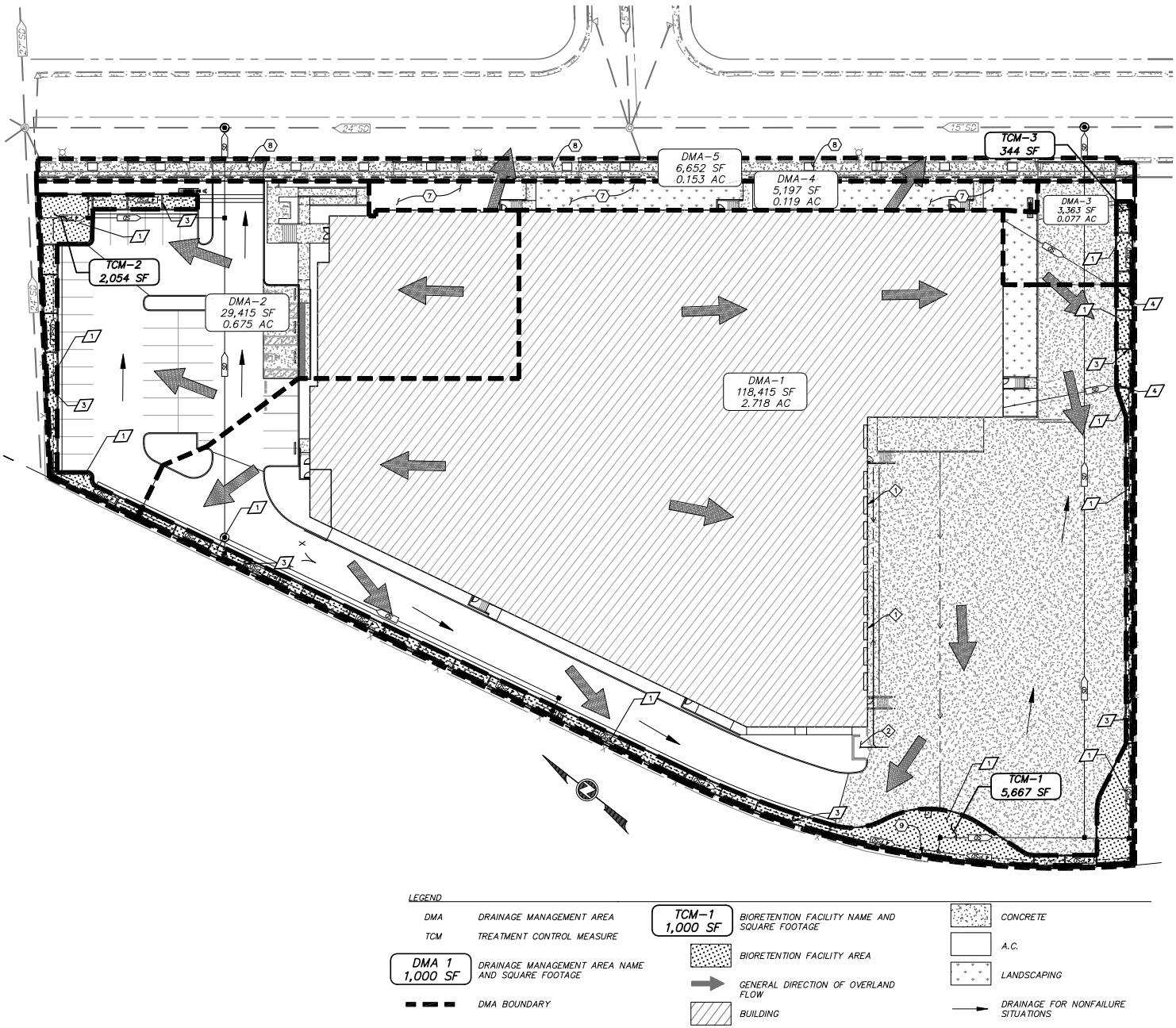

SOURCE: Laugenor and Meikle 2021

FIGURE 5

Stormwater Control Plan

1535-1575 Industrial Avenue Project

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Ulmus parvifolia

Acer negundo

Penstemon heterophyllus

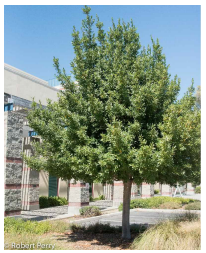
Juncus patens

Zauschneria californica 'Uvas Canyon'

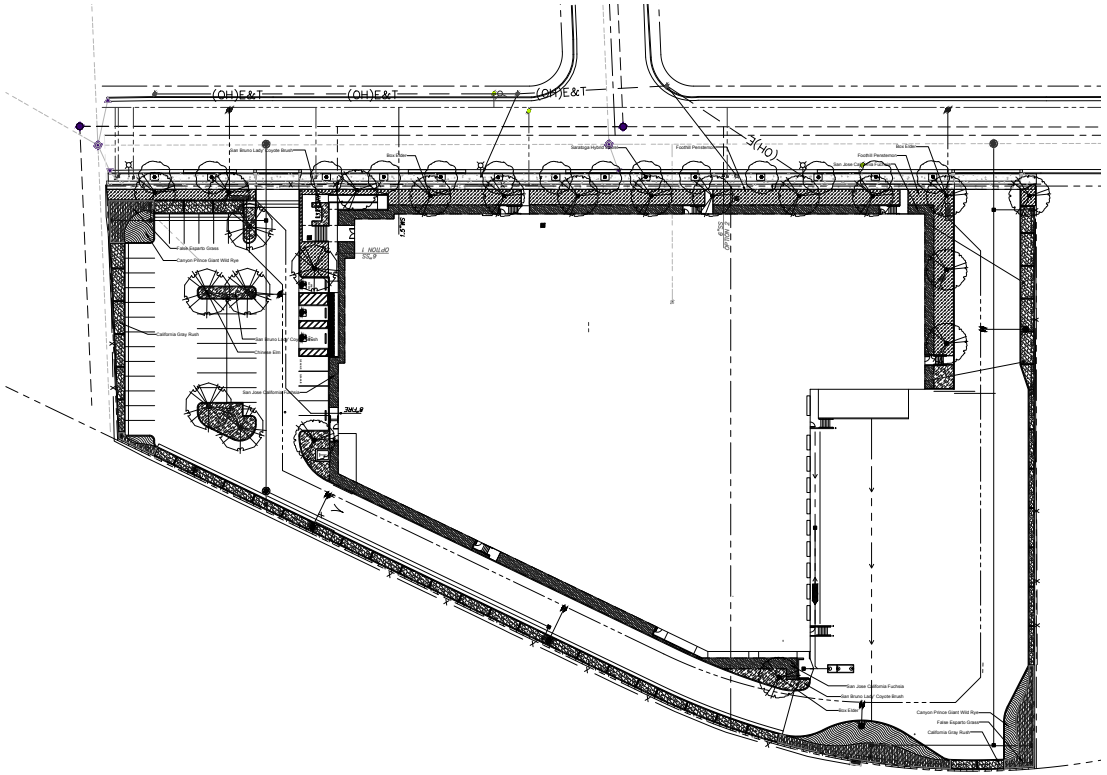
Baccharis pilularis 'San Bruno Lady'

Lygeum spartum

Leymus condensatus 'Canyon Prince'



Laurus x 'Saratoga'



TOTAL LANDSCAPE AREA = 20,407 sf

NORTH

PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME	CONT	CAL	HEIGHT & SPREAD @ PLANTING	QTY
	Acer negundo / Box Elder	15 Gal Standard	1"Cal	6` Ht.	16
	Ulmus parvifolia / Chinese Elm	15 gal	1"Cal	6` Ht.	6
STREET TREE	BOTANICAL / COMMON NAME	CONT	CAL	HEIGHT & SPREAD @ PLANTING	QTY
	Laurus x 'Saratoga' / Saratoga Hybrid Laurel	15 Gal Standard	1.5"Cal	6` Ht.	14
SHRUB AREAS	BOTANICAL / COMMON NAME	CONT		SPACING	
	Baccharis pilularis 'San Bruno Lady' / San Bruno Lady' Coyote Brush	1 Gal		30" o.c.	1,893 sf
	Juncus patens / California Gray Rush	1 Gal		24" o.c.	4,738 sf
	Leymus condensatus 'Canyon Prince' / Canyon Prince Giant Wild Rye	1 Gal		30" o.c.	1,561 sf
	Lygeum spartum / False Esparto Grass	1 Gal		30" o.c.	1,759 sf
	Penstemon heterophyllus / Foothill Penstemon	1 Gal		30" o.c.	5,510 sf
	Zauschneria californica 'Uvas Canyon' / San Jose California Fuchsia	1 Gal		30" o.c.	4,603 sf

SOURCE: CCA Inc. 2021

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FIGURE 6

Landscape Plan

1535-1575 Industrial Avenue Project

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Determination (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an Environmental Impact Report (EIR) is required.
4. "Negative Declaration: Less-Than-Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
    a. Earlier Analysis Used. Identify and state where they are available for review.
    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
    c. Mitigation Measures. For effects that are "Less Than Significant With Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
    a. The significance criteria or threshold, if any, used to evaluate each question; and
    b. The mitigation measure identified, if any, to reduce the impact to less than significance

3 Evaluation of Environmental Impacts

3.1 Aesthetics

		Potentially Significant Impact	Less Than Significant Impact 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 day or nighttime views in the area?	☐	☐	☒	☐

Setting

The City of San José is situated in the Santa Clara Valley, between the foothills of the Santa Cruz Mountains to the west, the Santa Teresa Hills to the south, the Diablo Mountain Range to the east, and the baylands and salt marshes of the San Francisco Bay to the north. The project site is located within an urbanized industrial area of San José along I-880. The predominant visual character of the project vicinity is that of older industrial development characterized by single-story warehouse buildings and minimal landscaping.

The project site is industrial in character and consists of two (2) parcels that were previously occupied by five (5) permanent one-story buildings and two modular office trailers. The southernmost parcel was occupied by a truck and trailer rental, sales, and maintenance business. The truck and trailer facility occupied three (3) of the existing buildings on the southernmost parcel as well as a modular office trailer. The northernmost of the two (2) parcels that comprise the site support two (2) permanent buildings and a modular office trailer. A rigging equipment sales company and a geo-services business each occupy one (1) of the permanent buildings on the parcel and the truck and trailer facility occupies the third building, a truck maintenance shop, and the 1,000 square foot modular office trailer. The site also contains paved parking areas, unpaved driveways and exterior truck part storage areas, and weedy vegetation/grass. There is no landscaping on the site. Chain-link fencing surrounds the project site. Buildings and paved areas are located throughout

the site, primarily along industrial Avenue. Industrial development similar in character to the project site surrounds the site to the north, east, and south, with I-880 bordering the site to the west.

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 project site is not located near any scenic highways (Caltrans 2018). The closest officially designated scenic highway is Interstate 280 where it intersects Interstate 880, approximately 4 miles to the southwest.[1] In addition, the project is not located along any scenic corridors per the City's Scenic Corridors Diagram in the *Envision San José 2040 General Plan* (City of San José 2016) or scenic roads designated in the Santa Clara County General Plan (Santa Clara County 2008).

Due to the City's predominantly flat valley topography, including that of the project site, prominent views of the surrounding hillsides are limited and often obstructed by intervening development. No topographic landmarks identified in the General Plan are located near the project site. Public roadways from which the project site is visible include Industrial Avenue and Kings Row. The site is also visible to travelers along I-880.

Lighting on the project site is limited to security lighting. Existing sources of light in the vicinity of the project site are primarily from surrounding buildings, streetlights, and headlights of vehicles traveling on I-880. Existing sources of glare in the project vicinity include light reflected from building and car windows.

Regulatory Framework

State

California State Scenic Highway Program

The California State Scenic Highway Program requires a local governing body to enact a Corridor Protection Program that protects and enhances the resources along highways of State importance. The State Scenic Highway designation serves to protect scenic corridors, mitigate activities within scenic corridors, make development more compatible with the environment and preserve views of hillsides.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Chapter 4, Quality of Life outlines the City's design goals and policies. Those included (below) are applicable to the project (City of San José 2011b).

- Goal CD-1: Attractive City. Create a well-designed, unique, and vibrant public realm with appropriate uses and facilities to maximize pedestrian activity; support community interaction; and attract residents, business, and visitors to San José.
- Policy CD-1.1: Require the highest standards of architectural 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.

[1] Caltrans State Scenic Highways. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed June 14, 2022.

- Policy CD-1.15: Consider the relationship between street design, use of the public right-of-way, and the form and uses of adjoining development. Address this relationship in the Urban Village Planning process, development of new zoning ordinances, and the review of new development proposals in order to promote a well-designed, active, and complete visual street environment.

In addition to applicable General Plan policies, the project would be required to comply with the following City policies and guidelines, as applicable:

- San José Outdoor Lighting Policy (City Council Policy 4-3)
- San José Industrial Design Guidelines

a) Would the project have a substantial adverse effect on a scenic vista? (No impact)

Scenic vistas in and around San José include hillsides and mountains that frame the valley floor, the baylands, and the Downtown skyline. As described above, the project site does not offer high-quality scenic views due to its relatively flat terrain and developed nature of the surrounding environment. The proposed project includes demolition of five (5) industrial buildings (demolished in August 2021 with City approval) and construction of a single 71,550 square foot concrete tilt-up building with a loading dock and adjacent parking lot. The project would not obstruct or otherwise adversely affect scenic views. Therefore, the project would have **no impact** on scenic vistas.

b) Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (No impact)

The project site is not located near any City-, County-, or state-designated scenic routes. There are no natural scenic resources such as rock outcroppings present on site or in the project area. Therefore, the project would have **no impact** on scenic resources within a state scenic highway.

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

The project site is located in an urbanized area. Upon completion of construction, the long-term visual character of the project would be established, which would consist of the building, the architectural design, and associated landscaping. The project would change the existing visual character of the site by replacing the existing single-story industrial buildings with a single, larger industrial building and landscaping. However, the new building would be consistent in character with the industrial development which surrounds the project site. The project would be subject to design review, which would ensure that the scale, mass, and design elements of the new building would be compatible with surrounding development. The addition of landscaping to the project site, including trees, shrubs, and grasses, would serve to enhance the visual quality of the site. As the project would not substantially degrade the existing visual character and quality of the site and surrounding area or conflict with regulations governing scenic quality, impacts would be **less than significant**.

d) Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Less-than-significant impact)

As described above, existing lighting on the project site consists of security lighting and vehicular traffic. The project would include new lighting for the building, container stall areas, the front aisle parking/drive zone, loading docks and rear drive areas, the main parking area, the perimeter parking and access road area, and the south/west access drives. San José City Council Policy 4-3 requires private developments to use energy-efficient outdoor lighting that is fully shielded and not directed skyward. Exterior lighting would be provided for the project in accordance with City Council Policy 4 3 for outdoor lighting on private developments to ensure the project would not create a new substantial source of light. The project would not generate any major sources of glare beyond current conditions. Therefore, impacts associated with light and glare would be **less than significant**.

3.2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less Than Significant Impact 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 Dept. 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?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

Setting

The Santa Clara County Important Farmland 2014 Map designates the project site as Urban and Built-Up Land. Urban and Built-Up Land is defined as land occupied by structures with a building density of at least one (1) unit to 1.5 acres, or approximately six (6) structures to a 10-acre parcel. The site is currently developed with industrial buildings.

CEQA requires the evaluation of forest and timber resources where they are present. The project site is located in a developed urban area. 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).

Regulatory Framework

State

California Department of Conservation Important Farmlands and Williamson Act Contract

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. CEQA also requires consideration of impacts on lands that are under Williamson Act contracts. The project area is identified as urban and built-up land on the Santa Clara County Important Farmlands Map (California Department of Conservation 2018a) and is not enrolled in a Williamson Act contract (California Department of Conservation 2016).

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Chapter 6, Land Use and Transportation outlines the City's framework for identifying appropriate land uses in various areas of the City. Those included (below) are applicable to agriculture and forestry (City of San José 2011b).

- 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.

a) Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (No impact)

The project site is designated as urban and built-up land on the Important Farmlands Map for Santa Clara County and does not contain any prime farmland, unique farmland, or farmland of statewide importance. The project would not affect agricultural land and **no impact** would occur.

b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? (No impact)

No land zoned for agricultural use or enrolled in a Williamson Act contract is located on or near the project site; therefore, the project would have **no impact** on agricultural zoning or Williamson Act contracts.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? (No impact)

The project site is designated as urban and built-up land on the Important Farmlands Map for Santa Clara County and is not zoned for forest land. **No impact** would occur.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use? (No impact)

As there is no forest land or timberland located on or near the project site, the project would have **no impact** on forest or timberland zoning or loss.

e) Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? (No impact)

As previously discussed, the project site is designated as urban and built-up land by the Farmland Mapping and Monitoring Program. There is no farmland or forest land located in the vicinity of the project site; therefore, the project would have **no impact** on agricultural or forest land.

3.3 Air Quality

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☒	☐

Setting

Information in this section is based on the California Emissions Estimator Model (CalEEMod) Version 2020.4.0 which was used to estimate emissions from construction and operation of the project. CalEEMod is a statewide computer model developed in cooperation with air districts throughout the state to quantify criteria air pollutant and GHG emissions associated with the construction and operational activities from a variety of land use projects, such as educational, residential, recreational, commercial, and industrial facilities. CalEEMod input parameters, including the project land use type and size and construction schedule were based on information provided by UC Berkeley, or default model assumptions if project specifics were unavailable. This output is contained in **Appendix A**.

The project is located in Santa Clara County, which is in the San Francisco Bay Area Air Basin. Ambient air quality standards have been established at both the state and federal level. The San Francisco Bay Area Air Basin does not meet state or federal ambient air quality standards for ground-level ozone and fine particulate matter ($PM_{2.5}$) and state standards for respirable particulate matter (PM_{10}). The area is considered in attainment or unclassified for all other pollutants. The Bay Area Air Quality Management District (BAAQMD) is the regional air quality agency with jurisdiction over the San Francisco Bay Area Air Basin. The BAAQMD has published California Environmental Quality Act (CEQA) Air Quality Guidelines that are used in this assessment to evaluate air quality impacts of projects (BAAQMD 2017a).

Air Pollutants of Concern

High ozone levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x). 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, reduced lung function, and increase coughing and chest discomfort.

Particulate matter is another problematic air pollutant of 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 (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ 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.

Toxic Air Contaminants

Toxic air contaminants (TACs) are a broad class of compounds known to cause morbidity or mortality (usually because they cause cancer) and include, but are not limited to, the criteria air pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway). Because chronic exposure can result in adverse health effects, TACs are regulated at the regional, state, and federal level.

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters (3/4) of the cancer risk from TACs (based on the Bay Area average). According to the California Air Resources Board (CARB), diesel exhaust is a complex mixture of gases, vapors, and fine particles. This complexity makes the evaluation of health effects of diesel exhaust a complex scientific issue. Some of the chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the CARB, and are listed as carcinogens either under the State's Proposition 65 or under the Federal Hazardous Air Pollutants programs.

The San José Envision 2040 General Plan includes goals, policies, and actions to reduce exposure of the City's sensitive population to exposure of air pollution and toxic air contaminants or TACs.

Sensitive Receptors

There are groups of people more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools. The closest sensitive receptors to the project site are the San José Conservation Corps daycare and the Challenger School and Preschool approximately 1,196 feet (0.23 miles) east of the project site. The closest residences are located over 1,800 feet to the east and over 2,000 feet to the northeast.

Odors

Common sources of odors and odor complaints include wastewater treatment plants, transfer stations, coffee roasters, painting/coating operations, and landfills. Significant sources of offending odors are typically identified based on complaint histories received and compiled by BAAQMD. Typical large sources of odors that result in complaints are wastewater treatment facilities, landfills including composting operations, food processing facilities,

and chemical plants. Other sources, such as restaurants, paint or body shops, and coffee roasters typically result in localized sources of odors.

The site contains an existing industrial building and does not produce substantial odors.

Regulatory Framework

Regional

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. *The Bay Area 2017 Clean Air Plan* (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's long-term effort to reduce Bay Area greenhouse gas (GHG) emissions 40 percent below 1990 levels by 2030 and 80 percent below 1990 levels by 2050. The 2017 CAP includes a wide range of control measures designed to decrease emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The BAAQMD CEQA *Air Quality Guidelines* are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA *Air Quality Guidelines*, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for greenhouse gas emissions developed by the BAAQMD. The CEQA *Air Quality Guidelines* include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

BAAQMD Significance Thresholds

The City of San José uses the thresholds of significance established by the BAAQMD to assess air quality impacts of proposed development. In June 2010, BAAQMD adopted thresholds of significance to assist in the review of projects under CEQA and these significance thresholds were contained in the BAAQMD's 2011 *CEQA Air Quality Guidelines*. These thresholds were designed to establish the level at which BAAQMD believed air pollution emissions would cause significant environmental impacts under CEQA. The thresholds were challenged through a series of court challenges and were mostly upheld. BAAQMD updated the *CEQA Air Quality Guidelines* in 2017 to include the latest significance thresholds, which were used in this analysis and are summarized in Table .

Table 3.3-1. Air Quality Significance Thresholds

Criteria Air Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
ROG	54	54	10
NO_x	54	54	10
PM_{10}	82 (Exhaust)	82	15

Table 3.3-1. Air Quality Significance Thresholds

Criteria Air Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (lbs./day)	Average Daily Emissions (lbs./day)	Annual Average Emissions (tons/year)
$PM_{2.5}$	54 (Exhaust)	54	10
CO	Not Applicable	9.0 ppm (8-hour average) or 20.0 ppm (1-hour average)	
Fugitive Dust	Construction Dust Ordinance or other Best Management Practices	Not Applicable	
Health Risks and Hazards	**Single Sources Within 1,000-foot Zone of Influence**	**Combined Sources (Cumulative from all sources within 1,000-foot zone of influence)**	
Excess Cancer Risk	>10.0 per one million	>100 per one million	
Hazard Index	>1.0	>10.0	
Incremental annual $PM_{2.5}$	>0.3 µg/m^3	>0.8 µg/m^3	
Greenhouse Gas Emissions			
Land Use Projects – direct and indirect emissions	Compliance with a Qualified GHG Reduction Strategy OR 1,100 metric tons annually or 4.6 metric tons per capita (for 2020) and adjusted to 660 metric tons annually or 2.6 metric tons per capita (for 2030)*		

Notes: ROG = reactive organic gases, NOx = nitrogen oxides, PM10 = course particulate matter or particulates with an aerodynamic diameter of 10 micrometers (µm) or less, PM2.5 = fine particulate matter or particulates with an aerodynamic diameter of 2.5µm or less. GHG = greenhouse gases.
*BAAQMD does not have a recommended post-2020 GHG threshold.

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the Lead Agency and must be based to the extent possible on scientific and factual data. These thresholds were designed to establish the level at which the BAAQMD believes air pollution emissions would cause significant environmental impacts. The City of San José has carefully considered the thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with Toxic Air Contaminants (TACs) and fine particulate matter.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership outlines the City's air quality goals and policies (below) that are applicable to the project (City of San José 2011b).

- 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-2.11: 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).

- Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.
    - Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission 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-10.10: Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.
- Goal MS-11: Toxic Air Contaminants. Minimize exposure of people to air pollution and toxic air contaminants such as ozone, carbon monoxide, lead, and particulate matter.
    - Policy MS-11.2: For projects that emit toxic air contaminants, require project proponents to prepare health risk assessments in accordance with BAAQMD-recommended procedures as part of environmental review and employ effective mitigation to reduce possible health risks to a less than significant level. Alternatively require new projects (such as, but not limited to, industrial, manufacturing, and processing facilities) that are sources of TACs to be located an adequate distance from residential areas and other sensitive receptors.
    - Policy MS-11.3: Review projects generating significant heavy duty truck traffic to designate truck routes that minimize exposure of sensitive receptors to TACs and particulate matter.
    - Policy MS-11.7: Consult with BAAQMD to identify stationary and mobile TAC sources and determine the need for and requirements of a health risk assessment for proposed developments.
- Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.
    - 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-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.

a) Would the project conflict with or obstruct implementation of the applicable air quality plan? (Less-than-significant impact)

The BAAQMD's most recent adopted air quality plan is the 2017 Clean Air Plan (CAP). Emissions projections are based on population, vehicles, and land use trends developed by the BAQQMD, Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG).

Determining consistency with the 2017 CAP involves assessing whether applicable control measures contained in the 2017 CAP are implemented and whether a project would alter the population and/or employment estimates in the CAP. Implementation of control measures improves air quality and protects health. These control measures are organized into nine categories: stationary sources, transportation, energy, buildings, agriculture, natural and working lands, waste management, water, and short lived climate pollutants (BAAQMD 2017b). The control strategy proposes a total of 85 control measures in the nine categories:

- 40 control measures to reduce emissions from stationary sources
- 23 transportation control measures
- 2 energy control measures
- 4 new and existing building control measures
- 4 agriculture control measures
- 3 natural and working lands control measures
- 4 waste management control measures
- 2 water control measures
- 3 short lived climate pollutant measures

Control measure categories relevant to the proposed project would include those related to buildings, waste management and water control. Building Control Measure BL1 (Green Buildings); the project would be required to comply with the Title 24 Energy Efficiency Standards and CALGreen standards, consistent with Building Control Measure BL1 (Green Buildings). Compliance with CALGreen standards would also include measures for water use and wastewater reduction and recycling non-hazardous construction debris, as further described in *Section 3.19 Utilities and Service Systems*, consistent with Waste Management Control Measure WA4 (Recycling and Waste Reduction) and Water Control Measure WR2 (Support Water Conservation). Table 3.3-2 presents the Project's consistency with the Clean Air Plan.

Table 3.3-2. Project Consistency with Applicable Clean Air Control Measures

Control Measure	Project Compliance
SS21: New Source Review of Toxic Air Contaminants	**No conflict.** The Project would not include uses that would generate new sources of TAC emissions, such as emergency generators, boilers, etc., that would impact nearby sensitive receptors. Any future sources of TACs would be subject to the new source rule, would require permits, and would be required to implement best available control measures.

Table 3.3-2. Project Consistency with Applicable Clean Air Control Measures

Control Measure	Project Compliance
SS25: Coatings, Solvents, Lubricants, Sealants and Adhesives	**No conflict.** The Project would comply with BAAQMD Regulation 8, Rule 3 (Architectural Coatings) which limits the quantity of VOCs in architectural coatings supplied, sold, offered for sale, applied, solicited for application, or manufactured for use within the BAAQMD.
SS26: Surface Prep and Cleaning Solvent	
SS29: Asphaltic Concrete	**No conflict.** The Project would comply with BAAQMD Regulation 8, Rule 15 (Emulsified and Liquid Asphalts) which limits the emissions of VOCs caused by the use of emulsified and liquid asphalt in paving materials and paving and maintenance operations.
SS31: General Particulate Matter Emission Limitation	**No conflict.** During construction, the Project would be required to comply with BAAQMD Regulation 6, Rule 1 (General Requirements) which limits the quantity of particulate matter in the atmosphere through the establishment of limitations on emission rates, concentration, visible emissions, and opacity. Furthermore, the Project would implement the BAAQMD's recommend BMPs for construction activities.
SS35: PM from Bulk Material Storage, Handling and Transport, Including Coke and Coal	**No conflict.** During construction, the Project would comply with BAAQMD Regulation 6, Rule 6 (Prohibition of Trackout) which addresses fugitive road dust emissions associated with trackout of solid materials onto paved public roads outside the boundaries of large bulk material sites, large construction sites and large disturbed surface sites. Furthermore, the Project would implement the BAAQMD's recommend BMPs for construction activities.
SS36: PM from Trackout	
SS37: PM from Asphalt Operations	**No conflict.** During construction, the Project would comply with BAAQMD Regulation 8, Rule 15 (Emulsified and Liquid Asphalts) which would limit the emissions of VOCs caused by the use of emulsified and liquid asphalt in paving materials and paving and maintenance operations.
TR14: Cars and Light Trucks	**No conflict.** The Project's employees and visitors would purchase vehicles in compliance with CARB vehicle standards that are in effect at the time of vehicle purchase.
TR19: Medium and Heavy Duty Trucks	
TR22: Construction, Freight and Farming Equipment	**No conflict.** CARB adopted Tier 4 emission standards that were phased in between 2008 and 2014, for varying engine sizes. Equipment used for construction activities would meet CARB's regulations for off-road diesel-powered **construction equipment**.

Table 3.3-2. Project Consistency with Applicable Clean Air Control Measures

Control Measure	Project Compliance
BL1: Green Buildings	**No conflict.** Title 24 of the California Code of Regulations serves to enhance and regulate California's building standards. The applicable Title 24, Part 6 standards, referred to as the 2022 Title 24 Building Energy Efficiency Standards, will become effective on January 1, 2023. As such, the Project would be required to meet the 2022 Title 24 standards and CALGreen requirements in effect at the time of building construction.
B2: Decarbonize Buildings	
BL4: Urban Heat Island Mitigation	**No conflict.** Title 24 of the California Code of Regulations serves to enhance and regulate California's building standards. Cool roofs are important elements of energy efficient structure. The Project would be required to meet the 2022 Title 24 standards and CALGreen requirements in effect at the time of building construction.
WA4: Recycling and Waste Reduction	**No conflict.** During both construction and operation of the Project, the Project would comply with all state and local regulations related to solid waste generation, storage, and disposal, including the California Integrated Waste Management Act and the City's waste ordinance, Chapter 9-10, Solid Waste Management, as amended.
WR2: Support Water Conservation	**No conflict.** The Project would comply with state and local water conservation measures and low flow fixtures such as required by the 2022 Title 24 standards, CalGreen, and the City of San Jose's Municipal Code Chapter 15-11 Water Efficient Landscaping Ordinance, which includes various specifications for plant types, water features, and irrigation design etc.

Source: BAAQMD 2017b.

As demonstrated in Table 3.3-2, the project would comply with many of the with applicable recommended Clean Air Plan Measures.

A project would conflict with or obstruct implementation of the CAP if it would be inconsistent with the regional growth assumptions in terms of population, employment, or regional growth in vehicle miles traveled (VMT). The emission strategies in the CAP were developed, in part, on regional population, housing, and employment projections prepared by ABAG. ABAG projections are based on the General Plan; as such, the General Plan is consistent with the CAP. The project is consistent with the General Plan designation and industrial zoning for the site. As such, the use of this site for industrial purposes is already included in the CAP.

The project would result in a net increase of approximately 91 total trips on site. As described in Section *3.17 Transportation*, the project-generated VMT would exceed the regional of average of 14.37 VMT per employee; however, implementation of Mitigation Measure TRA-1 would reduce project-generated VMT to 14.11 per employee, which would less-than-significant. Measures which would help reduce project-generated VMT includes making offsite pedestrian improvements at the Gish Road railroad crossing and providing alternative commute information for all future employees. With incorporation of Mitigation Measure TRA-1, development of the project would not conflict with population and VMT projections used to

develop the CAP projections. In addition, the project would not exceed the BAAQMD thresholds for operational criteria air pollutant emissions, as discussed below. The project would not obstruct implementation of the CAP, and the impact would therefore be **less than significant**.

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

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the BAAQMD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are used in the determination of whether a project's individual emissions would have a cumulatively considerable contribution on air quality. If a project's emissions would exceed the BAAQMD significance thresholds, it would be considered to have a cumulatively considerable contribution. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant (BAAQMD 2017a). A quantitative analysis was conducted to determine whether proposed project would result in a cumulatively considerable net increase in emissions of criteria air pollutants for which the SFBAAB is designated as nonattainment under the National Ambient Air Quality Standards (NAAQS) or California Ambient Air Quality Standards (CAAQS).

Appendix G of the CEQA Guidelines indicates that, where available, the significance criteria established by the applicable air district may be relied upon to determine whether a project would have a significant impact on air quality. The BAAQMD has established Air Quality Significance Thresholds which set forth quantitative emissions significance thresholds below which a project would not have a significant impact on ambient air quality (BAAQMD 2017a). The quantitative air quality analysis provided herein applies the BAAQMD thresholds to determine the potential for the proposed project to result in a significant impact under CEQA. The BAAQMD significance thresholds for construction are as follows: 54 pounds per day for ROG, 54 pounds per day for NO_x, 82 pounds per day for PM_{10} exhaust, and 54 pounds per day for $PM_{2.5}$ exhaust. The BAAQMD significance thresholds for operations are as follows: 54 pounds per day for ROG or 10 tons per year, 54 pounds per day for NO_x or 10 tons per year, 82 pounds per day for PM_{10} or 15 tons per year, and 54 pounds per day for $PM_{2.5}$ or 10 tons per year.

The following discussion quantitatively evaluates project-generated impacts associated with construction and operational of the proposed project.

Construction Emissions

Proposed construction activities would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment and soil disturbance) and off-site sources (i.e., on-road delivery trucks, and worker vehicle trips). Construction emissions can vary substantially from day to day, depending on the level of activity; the specific type of operation; and, for dust, the prevailing weather conditions. Therefore, such emission levels can only be approximately estimated with a corresponding uncertainty in precise ambient air quality impacts.

The California Emissions Estimator Model (CalEEMod) Version 2020.4.0 was used to estimate emissions for construction of the proposed project. CalEEMod is a statewide computer model developed in cooperation with air districts throughout the state to quantify criteria air pollutant emissions associated with construction activities from a variety of land use projects, such as residential, commercial, and industrial facilities.

CalEEMod input parameters, including the land use type used to represent the project and size, construction schedule, and anticipated construction equipment utilization, were based on information provided by the applicant and default model assumptions when project-specific data was not available.

For purposes of estimating proposed project emissions, and based on information provided by the project applicant, it is assumed that construction of the project would commence in November 2022 and would last approximately 10 months, ending in August 2023. The analysis contained herein is based on the following schedule assumptions (duration of phases is approximate):

a) Mobilization: 5 days
b) Prewater: 5 days
c) Grading: 8 days
d) Building Construction and Building Power: 158 days
e) Site Work: 85 days
f) Architectural Coating: 5 days

General construction equipment modeling assumptions are provided in Table 3.3-3. The equipment mix was generated by CalEEMod. For the analysis, it was generally assumed that heavy-duty construction equipment would be operating at the site five (5) days per week, up to a maximum of eight (8) hours per day. Detailed construction equipment modeling assumptions are provided in **Appendix A**.

Table 3.3-3. Construction Workers, Vendor Trips, and Equipment Use

Construction Phase	One-Way Vehicle Trips			Equipment		
	Average Daily Worker Trips	Average Daily Vendor Truck Trips	Total Haul Truck Trips	Equipment Type	Quantity	Daily Usage Hours
Mobilization	18	0	0	N/A	N/A	N/A
Prewater	18	0	0	Rubber Tired Dozers	3	8
				Tractors/Loaders/Backhoes	4	8
Grading	15	0	0	Excavators	1	8
				Grading	1	8
				Rubber Tired Dozers	1	8
				Tractors/Loaders/Backhoes	3	8
Building Construction and Building Power	66	26	0	Cranes	1	7
				Forklifts	3	8
				Generator Sets	1	8
				Tractors/Loaders/Backhoes	3	7
				Welders	1	8
Paving	20	0	0	Cement and Mortar Mixers	2	6
				Pavers	1	8
				Paving Equipment	2	6
				Rollers	2	6
				Tractors/Loaders/Backhoes	1	8

Table 3.3-3. Construction Workers, Vendor Trips, and Equipment Use

Construction Phase	One-Way Vehicle Trips			Equipment		
	Average Daily Worker Trips	Average Daily Vendor Truck Trips	Total Haul Truck Trips	Equipment Type	Quantity	Daily Usage Hours
Architectural Coating	13	0	0	Air Compressors	1	6

Notes: See **Appendix A**.

Average daily emissions were computed by dividing the total construction emissions by the number of active construction days, which were then compared to the BAAQMD construction thresholds of significance. Table 3.3-4 shows average daily construction emissions of O_3 precursors (ROG and NO_x), PM_{10} exhaust, and $PM_{2.5}$ exhaust during project construction.[2] Details of the emission calculations are provided in **Appendix A**.

Table 3.3-4. Average Daily Unmitigated Construction Emissions

Year	ROG	NO_x	PM_{10} Exhaust	PM_{10} Exhaust
	Pounds per day			
2022-2023	7.6	28.4	1.3	1.2
BAAQMD Construction Thresholds	*54*	*54*	*82*	*54*
Threshold exceeded?	No	No	No	No

Source: Appendix A.
Notes: ROG = reactive organic gases; NO_x = oxides of nitrogen; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter.
The values shown are average daily emissions based on total overall tons of construction emissions, converted to pounds, and divided by 113 active work days.

As shown in Table 3.3-4, construction of the proposed project would not exceed BAAQMD significance thresholds.

Operational Emissions

Operation of the proposed project would generate criteria pollutant (including ROG, NO_x, PM_{10}, and $PM_{2.5}$) emissions from mobile sources (vehicular traffic), area sources (consumer products, landscaping equipment), and energy sources (electrical consumption). The project does not propose to use commercial or emergency generators during operation. CalEEMod was used to estimate daily emissions from project-related operational sources. Table 3.3-5 summarizes the operational emissions from the daily mobile, energy, and area emissions of criteria pollutants that would be generated from the proposed project and are compared to the BAAQMD operational thresholds. Complete details of the emissions calculations are provided in **Appendix A**, Attachment A.

[2] Fuel combustion during construction and operation would also result in the generation of sulfur dioxide (SO_2) and CO. These values are included in **Appendix A**. However, since the SFBAAB is in attainment of these pollutants, the BAAQMD has not established a quantitative mass-significance threshold for comparison and are not included in the project-generated emissions tables in this document. Notably, the BAAQMD does have screening criteria for operational localized CO.

As indicated in Table 3.3-5, project-related operational emissions of ROG, NO_x, PM_{10}, and $PM_{2.5}$ would not exceed the BAAQMD significance thresholds during operations, and thus, the project would have a less-than-significant impact in relation to regional operational emissions.

In regards to localized CO concentrations, according to the BAAQMD thresholds, a project would result in a less-than-significant impact if the following screening criteria are met:

1. The project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.

2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Table 3.3-5. Maximum Daily Unmitigated Operational Emissions

Emission Source	ROG	NO_x	PM_{10}	$PM_{2.5}$
	Pounds per day			
Proposed Project				
Area	1.78	<0.01	<0.01	<0.01
Energy	<0.01	0.07	<0.01	<0.01
Mobile	0.42	0.47	0.98	0.27
Total Project Emissions	*2.20*	*0.54*	*0.98*	*0.27*
Existing Land Uses				
Area	0.40	<0.01	<0.01	<0.01
Energy	<0.01	0.02	<0.01	<0.01
Mobile	0.17	0.22	0.34	0.09
Total Existing Emissions	*0.57*	*0.24*	*034*	*0.09*
Net Emissions (Project minus Existing)	1.63	0.30	0.64	0.18
BAAQMD Operational Thresholds	*54*	*54*	*82*	*54*
Threshold Exceeded?	**No**	**No**	**No**	**No**

Source: Appendix A.
Notes: ROG = reactive organic gases; NO_x = oxides of nitrogen; PM_{10} = coarse particulate matter; $PM_{2.5}$ = fine particulate matter; BAAQMD = Bay Area Air Quality Management District; <0.01 = value less than reported 0.01.
The values shown are the maximum summer or winter daily emissions results from CalEEMod.

The project would generate minimal new traffic trips (91 new weekday trips) and would comply with the BAAQMD screening criteria. Accordingly, project-related traffic would not exceed CO standards and therefore, no further analysis was conducted for CO impacts. This CO emissions impact would be considered less than significant on a project-level and cumulative basis.

Health Effects of Criteria Air Pollutants

Construction and operational emissions of the project would not exceed the BAAQMD emission thresholds for any criteria air pollutants, including ROG, NO_x, PM_{10}, and $PM_{2.5}$.

Health effects associated with O_3 include respiratory symptoms, worsening of lung disease leading to premature death, and damage to lung tissue (CARB 2019). ROG and NO_x are precursors to O_3, for which the SFBAAB is designated as nonattainment with respect to the NAAQS and CAAQS. The contribution of ROG and NO_x to regional ambient O_3 concentrations is the result of complex photochemistry. The increases in O_3 concentrations in the SFBAAB due to O_3 precursor emissions tend to be found downwind of the source location because of the time required for the photochemical reactions to occur. Further, the potential for exacerbating excessive O_3 concentrations would also depend on the time of year that the ROG emissions would occur, because exceedances of the O_3 NAAQS and CAAQS tend to occur between April and October when solar radiation is highest. Due to the lack of quantitative methods to assess this complex photochemistry, the holistic effect of a single project's emissions of O_3 precursors is speculative. That being said, because the project would not exceed the BAAQMD emission thresholds, the project would not contribute to health effects associated with O_3. Additionally, the project would be required to adhere to Regulation 8, Rule 3 – Architectural Coatings, which restricts the content of volatiles in coatings.

Health effects associated with NO_x include lung irritation and enhanced allergic responses (CARB 2019). Because project-related NO_x emissions would not exceed the BAAQMD emission threshold, and because the SFBAAB is a designated attainment area for NO_2 (and NO_2 is a constituent of NO_x) and the existing NO_2 concentrations in the area are well below the NAAQS and CAAQS standards, it is not anticipated that the project would cause an exceedance of the NAAQS and CAAQS for NO_2 or result in potential health effects associated with NO_2 and NO_x.

Health effects associated with CO include chest pain in patients with heart disease, headache, light-headedness, and reduced mental alertness (CARB 2019). CO tends to be a localized impact associated with congested intersections. As described previously, the project would result in minimal new traffic trips and would not exceed the BAAQMD CO screening criteria resulting in the formation of potential CO hotspots. Thus, the project's CO emissions would not contribute to significant health effects associated with this pollutant.

Health effects associated with PM_{10} include premature death and hospitalization, primarily for worsening of respiratory disease (CARB 2019). Construction and operation of the project would also not exceed thresholds for PM_{10} or $PM_{2.5}$ and would not contribute to exceedances of the NAAQS and CAAQS for particulate matter or obstruct the SFBAAB from coming into attainment for these pollutants. Additionally, the project would implement dust control strategies required by the BAAQMD, which would limit the amount of fugitive dust generated during construction.

Standard Permit Conditions

In regards to construction-period dust and exhaust effects, the following standard permit conditions (measures) would be applicable and implemented during all phases of construction:

- 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 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 property 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 to contact at the lead agency regarding dust complaints.

Due to the minimal contribution of PM_{10} and $PM_{2.5}$ during construction and operation, it is not anticipated that the project would result in potential health effects related to particulate matter.

In summary, because construction and/or operation of the project would not exceed the BAAQMD significance thresholds for ROG, NO_x, PM_{10}, and $PM_{2.5}$, and because the BAAQMD thresholds are based on levels that the SFBAAB can accommodate without affecting the attainment date for the AAQS and the AAQS are established to protect public health and welfare, it is anticipated that the project would result in **less than significant** health effects associated with criteria air pollutants.

c) Would the project expose sensitive receptors to substantial pollutant concentrations? (Less-than-significant impact)

The BAAQMD has adopted project and cumulative thresholds for three (3) risk-related air quality indicators for sensitive receptors: cancer risks, noncancer health effects, and increases in ambient air concentrations of $PM_{2.5}$. These impacts are addressed on a localized rather than regional basis and are specific to the sensitive receptors identified for the project. Sensitive receptors are groups of individuals, including children, the elderly, the acutely ill, and the chronically ill, that may be more susceptible to health risks due to chemical exposure, and sensitive-receptor population groups are likely to be located at hospitals, medical clinics, schools, playgrounds, childcare centers, residences, and retirement homes (BAAQMD 2017a). The closest sensitive receptors to the project site are the San José Conservation Corps daycare and the

Challenger School and Preschool approximately 1,196 feet (0.23 miles) east of the project site. The closest residences are located over 1,800 feet to the east and over 2,000 feet to the northeast.

Health Impacts of Carbon Monoxide

Mobile source impacts occur on two scales of motion. Regionally, project-related travel would add to regional trip generation and increase the vehicle miles traveled within the local airshed and the SFBAAB. Locally, project generated traffic would be added to the City's roadway system near the project site. If such traffic occurs during periods of poor atmospheric ventilation, is composed of a large number of vehicles "cold-started" and operating at pollution-inefficient speeds, and is operating on roadways already crowded with non-project traffic, there is a potential for the formation of microscale CO hotspots in the area immediately around points of congested traffic. Because of continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the SFBAAB is steadily decreasing.

As discussed under impact criterion b), the project would generate minimal new traffic trips and would comply with the BAAQMD screening criteria. Accordingly, project-related traffic would not exceed CO standards and therefore, no further analysis was conducted for CO impacts. Thus, the CO emissions impact would be considered less-than-significant on a project-level and cumulative basis.

Construction Health Risks

In addition to impacts from criteria pollutants, certain projects may include emissions of pollutants identified by the state and federal government as toxic air contaminants (TACs) or hazardous air pollutants. State law has established the framework for California's TAC identification and control project, which is generally more stringent than the federal project, and is aimed at TACs that are a problem in California. The state has formally identified more than 200 substances as TACs, including the federal hazardous air pollutants, and is adopting appropriate control measures for sources of these TACs.

Health impacts associated with TACs are generally associated with long-term exposure. The greatest potential for TAC emissions during construction would be diesel particulate emissions from heavy equipment operations and heavy-duty trucks. In an abundance of caution, a voluntary health risk assessment (HRA) was performed for the project. The following paragraphs describe the HRA, and the detailed assessment is provided in **Appendix A**.

The Office of Environmental Health Hazard Assessment's (OEHHA's) most recent guidance is the *2015 Risk Assessment Guidelines Manual* (OEHHA 2015), which was adopted in 2015 to replace the 2003 HRA Guidance Manual. The Children's Environmental Health Protection Act of 1999 (Senate Bill [SB] 25), which requires explicit consideration of infants and children in assessing risks from air toxics, requires revisions of the methods for both non-cancer and cancer risk assessment and of the exposure assumptions in the 2003 HRA Guidance Manual. Cancer risk parameters, such as age-sensitivity factors, daily breathing rates, exposure period, fraction of time at home, and cancer potency factors, were based on the values and data recommended by OEHHA as implemented in Hot Spots Analysis and Reporting Program 2 (HARP2).

Health effects from carcinogenic air toxics are usually described in terms of cancer risk. The BAAQMD recommends a carcinogenic (cancer) risk threshold of 10 in one million. Some TACs increase noncancer health risk due to long-term (chronic) exposures. The BAAQMD also recommends a chronic impact of 1 and a $PM_{2.5}$ concentration of 0.3. The exhaust from diesel engines is a complex mixture of gases, vapors, and

particles, many of which are known human carcinogens. DPM has established cancer risk factors and relative exposure values for long-term chronic health hazard impacts.

The dispersion modeling was performed using AERMOD, which is the model BAAQMD requires for atmospheric dispersion of emissions. AERMOD (version 19191) is a steady-state Gaussian plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of surface and elevated sources, building downwash, and simple and complex terrain.

The project's potential cancer and noncancer health impacts were evaluated using exposure periods appropriate to evaluate short-term emission increases (third trimester of pregnancy to 15 months). The exposure duration for a child would start at age 0 through age 14 at the San José Conservation Corps daycare and the Challenger School and Preschool. Emissions dispersion of DPM was modeled using AERMOD, then cancer risk and noncancer health impacts subsequently using the CARB HARP2. HARP2 (ADMRT, version 19121) implements the March 2015 OEHHA age-weighting methodology for assessing toxics risks. The chemical exposure results were then compared to BAAQMD thresholds to assess project significance. Principal parameters of this modeling are presented in Table 3.3-6.

Table 3.3-6. Construction Health Risk Assessment American Meteorological Society/U.S. Environmental Protection Agency Regulatory Model Construction Principal Parameters

Parameter	Details
Meteorological Data	The BAAQMD requires the use of AERMOD for air dispersion modeling. The latest 5-year meteorological data for the San José International Airport station (Station ID 23293) from BAAQMD were downloaded, then input to AERMOD. For cancer or chronic noncancer risk assessments, the average cancer risk of all years modeled was used.
Urban versus Rural Option	Urban dispersion option was selected due to the developed nature of the project area and per BAAQMD guidelines. Santa Clara County's population 1,936,259 was used in the analysis.
Terrain Characteristics	Digital elevation model files were imported into AERMOD so that complex terrain features were evaluated as appropriate. The National Elevation Dataset (NED) dataset with resolution of 1/3 arc-second was used.
Source Release Characterizations	Air dispersion modeling of DPM emissions was conducted assuming the equipment would operate in accordance with the modeling scenario estimated in CalEEMod (**Appendix A**). The construction equipment DPM emissions were modeled as a line of adjacent volume sources across the project site to represent project construction with a release height of 5 meters, plume height of 2.33 meters, and plume width of 11.63 meters (EPA 2004). On-site truck travel was modeled as a line volume source across the project site, and based on EPA methodology, the modeled sources would result in a release height of 3.4 meters, a plume height of 3.16 meters, and a plume width of 3.12 meters (EPA 2019).

Note: AERMOD = American Meteorological Society/Environmental Protection Agency Regulatory Model; BAAQMD = Bay Area Air Quality Management District; DPM = diesel particular matter; CalEEMod = California Emissions Estimator Model; DPM = diesel particulate matter. See **Appendix A**.

This HRA evaluated impacts using a uniform Cartesian grid of receptors spaced 20 meters apart, approximately 287 meters from the project site, and then converted to discrete receptors.

Construction of project components would require use of heavy-duty construction equipment, which is subject to a CARB Airborne Toxics Control Measure for in-use diesel construction equipment to reduce diesel particulate emissions, and would involve use of diesel trucks, which are also subject to an Airborne Toxics Control Measure.

Construction of project components would occur over a total of 10 months and would be periodic and short term within each phase. The results of the HRA during construction are provided in Table 3.3-7.

Table 3.3-7. Construction-Related Health Risk

MEIR	Cancer Risk (persons per million)	Chronic Impact	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Project Construction	3.8	0.006	0.03
BAAQMD Significance Criteria	10	1	0.3
Exceed Threshold?	**No**	**No**	**No**

Source: Appendix A.
Notes: $PM_{2.5}$ = fine particulate matter; $\mu g/m^3$ = micrograms per cubic meter; MEIR = maximally exposed individual resident; BAAQMD = Bay Area Air Quality Management District; AERMOD = American Meteorological Society/Environmental Protection Agency Regulatory Model; HARP2 = Hotspots Analysis and Reporting Program Version 2.
Diesel exhaust exposure at proximate receptors was modeled with AERMOD, and then input into HARP2 to generate health risk estimates. Construction diesel particulate exposure was assumed to begin in the third trimester of pregnancy for 0.75 years of active construction. The total $PM_{2.5}$ concentrations include both exhaust and fugitive dust.

As shown in Table 3.3-7, the incremental cancer risk at the MEIR of 3.8 in one million (assuming exposure starts in 3rd trimester) from project construction would not exceed the BAAQMD threshold of 10 in a million. The chronic HI would be 0.006 at the MEIR, respectively, which would be below the BAAQMD threshold of 1. Finally, the maximum annual $PM_{2.5}$ concentration would be 0.03 $\mu g/m^3$ at the MEIR, which is below the BAAQMD threshold of 0.3 $\mu g/m^3$. Construction project health risk impacts would thus be **less than significant**.

Operational Health Risks

CARB's Air Quality and Land Use Handbook: A Community Health Perspective encourages consideration of the health impacts of distribution centers that accommodates more than 100 trucks per day on sensitive receptors sited within 1,000 feet from the source in the land use decision-making process (CARB 2005). For the operational health risk, the operation year 2024 was assumed consistent with completion of project construction. Emissions from the operation of the project include truck trips and truck idling emissions. For risk assessment purposes, PM_{10} in diesel exhaust is considered DPM, originating mainly from truck traveling on site and off site and truck idling located at the loading docks and yard truck operation. Truck travel and idling emission rates were obtained from CARB's EMFAC2017. Emission factors representing the vehicle mix and emissions for 2024 were used to estimate emissions associated with operation of the project. Truck idling would be limited to 5 minutes in accordance with CARB's adopted Airborne Toxic Control Measure; however, truck idling was conservatively assumed to idle for 15 minutes to account for entrance, exit and loading dock idling. Therefore, the analysis conservatively overestimates DPM emissions from idling. All deliveries would occur Monday through Sunday. Compressed natural gas-powered and electric forklifts and pallet lifts will be operated in the loading dock areas.

Conservatively, a 2024 EMFAC2017 run was conducted and a constant 2024 emission factor data set was used for the entire duration of the analysis (i.e., 30 years). Use of the 2024 emission factors would overstate potential impacts since this approach does not include reductions in emissions due to fleet turnover or cleaner technology with lower emissions. The truck travel DPM emissions were calculated by applying the exhaust PM_{10} emission factor from EMFAC2017 and the total truck trip number over the length of the distance

traveled. In addition, the on-site truck idling exhaust emissions were calculated by applying the idle exhaust PM_{10} emission factor from EMFAC2017 and total truck trip over the total idling time (i.e., 15 minutes).

The dispersion modeling was performed using AERMOD (version 19191). The truck traffic was modeled as a line of adjacent volume sources with truck traffic receiving and leaving from the east along Industrial Avenue. Truck idling was modeled as stationary sources.

Health effects from carcinogenic air toxics are usually described in terms of cancer risk. The BAAQMD recommends a carcinogenic (cancer) risk threshold of 10 in one million. Some TACs increase noncancer health risk due to long-term (chronic) exposures. The BAAQMD also recommends a chronic impact of 1 and a $PM_{2.5}$ concentration of 0.3. The exhaust from diesel engines is a complex mixture of gases, vapors, and particles, many of which are known human carcinogens. DPM has established cancer risk factors and relative exposure values for long-term chronic health hazard impacts.

Dudek evaluated the project's potential cancer and noncancer health impacts using exposure periods appropriate to evaluate long-term emission increases (third trimester of pregnancy to 30 years). Emissions dispersion of DPM was modeled using AERMOD, then cancer risk and noncancer health impacts subsequently using the CARB HARP2 (ADMRT, version 19121). The chemical exposure results were then compared to SCAQMD thresholds to assess project significance. Principal parameters of this modeling are presented in Table 3.38.

Table 3.3-8. Operational Health Risk Assessment American Meteorological Society/U.S. Environmental Protection Agency Regulatory Model Operational Principal Parameters

Parameter	Details
Meteorological Data	The BAAQMD requires the use of AERMOD for air dispersion modeling. The latest 5-year meteorological data for the San José International Airport station (Station ID 23293) from BAAQMD were downloaded, then input to AERMOD. For cancer or chronic noncancer risk assessments, the average cancer risk of all years modeled was used.
Urban versus Rural Option	Urban dispersion option was selected due to the developed nature of the project area and per BAAQMD guidelines. Santa Clara County's population 1,936,259 was used in the analysis.
Terrain Characteristics	Digital elevation model files were imported into AERMOD so that complex terrain features were evaluated as appropriate. The National Elevation Dataset (NED) dataset with resolution of 1/3 arc-second was used.
Emission Sources and Release Parameters	Air dispersion modeling of operational activities was conducted using emissions generated using EMFAC2017.
Source Release Characterizations	Off-site and on-site truck travel were modeled as a line of adjacent volume sources, and based on EPA methodology, the modeled sources would result in a release height of 3.4 meters, a plume height of 3.16 meters, and a plume width of 1.56 meters (EPA 2019). The truck idling emissions were modeled as a stationary source with a 4-meter exhaust height and 0.1-meter exhaust diameter (EPA 2019; SJVAPCD 2006). The proposed project building was modeled to account for building downwash.

Note: AERMOD = American Meteorological Society/Environmental Protection Agency Regulatory Model; BAAQMD = Bay Area Air Quality Management District; EPA = U.S. Environmental Protection Agency.
See **Appendix A**.

This HRA evaluated impacts using a uniform Cartesian grid of receptors spaced 20 meters apart, 1,000 meters from the project site and near truck routes, and then converted to discrete receptors.

For the operational health risk, the HRA assumes exposure would start in the third trimester of pregnancy through 30 years for residential sensitive receptor locations. The exposure duration for a student would start at age 5 through age 13 at an elementary school (Challenger School and Preschool). The BAAQMD has also established noncarcinogenic risk parameters for use in HRAs since some TACs increase non-cancer health risk due to long-term (chronic) exposures. The results of the HRA during operation are provided in Table 3.3-9.

Table 3.3-9. Operation Health Risk Results

MEIR	Cancer Risk (persons per million)	Chronic Impact	$PM_{2.5}$ Concentration ($\mu g/m^3$)
Project Operations	0.80	0.0002	0.0001
BAAQMD Significance Criteria	10	1	0.3
Exceed Threshold?	**No**	**No**	**No**

Source: Appendix A.
Note: $PM_{2.5}$ = fine particulate matter; $\mu g/m^3$ = micrograms per cubic meter; MEIR = maximally exposed individual resident; BAAQMD = Bay Area Air Quality Management District.

The results of the operational analysis show that the incremental cancer risk at the MEIR of 0.80 in one million (assuming exposure starts in 3rd trimester) from project construction would not exceed the BAAQMD threshold of 10 in a million. The chronic HI would be 0.0002 at the MEIR, respectively, which would be below the BAAQMD threshold of 1. Finally, the maximum annual $PM_{2.5}$ concentration would be 0.0001 $\mu g/m^3$ at the MEIR, which is below the BAAQMD threshold of 0.3 $\mu g/m^3$. Operational project health risk impacts would thus be **less than significant**.

d) Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? (Less-than-significant impact)

The proposed project would not be expected to create new sources of odors. During construction, use of diesel-powered vehicles and equipment could temporarily generate localized odors, which would cease upon project completion. The proposed use does not include any activities, such as wastewater treatment, waste disposal, or food processing, that are typically associated with the generation of operational odors. Therefore, impacts related to odors would be **less than significant**.

3.4 Biological Resources

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☒	☐

Setting

The project site is located within an urbanized area of San José. The site contained existing structures (that have since been demolished with City approval as described in Section 1.3), pavement, and unpaved dirt and grass areas. According to the tree survey and Arborist Report prepared for the proposed project (Appendix G), the site does not contain landscaping other than non-native trees (one [1] palm and a small grouping of [six] eucalyptus trees) that will be removed. Due to the disturbed nature of the site, it has a relatively low habitat value. Due to the lack of native, sensitive, and wetland habitats on the project site, special-status plant and animal species and sensitive habitats are not expected to

occur on the project site. The Coyote Creek riparian corridor, which contains riparian woodland vegetation, is located approximately west of the site. The project site does not connect to natural or open space areas.

The project site is located within the boundaries of the Santa Clara Valley Habitat Plan (SCVHP), a habitat conservation plan/natural community conservation plan (HCP/NCCP) that was developed through a partnership between Santa Clara County, the Cities of San José, Morgan Hill, and Gilroy, Santa Clara Valley Water District, Santa Clara Valley Transportation Authority, U.S. Fish and Wildlife Service (USFWS), and California Department of Fish and Wildlife (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. The SCVHP utilizes a variety of private and public development-based fees to fund mitigation that will offset losses of land cover types, covered species habitat, and other biological values. These one-time fees pay for the full cost of mitigating project effects on covered species and natural communities.

Private development activities that require ground disturbance are subject to the SCVHP if the activity is equal to or greater than 2 acres and located in an area identified as "Urban Development Equal to or Greater than 2 Acres is Covered." As shown on Figure 2-5 (Private Development Areas Subject to the Plan) of the SCVHP, the project site is located in an area subject to the SCVHP, as it is mapped within the area identified as "Urban Development Equal to or Greater than 2 Acres is Covered." The project site is developed, and no natural communities are located on the site, as shown on Figure 3-9 (Santa Clara Valley Habitat Plan Natural Communities) of the SCVHP. The SCVHP's land cover classification for the site, shown on Figure 3-10 (Santa Clara Valley Habitat Plan Land Cover) of the SCVHP, is Urban-Suburban and the project is within the City's urban growth boundary. The SCVHP defines Urban-Suburban land cover as areas where native vegetation has been cleared for residential, commercial, industrial, transportation, or recreational structures, with one (1) or more structures per 2.5 acres (Santa Clara County 2012).

Nitrogen deposition is known to adversely affect many of the native serpentine plants in the SCVHP study area, including the host plants that support the federally threatened Bay checkerspot butterfly (*Euphydryas editha bayensis*). All major remaining populations of the Bay checkerspot butterfly and many of the sensitive serpentine plant populations occur in areas subject to air pollution from vehicle exhaust and other sources throughout the Bay Area, including the project area. Because serpentine soils are nutrient poor, and nitrogen deposition artificially fertilizes serpentine soils, nitrogen deposition facilitates the spread of invasive plant species, resulting in the displacement of native species. This decline of native species, including the Bay checkerspot butterfly and its larval host plants, has been documented on Coyote Ridge in central Santa Clara County (approximately 14 miles southwest of the project site). Nitrogen tends to be efficiently recycled by the plants and microbes in infertile soils such as those derived from serpentine, so that fertilization impacts could persist for years and result in cumulative habitat degradation. Mitigation for the impacts of nitrogen deposition upon serpentine habitat and the Bay checkerspot butterfly can be correlated to the amount of new vehicle trips that a project is expected to generate. The SCVHP requires payment for nitrogen deposition fees for all covered projects that generate new net daily vehicle trips; fees collected under the SCVHP for new daily vehicle trips are used to purchase and manage conservation land for the Bay checkerspot butterfly (Santa Clara County 2012).

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 USFWS and the 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 would 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 provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern."

Migratory Bird Treaty Act

The Migratory Bird Treaty Act makes it illegal to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid Federal permit (USFWS 1998).

Sensitive Habitats

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable Federal, State, and local regulations, and are generally subject to regulation, protection, or consideration by the U.S. Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the Federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act. U.S. EPA regulations, called for under Section 402 of the Clean Water Act, also include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge into waters of the United States (e.g., streams, lakes, bays, etc.).

Local

Regulatory authority over biological resources is shared by State and local authorities under a variety of statutes and guidelines. Primary authority for biological resources lies within the land use control and planning authority of local jurisdictions, in this case the City of San José.

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Chapter 3, Environmental Leadership, and Chapter 4, Quality of Life, outlines the City's design goals and policies. Those included (below) are applicable to biological resources and to the project (City of San José 2011b).

- 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-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 CD-1.22: Include adequate, drought-tolerant landscaped areas in development and require provisions for ongoing landscape maintenance.
- 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.

Santa Clara Valley Habitat Plan

The Santa Clara Valley Habitat Plan (Habitat Plan) is a 50-year regional plan to protect endangered species and natural resources while allowing for future development in Santa Clara County. In addition to strengthening local control over land use and species protection, the Plan will provide a more efficient process for protecting natural resources by creating new habitat reserves that will be larger in scale, more ecologically valuable, and easier to manage than the individual mitigation sites created under the current approach (Santa Clara County 2012).

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

As stated above, the project site is disturbed and located within a heavily developed industrial area adjacent to a busy interstate highway (I 880). No special-status plant or wildlife species are expected to occur on the project site, as the site does not contain habitat expected to support special-status species. Moreover, no potential nesting habitat for bird species protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC) is present on the site. In the event that any trees would be removed, they would be subject to mitigation measure BIO-1. With implementation of BIO-1, potential impacts would be **less than significant** on any species identified as a candidate, sensitive, or special status.

Impact BIO-1: The proposed project would require removal or trees and existing vegetation, which could disrupt, damage, or otherwise destroy active nests of migratory bird species.

Mitigation Measure BIO-1: Prior to the issuance of any tree removal, grading, building or demolition permits (whichever comes first), the project applicant shall schedule all construction activities to avoid the nesting season. The nesting season for most birds, including most raptors in the San Francisco Bay area, extends from February 1st through August 31st (inclusive). Construction activities include any site disturbance such as, but not limited to, tree trimming or removal, demolition, grading, and trenching. If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys for nesting birds shall be completed by a qualified ornithologist or biologist to ensure that no active nests shall

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

If an active nest is found within 250 feet of the project area to be disturbed by construction, the ornithologist/biologist, in consultation with the California Department of Fish and Wildlife, shall determine the extent of a construction free buffer zone to be established around the nest, (typically 250 feet for raptors and 100 feet for other birds), to ensure that raptor or migratory bird nests shall not be disturbed during project construction.

Prior to any tree removal, or approval of any grading or demolition permits (whichever occurs first), the ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee.

b and c) ***Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (No impact)***

The project site does not contain riparian habitats, other sensitive natural communities, or wetlands, and none are located adjacent to the site. Therefore, the project would have **no impact** on riparian habitats, other sensitive natural communities, or federally protected wetlands

d) ***Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (No impact)***

Wildlife corridors are pathways or habitat linkages that connect discrete areas of natural open space otherwise separated or fragmented by topography, changes in vegetation, other natural obstacles, or manmade obstacles such as urbanization. As stated above, the project site is developed, is surrounded by development, and does not connect areas of natural open space. The project site is not part of a wildlife movement corridor and would not impede the use of native wildlife nursery sites. Therefore, the project would have **no impact** on wildlife movement or native wildlife nursery sites.

e) ***Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Less than Significant)***

With the exception of the one (1) palm and small grouping of six (6) eucalyptus trees, there are no biological resources, (e.g., riparian habitat) located on or at the project site (Appendix G). The seven (7) total trees, including one (1) palm and six (6) eucalyptus trees, are expected to be removed during project construction. Therefore, the project must comply with standard permit conditions on tree replacement.

As part of the project, any removed trees would be replaced according to tree replacement ratios required by the City, consistent with Municipal Code Sections 13.25.130B and 13.28.190. City approval of a Tree Removal Permit would be required for six trees that have a combined stem circumference that is greater than 38 inches and one tree with a combined stem circumference of less than 38 inches, per the City of

San Jose Tree Replacement Ratios. Implementation of the following Standard Permit Conditions to replace removed trees would ensure that the impact from the removal of site trees would be **less than significant**.

Standard Permit Condition

- If necessary to remove trees from the site, it would be replaced according to ratios required by the City, as provided in Table 3.4-1.

Table 3.4-1. City of San Jose 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 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.

- Seven (7) non-native trees onsite are expected to be removed. Six (6) trees would be replaced at a 4:1 ratio, and (1) tree has a combined circumference of less than 38 inches and would be replaced at a 2:1 ratio.There are no native trees on-site. The total number of replacement trees required to be replaced or otherwise mitigated would be 26 trees. The species of trees to be planted would be determined in consultation with the City Arborist and the Department of Planning, Building and Code enforcement.

- In the event the proposed project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented, to the satisfaction of the Director of Planning, Building and Code Enforcement or Director's designee, at the development permit stage:

    - The size of a 15-gallon replacement tree may be increased to 24-inch box and count as two replacement trees to be planted on the project site, at the development permit stage.

    - Pay Off-Site Tree Replacement Fee(s) to the City, prior to the issuance of building permit(s), in accordance with the City Council approved Fee Resolution in effect at the time of payment. The City will use the off-site tree replacement fee(s) to plant trees at alternative sites.

f) Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Less-than-significant impact)

The project would be a covered activity under the SCVHP. The project site is greater than 2 acres and is located in an area mapped as "Urban Development Equal to or Greater than 2 Acres is Covered." The site

is located within an area designated as "Urban Areas," which is not within a fee zone for the SCVHP (Santa Clara County 2012). The site is not located within a riparian setback area.

The SCVHP requires payment for nitrogen deposition fees for all covered projects that generate new net trips. The project is subject to the SCVHP and required to pay all applicable SCVHP fees prior to issuance of grading permits. Nitrogen deposition fees are based on the number of new daily vehicle trips generated by a proposed project. The proposed 71,550-GSF industrial/commercial building is estimated to generate a total of approximately 91 net new daily vehicle trips. Payment of these fees would reduce nitrogen deposition impacts to a less-than-significant level. Therefore, with adherence to the requirements of the SCVHP, the project would have a **less-than-significant** impact related to conflicts with an adopted HCP/NCCP.

Standard Permit Condition

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

3.5 Cultural Resources

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☒	☐

Setting

The information in this section is based on a Cultural Resources Technical Reports prepared for the project, which is provided in **Appendix B**. The report included a records search of the California Historical Resources Information System (CHRIS) from the Northwest Information Center (NWIC) conducted for the project site and a 0.5-mile radius, a search of the Native American Heritage Commission (NAHC) Sacred Lands File, Native American group coordination, and a pedestrian survey of the project site for archaeological and built environment resources. Due to the ages of the buildings on the project site, these structures were also evaluated for potential historical significance and integrity in accordance with National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), and City of San José Historic Preservation Ordinance criteria.

No City landmarks, or City Landmark Districts or eligible Landmark Districts, or historic districts are located near the site (City of San José 2011a). The site previously contained five (5) light industrial buildings.

1535 Industrial Avenue

1535 Industrial Avenue was previously developed with three (3) buildings (Refer to Figure 3 in **Appendix B**). Building A, built in 1958, was the largest of the three (3) buildings and was located on the northwest property boundary. The building had a rectangular footprint and a moderately pitched gable roof. The northeast (main) elevation was clad in stucco, the rest of the building was clad in metal siding, and the roof was clad in corrugated metal. Building B, previously located on the northwest corner of the property, had a rectangular footprint, a low-pitched gable roof with moderately overhanging eaves, and was clad in stucco. Building B was constructed on the property in 1960. Building C, constructed in 2009, was located on the southwest corner of the property, had a square footprint, and a very gently sloped gable roof. The building was clad in corrugated metal.

1551-1575 Industrial Avenue

1551 Industrial Avenue was comprised of a single building that faced northeast, featured a slab foundation, had a rectangular footprint, moderately pitched gabled roof, and was clad in in corrugated metal. 1575 Industrial Avenue consists of one (1) single-story, light industrial warehouse building. The building possesses a rectangular footprint and faces northeast. Both buildings were added to the site in 1954.

Regulatory Framework

Federal

National Register of Historic Places

The National Historic Preservation Act of 1966 (54 USC 300202 et seq.) enabled the U.S. Department of the Interior's National Park Service (NPS) to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological places (NPS 2019). The NPS is responsible for the designation, documentation, and physical preservation of historic sites.

State

California Register of Historic Places

The California Register of Historic Places, under the Office of Historic Preservation (OHP), is the State's authoritative guide to significant historical and archeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act (OHP 2019).

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. Several Subsections within the General Plan outline the City's land use goals and policies as they

pertain to the preservation and conservation of archaeological, paleontological, historical, and cultural resources. Those included (below) are applicable to the project (City of San José 2011b).

- Goal ER-10: Archaeology and Paleontology. Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.
- Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
- Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
- Policy IP-12.3: Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological, and cultural resources.

a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? (No impact)

The results of the CHRIS records search indicated that no previously recorded resources have been identified within the project site. Four (4) previously recorded historic resources were identified within 0.5 miles of the project site: a government building and three (3) one to three (1-3) story commercial buildings. The project would not affect these off-site resources.

As a result of the background research, field survey, and property significance evaluation, the previously existing buildings on the project site appear not eligible for the NRHP, CRHR, and City of San José Historic Resource Inventory due to a lack of significant historical associations, architectural merit, and compromised integrity. Criteria for the NRHP/CRHR are discussed below; see **Appendix B** for further detail.

Criterion A/1: That are associated with events that have made a significant contribution to the broad patterns of our history.

Archival research did not find any associations with events that have made a significant contribution to the broad patterns of local or regional history. Research indicates that the subject property site was rural agricultural farmland prior the 1950s. The development of the industrial site appears to be directly tied to the growth and expansion of the City along major road corridors that developed in the early 1950s.

Building A at 1535 Industrial Avenue, which was the first building located on the site, was originally constructed in 1958. It was built during the period of time when San José was transitioning from a farm and fruit-processing city to one that attracted the commercial, industrial, technology industries, and suburban sprawl. The original business or use for the property is unknown, but aerial research suggests that the property originally functioned as a truck yard, evidenced by a high number of large box-trucks on the property. In 1960 industrial commerce within the project site (APN: 237-30-020) expanded, necessitating the development of Building B. A 1967 permit listed the owner as Bigge Drayage Company. The Bigge Drayage company constructed an addition on the northeast (main) elevation to function as an office, further indicating commercial growth. According to aerials, light-industrial buildings were added and

removed from the property overtime. Building C, constructed in 2009, was the only extant building on the property other than Buildings A and B.

The building previously sited at 1551 Industrial Avenue was originally constructed in 1954. It was built during the period of time when San José was transitioning from a farm and fruit-processing city to one that attracted the commercial, industrial, technology industries, and suburban sprawl. 1551 and 1575 Industrial Avenue (APN: 267-30-025) were originally developed with five (5) buildings in 1954 for Glenn Campbell as an industrial garage and warehouses. Historic aerials indicate that the overtime structures, which are no-longer extant, were added to the property to expand the light-industrial complex.

Other than being one of many representations of incremental commercial industrial growth in this area during the mid-20th Century, the property is not associated with any local, state, or national historical events. As such, the subject property is not directly associated with events that have made significant contributions to the history of San José, Santa Clara County, the state, or nation. Due to a lack of identified significant associations with events important to history, the subject property does not appear eligible under NRHP/CRHR Criterion A/1.

Criterion B/2: That are associated with the lives of persons significant in our past.

To be found eligible under NRHP Criterion B or CRHR Criterion 2, the property would need to be directly associated with a person considered historically significant at the local, state, or national level, and it would need to be the place (or part of the place) where that person performed the work for which they are known. Archival research did not indicate any associations with persons important to the nation's or state's past. None of the current or former property owners or tenants were identified as significant individuals as a result of archival research. Due to a lack of identified significant associations with important persons in history, the subject property does not appear eligible under NRHP/CRHR Criterion B/2.

Criterion C/3: That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Architecturally, the buildings previously located on the subject property did not appear to be important for their design or construction value. The architects and builders of the buildings located on the project site are unknown, however it is unlikely that they would be associated with the work of a master architect.

Overall, it was determined the buildings previously located on the subject property were common commercial industrial buildings that lacked architectural distinction. As such the subject property does not appear eligible under NRHP/CRHR Criteria C/3.

Criterion D/4: That have yielded, or may be likely to yield, information important in prehistory or history.

There is no evidence to suggest that this industrial complex property has the potential to yield information important to state or local history. Therefore, the property does not appear eligible under NRHP/CRHR Criterion D/4.

City of San José Criteria

The City's historic designation criteria as they relate to the project site are listed and discussed in Table 3.5-1.

Table 3.5-1. City of San José Historic Designation Criteria

Criterion	Eligible?	Discussion
1. Its character, interest or value as part of the local, regional, state or national history, heritage or culture.	No	As a commercial industrial property first established in the mid-to-late 1950s, the project site is representative of the expansion and growth in San José during the mid-20th century. This association is common and indicative of development that took place throughout the City along major freeway expansion projects during this time period. As such, the project site does not rise to the level of significance as a property of value as local, regional, state, or national heritage site.
2. Its location as a site of a significant historic event.	No	Archival research did not indicate any property-specific associations with significant historic events important to the local, state, or national culture and history. As such, the subject industrial complex located 1535 and 1551-1575 Industrial Avenue does not appear eligible for listing under this criterion.
3. Its identification with a person or persons who significantly contributed to the local, regional, state or national culture and history.	No	Archival research did not indicate any associations with persons important to the local, state, or national culture and history. None of the current or former property owners or tenants were identified as significant individuals as a result of archival research. Therefore, the project site is not eligible for listing under this criterion.
4. Its exemplification of the cultural, economic, social or historic heritage of the City of San José.	No	The property at 1535 Industrial Avenue has operated as a light-industrial property, most likely as a truck yard, since at least 1958. The property at 1551-1575 has remained a light-industrial complex from 1954 until current day. The following cultural, economic, social, or historical heritage that is linked with San José is its involvement with the technology industry that moved into the Santa Clara Valley in the 1960s. Although the project site serves a need in the overall community, as a commercial industrial property that provides services, it does not exemplify the cultural, social, or historic heritage of the City of San José. As such, the project site does not rise to the level of eligibly under this criterion.
5. Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style.	No	The buildings that comprise the commercial industrial complex on site are simple, utilitarian-type structures that are commonly found throughout San José, California, and the nation in industrial areas. The industrial warehouse/shop typology can be found throughout the United States and were constructed as early as the 1930s up until today. Later buildings built on the project site display the same elements as the main building, resulting in the lack of association with a group of people in a specific era of history. Overall, the buildings located on the site are not distinctive architecturally. As such, the project site does have significance under this criterion.
6. Its embodiment of distinguishing characteristics of an architectural type or specimen.	No	The project site contains a collection of utilitarian buildings primarily composed of corrugated metal. All represent building types commonly found on industrial complexes locally, throughout the state, and nationwide. These utilitarian buildings were frequently utilized post- WWII for their durability and adaptability in industrial uses. A high number of light-industrial utilitarian buildings exist in the surrounding areas. The subject property does not contain any buildings that embody

Table 3.5-1. City of San José Historic Designation Criteria

Criterion	Eligible?	Discussion
		distinguishing characteristics of an architectural type or specimen. As such, the property does not have significance under this criterion.
7. Its identification as the work of an architect or master builder whose individual work has influenced the development of the City of San José.	No	None of the buildings located on the site are known to be associated the work of an architect or master builder whose individual work has influenced the City of San José. The project site does not have significance under this criterion.
8. Its embodiment of elements of architectural or engineering design, detail, materials or craftsmanship which represents a significant architectural innovation or which is unique.	No	The subject commercial industrial complex is a collection of utilitarian buildings. The nature of the building's use results in little embellishment on the exterior. As such, the architectural design, detail, materials, and craftsmanship of the buildings do not represent an architectural innovation and display no unique qualities. The property does not have significance under this criterion.

Source: Appendix B.

Given all of the foregoing, no historical resources are located on or adjacent to the project site. Therefore, the project would have **no impact** on historical resources.

b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Less-than-significant impact)

and

c) Would the project disturb any human remains, including those interred outside of dedicated cemeteries? (Less-than-significant impact)

According to the CHRIS records search, the project site contains no previously recorded archaeological resources. Similarly, the search of the NAHC Sacred Lands File did not identify any known Native American resources in the project area. Intensive pedestrian survey of the project site by a qualified archaeologist did not encounter any archaeological resources or evidence of prior burials. In consideration of the topographic setting and the negative inventory results, the likelihood of encountering unanticipated significant subsurface archaeological deposits or features, or unmarked human burials is considered low. Nevertheless, there is always a possibility of encountering unrecorded archaeological resources or human remains when conducting subsurface earthwork activities. Thus, in the event that construction activities were to unearth previously unidentified archaeological resources or human remains, adherence to the standard permit conditions (below) would ensure impacts associated with disturbance to buried resources remains **less than significant**.

Standard Permit Conditions

- If prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped, the Director of Planning, Building and Code Enforcement (PBCE) or the Director's designee and the City's Historic Preservation Officer shall be notified, and a qualified archaeologist in consultation with a Native American Tribal representative registered with the

Native American Heritage Commission for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3 shall examine the find. The archaeologist in consultation with the Tribal representative shall 1) evaluate the find(s) to determine if they meet the definition of a historical or archaeological resource; and (2) make appropriate recommendations regarding the disposition of such finds prior to issuance of building permits. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery shall be submitted to the 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.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 (AB) 2641, shall be followed. If human remains are discovered during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The project applicant shall immediately notify the Supervising Environmental Planner of the City of San José Department of Planning, Building, and Code Enforcement 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:

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

3.6 Energy

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☒	☐

Setting

In February 2019, most residential uses and businesses in San José were enrolled in San José Clean Energy (SJCE), a nonprofit, locally controlled electricity generation service provider for residents and commercial users. Residents and business owners can choose to opt out of San José Clean Energy and remain entirely with Pacific Gas and Electric Company (PG&E) service. According to California Public Utilities Commission's (CPUC's) 2019 Renewable Portfolio Standard (RPS) Annual Report to the Legislature, 47% of SJCE's power came from eligible renewable energy sources in 2019, including biomass/waste, geothermal, small hydroelectric, solar, and wind sources (CPUC 2020).

Regulatory Framework

Federal and State

Senate Bills 1078 (2002), 107 (2006), X1-2 (2011), 350 (2015) and 100 (2018)

Senate Bill (SB) 1078 established the California RPS Program and required that a retail seller of electricity purchase a specified minimum percentage of electricity generated by eligible renewable energy resources as defined in any given year, culminating in a 20% standard by December 31, 2017. These retail sellers include electrical corporations, community choice aggregators, and electric service providers. The bill relatedly required the CEC to certify eligible renewable energy resources, to design and implement an accounting system to verify compliance with the RPS by retail sellers, and to allocate and award supplemental energy payments to cover above-market costs of renewable energy.

SB 107 (2006) accelerated the RPS established by SB 1078 by requiring that 20% of electricity retail sales be served by renewable energy resources by 2010 (not 2017). Additionally, SB X1-2 (2011) required all California utilities to generate 33% of their electricity from eligible renewable energy resources by 2020. Specifically, SB X1-2 sets a three-stage (3) compliance period: by December 31, 2013, 20% of electricity had to come from renewables; by December 31, 2016, 25% of electricity had to come from renewables; and by December 31, 2020, 33% will be required to come from renewables.

SB 350 (2015) expanded the RPS by requiring retail seller and publicly owned utilities to procure 50% of their electricity from eligible renewable energy resources by 2030, with interim goals of 40% by 2024 and 45% by 2027.

SB 100 (2018) accelerated and expanded the standards set forth in SB 350 by establishing that 44% of the total electricity sold to retail customers in California per year by December 31, 2024; 52% by December 31, 2027; and 60% by December 31, 2030 be secured from qualifying renewable energy sources. SB 100 also states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of the retail sales of electricity to California. This bill requires that the achievement of 100% zero-carbon electricity does not increase carbon emissions elsewhere in the western grid. Additionally, 100% zero-carbon electricity cannot be achieved through resource shuffling.

Consequently, utility energy generation from nonrenewable resources is expected to be reduced based on implementation of the RPS requirements described above. The proposed FMP's reliance on nonrenewable energy sources would be reduced accordingly.

California Building Standards

Part 6 of Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California's building standards. Part 6 establishes energy efficiency standards for residential and nonresidential buildings constructed in California to reduce energy demand and consumption. Part 6 is updated periodically to incorporate and consider new energy efficiency technologies and methodologies. The current Title 24 standards are the 2019 Title 24 Building Energy Efficiency Standards, which became effective January 1, 2020. In general, single-family residences built to the 2019 standards are anticipated to use approximately 7% less energy (due to energy efficiency measures) than those built to the 2016 standards; if rooftop solar electricity generation is factored in, single-family residences built under the 2019 standards will use approximately 53% less energy than those under the 2016 standards (CEC 2018). Nonresidential buildings built to the 2019 standards are anticipated to use an estimated 30% less energy than those built to the 2016 standards (CEC 2018).

Title 24 also includes Part 11, California's Green Building Standards (CALGreen). CALGreen establishes minimum mandatory standards as well as voluntary standards pertaining to the planning and design of sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and interior air quality. The 2019 CALGreen standards are the current applicable standards. For nonresidential projects, some of the key mandatory CALGreen 2019 standards involve requirements related to bicycle parking, designated parking for clean air vehicles, electric vehicle (EV) charging stations, shade trees, water conserving plumbing fixtures and fittings, outdoor potable water use in landscaped areas, recycled water supply systems, construction waste management, excavated soil and land clearing debris, and commissioning (24 CCR Part 11).

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions (City of San José 2011b). Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

- 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-2.11: 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).
- Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.
    - Policy MS-10.7: Encourage regional and statewide air pollutant emission reduction through energy conservation to improve air quality.
- Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.

- 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.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance GHG reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

a) ***Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (Less-than-significant impact)***

Electricity

Construction

Temporary electric power for as-necessary lighting and electronic equipment such as computers may be needed inside temporary construction trailers. However, the electricity used for such activities would be temporary and would be substantially less than that required for proposed project operation and would have a negligible contribution to the proposed project's overall energy consumption.

Operations

The operational phase would require electricity for multiple purposes including building heating and cooling, lighting, appliances, electronics, and water and wastewater conveyance. No operational or emergency generators are proposed. CalEEMod default values for electricity consumption for the proposed project's land uses were revised to account for compliance with the 2019 Title 24 standards. It was assumed that the savings for non-residential buildings are 10.7% of electricity from the 2016 Title 24 standards. Table 3.6-1 presents the anticipated electricity demand for the proposed project.

Table 3.6-1. Operational Electricity Demand

Land Use	kWh/Year
Building and Lighting Electricity Demand	
Warehouse	256,795

Table 3.6-1. Operational Electricity Demand

Land Use	kWh/Year
Other Electricity Demand	
Water/Wastewater	89,605
Total	346,400

Notes: kWh = kilowatt-hour.
Source: Appendix A.

As shown in Table 3.6-1, buildout of the proposed project is estimated to have a total electrical demand of 346,400 kWh per year for proposed project usage and water/wastewater conveyance, respectively. As previously discussed, the County's annual electricity use was approximately 17 billion kWh in 2019. Therefore, the proposed project's electrical consumption would be a small percentage of the County's annual use. In addition, the proposed project would be built in accordance with the current Title 24 standards at the time of construction including the installation of on-site clean energy generation to cover a portion of the internal base electrical loads. Therefore, due to the inherent increase in efficiency of building code regulations, proposed project would not result in a wasteful use of energy. Impacts related to operational electricity use would be less than significant.

Natural Gas

Construction

Natural gas is not anticipated to be required during construction of the proposed project. Fuels used for construction would primarily consist of diesel and gasoline, which are discussed below under the "petroleum" subsection. Any minor amounts of natural gas that may be consumed as a result of proposed project construction would be substantially less than that required for proposed project operation and would have a negligible contribution to the proposed project's overall energy consumption.

Operations

Natural gas consumption during proposed project operation would be required for various purposes, including building heating and cooling. Default natural gas generation rates in CalEEMod for the proposed project were revised to account for compliance with the 2019 Title 24 standards. It was assumed that the savings for non-residential buildings are 1% of natural gas from the 2016 Title 24 standards. Table 3.6-2 presents the electricity demand for the natural gas demand for the proposed project.

Table 3.6-2. Operational Natural Gas Demand

Land Use	kBTu/Year
Warehouse	246,338

Notes: kBtu = thousand British thermal units.
Source: Appendix A.

As shown in Table 3.6-2, buildout of the proposed project would consume approximately 246,338 kBtu per year. As previously discussed, PG&E customers annual natural gas consumption is estimated to be 45,961 million kBtu per year. Therefore, the proposed project's estimated natural gas consumption of 246,338 kBtu per year would be a small percentage PG&E's annual supply to customers. In addition, the proposed project is subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the

California Code of Regulations. Title 24, Part 11, contains energy measures that are applicable to the proposed project. The proposed project would be required to meet Title 24 requirements applicable at that time, as required by state regulations through the plan review process. Therefore, due to the inherent increase in efficiency of building code regulations, the proposed project would not result in a wasteful use of energy. Impacts related to operational natural gas use would be less than significant.

Petroleum

Construction

Petroleum would be consumed throughout construction of the proposed project. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction, and vehicle miles traveled (VMT) associated with the transportation of construction materials and construction worker commutes would also result in petroleum consumption. Heavy-duty construction equipment associated with construction activities, vendor trucks, and haul trucks would rely on diesel fuel. Construction workers would travel to and from the project site throughout the duration of construction. It was assumed that construction workers would travel in gasoline-powered vehicles.

Heavy-duty construction equipment of various types would be used during construction. CalEEMod was used to estimate construction equipment usage. Based on that analysis, diesel-fueled construction equipment would operate for an estimated 15,858 hours, as summarized in Table 3.6-3.

Table 3.6-3. Hours of Operation for Construction Equipment

Phase	Hours of Equipment Use
Mobilization	0
Prewater	280
Grading	384
Building Construction and Building Power	10,744
Site Work	4,420
Application of Architectural Coatings	30
Total	**15,858**

Source: Appendix A.

Fuel consumption from construction equipment was estimated by converting the total CO_2 emissions from each construction phase to gallons using conversion factors for CO_2 to gallons of gasoline or diesel. The conversion factor for gasoline is 8.78 kilograms per metric ton CO_2 per gallon, and the conversion factor for diesel is 10.21 kilograms per metric ton CO_2 per gallon (The Climate Registry 2021). The estimated diesel fuel use from construction equipment is shown in Table 3.6-4.

Table 3.6-4. Construction Equipment Diesel Demand

Phase	Pieces of Equipment	Equipment CO_2 (MT)	kg CO_2/Gallon	Gallons
Mobilization	7	0.00	10.21	0.00
Prewater	6	8.36	10.21	818.79
Grading	6	10.42	10.21	1,020.75
Building Construction and Building Power	9	183.09	10.21	17,932.01

Table 3.6-4. Construction Equipment Diesel Demand

Phase	Pieces of Equipment	Equipment CO_2 (MT)	kg CO_2/Gallon	Gallons
Site Work	8	22.11	10.21	2,165.63
Application of Architectural Coatings	1	0.64	10.21	62.52
			Total	**21,999.70**

Notes: CO_2 = carbon dioxide; MT = metric ton; kg = kilogram.
Source: Appendix A.

Fuel consumption from worker and vendor truck trips was estimated by converting the total CO_2 emissions from the construction phase to gallons using the conversion factors for CO_2 to gallons of gasoline or diesel. Worker vehicles are assumed to be gasoline fueled, whereas vendor and haul trucks are assumed to be diesel fueled. The estimated fuel use for worker vehicles and vendor (delivery) trucks are presented in Table 3.6-5 and Table 3.3-6, respectively.

Table 3.6-5. Construction Worker Gasoline Demand

Phase	Trips	Vehicle CO_2 (MT)	kg CO_2/Gallon	Gallons
Mobilization	90	0.28	8.78	31.94
Prewater	90	0.28	8.78	31.94
Grading	120	0.37	8.78	42.59
Building Construction and Building Power	10,428	32.12	8.78	3,658.20
Site Work	1,700	1.63	8.78	185.67
Application of Architectural Coatings	65	0.20	8.78	23.06
			Total	**3,973.39**

Notes: CO_2 = carbon dioxide; MT = metric ton; kg = kilogram.
Source: **Appendix A.**

Table 3.6-6. Construction Vendor Diesel Demand

Phase	Trips	Vehicle CO_2 (MT)	kg CO_2/Gallon	Gallons
Mobilization	0	0	10.21	0
Prewater	0	0	10.21	0
Grading	0	0	10.21	0
Building Construction and Building Power	4,108	41.96	10.21	4,109.26
Site Work	0	0	10.21	0
Application of Architectural Coatings	0	0	10.21	0
			Total	**4,109.26**

Notes: CO_2 = carbon dioxide; MT = metric ton; kg = kilogram.
Source: **Appendix A.**

As shown in Tables 3.6-4 through 3.6-6, the proposed project is estimated to consume approximately 30,082 gallons of petroleum during the construction phase. For disclosure, by comparison, approximately 14 billion gallons of petroleum would be consumed in California over the course of the proposed project's

construction phase, based on the California daily petroleum consumption estimate of approximately 78.6 million gallons per day (EIA 2020). In accordance CARB's Airborne Toxics Control Measure, the proposed project would be required to restrict heavy-duty diesel vehicle idling time to 5 minutes, which would reduce petroleum usage. Overall, because petroleum use during construction would be temporary, and would not be wasteful or inefficient, impacts would be less than significant.

Operations

The fuel consumption resulting from the proposed project's operational phase would be attributable to various vehicles associated with each land use. Petroleum fuel consumption associated with motor vehicles traveling within the City during operation is a function of VMT. Trip generation rates for the proposed project were based on the Transportation Analysis Report (Appendix F). The estimated fuel use from the proposed project land uses operational mobile sources is shown in Table 3.3-7.

Table 3.6-7. Petroleum Consumption – Operation

Fuel	Vehicle MT CO_2	kg CO_2/Gallon[a]	Gallons
Gasoline	115.09	8.78	13,108.27
Diesel	28.77	10.21	2,818.09
		Total	**15,926.36**

Notes: MT = metric ton; CO_2 = carbon dioxide; kg = kilogram.
Source: Appendix A.

As depicted in Table 3.6-7, mobile sources from buildout of the proposed project would result in a maximum of approximately 15,926 gallons of petroleum fuel usage per year. For disclosure, by comparison, California as a whole consumes approximately 28.7 billion gallons of petroleum per year (EIA 2020). Over the lifetime of the proposed project, the fuel efficiency of vehicles is expected to increase. As such, the amount of petroleum consumed as a result of vehicular trips to and from the project site during operation would decrease over time. Notably, there are numerous regulations in place that require and encourage increased fuel efficiency. For example, CARB has adopted an approach to passenger vehicles that combines the control of smog-causing pollutants and GHG emissions into a single, coordinated package of standards. The approach also includes efforts to support and accelerate the number of plug-in hybrids and zero-emissions vehicles in California (CARB 2012). As such, operation of the proposed project is expected to use decreasing amounts of petroleum over time due to advances in vehicle fuel economy standards.

In summary, the proposed project would increase petroleum use during operation, but due to efficiency increases the amount of petroleum consumed would diminish over time. Petroleum consumption associated with the proposed project would not be considered inefficient or wasteful and would result in a less than significant impact.

In summary, the consumption of energy resources (including electricity, natural gas, and petroleum) during the project construction and operation would not be considered inefficient or wasteful and would result in a **less than significant** impact.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? (Less-than-significant impact)

Part 6 of Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California's building standards. Part 6 establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. Part 6 is

updated periodically (every 3 years) to incorporate and consider new energy efficiency technologies and methodologies. Title 24 also includes Part 11, CALGreen. CALGreen institutes mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, and state-owned buildings, as well as schools and hospitals. The proposed project would meet all applicable Title 24 and CALGreen standards to reduce energy demand and increase energy efficiency. Furthermore, as discussed in *Section 3.8 Greenhouse Gas Emissions*, the project would also be required to incorporate GHG reduction measures identified in the City's GHG Reduction Strategy (GHGRS). Such strategies in the GHGRS include requiring all private sector building projects with construction or additions of more than 10,000 square feet of occupied space at a minimum be designed and constructed to the Leadership in Energy and Environmental Design (LEED) Silver Certification. Overall, the project would not conflict with existing energy standards and regulations; therefore, impacts during construction and operation of the proposed project would be **less than significant**.

3.7 Geology and Soils

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☒	☐

Setting

The following discussion is based on the Geotechnical Evaluation (see **Appendix C**) prepared for the project by Ninyo & Moore Geotechnical & Environmental Sciences Consultants. The purpose of this study was to evaluate the site soil and groundwater conditions, and geologic setting with respect to how they may impact development of the site and to provide recommendations for the design and construction of the project based on the conditions encountered and the results of the engineering analysis of field and laboratory test data. Some information in this section is also derived from the Phase I Environmental Site Assessment (ESA) prepared for the project by Avocet Environmental, Inc. in **Appendix D**.

Regional Geology

The project site is located in the Santa Clara Valley, an alluvial basin in the Coast Ranges geomorphic province between the Santa Cruz Mountains to the southwest and the Diablo Range to the northeast. The Coast Ranges are comprised of northwesterly trending mountain ranges and structural valleys formed by tectonic processes commonly found around the Circum-Pacific belt. The rocks that underlie the basins and form the surrounding mountains are primarily marine sediments and metamorphic and igneous rocks, all of which are Mesozoic age but locally include rocks of the Cenozoic age.

The project site is located within the San Francisco Bay Area, one of the most seismically active regions in the country, transected by a series of subparallel faults that together accommodate the relative motion between the Pacific and North American plates. The San Andreas Fault and six (6) other significant fault zones are present in the Bay Area: the Calaveras, Concord-Green Valley, Greenville, Hayward, Rodgers Creek, and San Gregorio faults.

On-Site Geology

The project site is underlain by Holocene-age alluvial soils deposited by nearby Guadalupe and Coyote creeks. These deposits typically consist of silt and clay interspersed with layers of sand and gravel; the silt and clay deposits can compress under heavy loads and are expansive. The site elevation is approximately 50 feet above mean sea level and the topography is relatively flat (sloping slightly to the west).

Based on information obtained from the United States Department of Agriculture, Natural Resources Conservation Service Web Soil Survey online database (USDA 2018), the project site is mapped as Urbanland-Campbell complex, 0 to 2 percent slopes, protected (99.9 percent of the site). The Urbanland series consists of disturbed and human-

transported material. The Campbell, protected series consists of moderately well-drained soils that formed in alluvium derived from metamorphic and sedimentary rock and/or metavolcanics (USDA 2018).

The surface of the site is covered by asphalt concrete pavement, concrete pavement, and aggregate base. The CPT soundings encountered alluvial deposits consisting of layers of silt and clay in the upper 40 to 45 feet, with occasional layers of sand and gravelly sand below depths of 40 feet. Groundwater is expected within 10 feet.

The Calaveras and Hayward faults are located approximately 7.5 miles northeast and north of the site, respectively. The California Geological Survey has produced maps showing Alquist-Priolo Earthquake Fault Zones along faults that pose a potential surface faulting hazard. There are no Alquist-Priolo zones mapped in the vicinity of the project site (California Geological Survey 2004). The project site is located within a State of California liquefaction zone (California Geological Survey 2002). Liquefaction occurs when loose sand and silt that is saturated with water behaves like a liquid and loses its ability to support structures, flows down gentle slopes and may erupt to the ground surface. The site is not near any earthquake-induced landslide zones (California Geological Survey 2002, 2004). Lateral spreading refers to the earthquake-related landslides that commonly form on gentle slopes and that have rapid, fluid-like movements.

Regulatory Framework

State

California Building Code

The California Building Code provides the standards for building design by providing the minimum design criteria for building with respect to seismic safety.

The California Division of Occupational Safety and Health (Cal/OSHA) regulations specify additional safety standards for excavation, shoring, and trenching (Title 8 of the California Code of Regulations).

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Regulation of development projects within the zones is the responsibility of the local agencies (California Department of Conservation 2018b).

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 requires that seismic hazard zones are identified and mapped in order to assist cities and counties in fulfilling their responsibilities for protecting the public health and safety from the effects of strong ground shaking, liquefaction, landslides, or other ground failure and other seismic hazards caused by earthquakes (California Department of Conservation 2007).

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. The General Plan outlines the City's design goals and policies as they pertain to environmental hazards and considerations. Those included (below) are applicable to the project's geology and soils (City of San José 2011b).

- Goal EC-3: Seismic Hazards. Minimize the risk of injury, loss of life, property damage, and community disruption from seismic shaking, fault rupture, ground failure (liquefaction and lateral spreading), earthquake-induced landslides, and other earthquake-induced ground deformation.
    - 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-3.2: Within seismic hazard zones identified under the Alquist-Priolo Fault Zoning Act, California Seismic Hazards Mapping Act and/or by the City of San José, complete geotechnical and geological investigations and approve development proposals only when the severity of seismic hazards have been evaluated and appropriate mitigation measures are provided as reviewed and approved by the City of San José Geologist. State guidelines for evaluating and mitigating seismic hazards and the City-adopted California Building Code will be followed.
- Goal EC-4: Geologic and Soil Hazards. Minimize the risk of injury, loss of life, and property damage from soil and slope instability including landslides, differential settlement, and accelerated erosion.
    - Policy EC-4.1: Design and build all new or remodeled habitable structures in accordance with the most recent California Building Code and municipal code requirements as amended and adopted by the City of San José, including provisions for expansive soil, and grading and storm water controls.
    - Policy EC-4.2: Approve development in areas subject to soils and geologic hazards, including unengineered fill and weak soils and landslide-prone areas, only when the severity of hazards have been evaluated and if shown to be required, appropriate mitigation measures are provided. New development proposed within areas of geologic hazards shall not be endangered by, nor contribute to, the hazardous conditions on the site or on adjoining properties. The City of San José Geologist will review and approve geotechnical and geological investigation reports for projects within these areas as part of the project approval process.
    - Policy EC-4.4: Require all new development to conform to the City of San José's Geologic Hazard Ordinance.
    - Policy EC-4.5: Ensure that any development activity that requires grading does not impact adjacent properties, local creeks and storm drainage systems by designing and building the site to drain properly and minimize erosion. An Erosion Control Plan is required for all private development projects that have a soil disturbance of one (1) acre or more, are adjacent to a creek/river, and/or are located in hillside areas. Erosion Control Plans are also required for any grading occurring between October 15 and April 15.
    - Policy 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.
    - Policy EC-4.12: Require review and approval of grading plans and erosion control plans (if applicable) prior to issuance of a grading permit by the Director of Public Works.

a) Would the project 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. (No impact)

The project site is not located within the boundaries of an Earthquake Fault Zone for fault rupture hazard as defined by the Alquist-Priolo Earthquake Fault Zoning Act and no faults are known to pass through the site. Therefore, **no impact** related to fault rupture would occur as a result of the project.

ii) Strong seismic ground shaking? (Less-than-significant impact)

and

iii) Seismic-related ground failure, including liquefaction? (Less-than-significant impact)

Due to its location in a seismically active region, the project would be highly likely to experience strong ground shaking from seismic events on local and regional faults. This poses a risk to proposed structures and infrastructure.

Potential secondary seismic hazards that could affect the project include liquefaction and dynamic settlement. As described above, the project site in located within a State of California liquefaction hazard zone. Liquefaction is a phenomenon where earthquake-induced ground vibrations increase the pore pressure in saturated, granular soils until it is equal to the confining, overburden pressure. When this occurs, the soil can completely lose its shear strength and enter a liquefied state. The possibility of liquefaction is dependent upon grain size, relative density, confining pressure, saturation of the soils, and intensity and duration of ground shaking. In order for liquefaction to occur, three conditions should exist: low-density, sand/sandy soils, a shallow groundwater depth typically shallower than 50 feet, and seismic shaking from nearby large-magnitude earthquake.

The geotechnical investigation evaluated liquefaction hazard based on a design groundwater level of 5 feet below the ground surface (bgs), and considering a seismic event producing a peak ground acceleration (PGA) of 0.505 percent of gravity (g) resulting from a magnitude 7.3 earthquake. Analysis completed by Ninyo & Moore concluded that, due to the depth and relative thickness of other liquefiable layers, the potential for liquefaction-induced reduction in the bearing capacity of shallow foundations would not be a design consideration for the project.

The strong vibratory motion associated with earthquakes can also dynamically compact loose, granular soil, leading to surficial settlements. Damage as a result of seismically induced settlement is most dramatic when differential settlement occurs in areas with large variations in the thickness of underlying sediments. Settlement caused by ground shaking is often non-uniformly distributed, which can result in differential settlement.

Standard Permit Condition

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

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

Therefore, with the above standard permit condition, the impact of the project related to seismic ground shaking and other secondary seismic hazards would be **less than significant**.

iv) Landslides? (No impact)

The project site is not located within a State of California landslide hazard zone. The topography of the project site is relatively flat (sloping slightly to the west) and no steep slopes are located on or near the site. Thus, the project site is not susceptible to landslides and **no impact** would occur.

b) Would the project result in substantial soil erosion or the loss of topsoil? (Less than significant)

The surficial soils are considered susceptible to erosion. The City's NPDES Municipal Permit, urban runoff policies, and the Municipal Code are the primary means of enforcing erosion control measures through the grading and building permit process. Project construction would include ground disturbance, which would potentially result in short-term soil erosion. However, because the project footprint is greater than 1 acre, it would be subject to the NPDES permit requirements for construction site stormwater discharges and would comply with those requirements. A Storm Water Pollution Prevention Plan (SWPPP) is required to be prepared and implemented under these requirements, which includes appropriate erosion-control and water-quality-control measures during site preparation, grading, construction, and post-construction. Implementation of the SWPPP for the project would minimize short-term erosion impacts. Long-term impacts of the project would not result in substantial erosion, as the soils would be covered by buildings, pavement, vegetation, and landscaping. Therefore, project impacts related to erosion would **be less than significant**.

The project would be required to implement the following conditions, consistent with the regulations identified in the General Plan EIR, for avoiding and reducing construction-related erosion impacts.

Standard Permit Conditions

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

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

As described above, the project site is not located near steep slopes which would be susceptible to landslides. Based on liquefaction analysis and soils testing, Ninyo & Moore determined that the potential for impacts associated with liquefaction at the project site would be low due to the depth of liquefiable soils

(i.e., 40 to 45 feet). Lateral spreading, which is commonly associated with liquefaction and occurs when a continuous layer of soil liquefies at depth and the soil layers above move toward an unsupported face, would also not be expected to occur due to the site's relatively flat topography and low potential for liquefaction-related impacts. Thus, the project site is not located on a geologic unit or soil that is unstable or would be expected to become unstable. Moreover, compliance with the California Building Code and applicable City ordinances, as well as adherence to the recommendations provided in the geotechnical investigation, would further reduce potential risks related to soil stability; therefore, associated impacts would be **less than significant**.

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

Expansive soils can undergo significant volume change with changes in moisture content; they shrink and harden when dried and expand and soften when wetted. The alluvial soils underlying the project site are known to be expansive. Laboratory testing revealed that the soils on the project site have a medium expansion characteristic. The proposed project would comply with recommendations in a design-level geotechnical report, in accordance with the standard permit condition listed below.

Standard Permit Conditions

- 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.

Implementation of the standard permit condition above would minimize impacts associated with expansive soils and result in a **less-than-significant** impact.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? (No impact)

Sanitary discharges on the project site would be directed into the municipal sanitary sewer system operated by the City of San José. The project would not include septic tanks or alternative wastewater disposal systems. Therefore, **no impact** related to septic tanks or alternative wastewater disposal systems would occur.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Less-than-significant impact)

Paleontological resources include the fossilized remains, traces, or imprints of organisms preserved in or on the earth's crust. Paleontological sensitivity is defined based on the underlying geologic formation. Areas with the highest sensitivity are those where geologic formations known to contain fossils are found close to the ground surface. According to the Envision San José General Plan EIR, the project site is located in an area with high paleontological sensitivity at depth; thus, geologic formations known to contain fossils are not found close to the ground surface on the site. Nevertheless, there is always a possibility of encountering paleontological resources when conducting subsurface earthwork activities. Adherence to the standard permit conditions below would reduce impacts associated with disturbance to buried paleontological resources, if encountered, to a **less-than-significant** level.

Standard Permit Condition

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

3.8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☒	☐

Setting

Various gases in the earth's atmosphere, classified as atmospheric GHGs, play a critical role in determining the earth's surface temperature. Solar radiation enters the atmosphere from space and a portion of the radiation is absorbed by the earth's surface. The earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation. Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect, or climate change, are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs). Human-caused emissions of these GHGs in excess of natural ambient concentrations are responsible for enhancing the greenhouse effect. In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation.

The existing project site is developed with industrial buildings. GHG emissions generated by the current uses are primarily generated from vehicle trips traveling trips to and from the site. The GHG emissions generated from existing uses is approximately 313 metric tons of carbon dioxide equivalent per year (MT/CO_2e/year).

Regulatory Framework

Federal and State

Clean Air Act

The U.S. Environmental Protection Agency (EPA) is the federal agency responsible for implementing the Clean Air Act (CAA). The United States Supreme Court in its 2007 decision in Massachusetts et al. v. Environmental Protection Agency et al. ruled that carbon dioxide (CO_2) is an air pollutant as defined under the CAA, and that EPA has the authority to regulate emissions of GHGs. Following the court decision, EPA has taken actions to regulate, monitor, and potentially reduce GHG emissions (primarily mobile emissions).

Executive Order S-3-05

In 2005, the governor issued Executive Order (EO) S-3-05, establishing statewide GHG emissions reduction targets. EO S-3-05 provides that by 2010, emissions shall be reduced to 2000 levels; by 2020, emissions shall be reduced to 1990 levels; and by 2050, emissions shall be reduced to 80 percent below 1990 levels (California Environmental Protection Agency [CalEPA] 2006). In response to EO S-3-05, CalEPA created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report"). The 2006 CAT Report identified a recommended list of strategies that the state could pursue to reduce GHG emissions. These are strategies that could be implemented by various state agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the state agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, etc. In April 2015, the governor issued EO B-30-15, calling for a new target of 40 percent below 1990 levels by 2030.

Assembly Bill 32

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006," signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020, and requires CARB to prepare a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions. Based on this guidance, CARB approved a 1990 statewide GHG level and 2020 limit of 427 million metric tons CO_2e. The Scoping Plan was approved by CARB on December 11, 2008, and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2013 Scoping Plan update defines CARB's climate change priorities for the next five (5) years and sets the groundwork to reach post-2020 statewide goals. The update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluates how to align the State's longer-term GHG reduction strategies with other State policy priorities, such as for water, waste, natural resources, clean energy and transportation, and land use (CARB 2017).

Senate Bill 32

On September 8, 2016, the governor signed SB 32 into law, extending AB 32 by requiring the further reduction of GHGs statewide to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies and policies, such as SB 350 and SB 1383 (see below). The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with a statewide per capita goal of six (6) metric tons (MT) CO_2e by 2030 and two MT CO_2e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (city, county, sub-regional, or regional level), but not for specific individual projects because they include all emissions sectors in the State (CARB 2017).

Executive Order B-55-18

On September 10, 2018, the governor issued Executive Order B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

Regional

Bay Area Air Quality Management District

BAAQMD is the regional, government agency that regulates sources of air pollution within the nine San Francisco Bay Area counties. BAAQMD and other agencies prepare clean air plans as required under the state and federal CAAs. *The Bay Area 2017 Clean Air Plan* (2017 CAP) focuses on two closely related BAAQMD goals: protecting public health and protecting the climate. The 2017 CAP lays the groundwork for the BAAQMD's 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 CAP includes a wide range of control measures designed to decrease emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

The BAAQMD CEQA *Air Quality Guidelines* are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. As discussed in the CEQA *Air Quality Guidelines*, the determination of whether a project may have a significant effect on the environment calls for careful judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of San José and other jurisdictions in the San Francisco Bay Area Air Basin often utilize the thresholds and methodology for GHG emissions developed by the BAAQMD. The CEQA *Air Quality Guidelines* include information on legal requirements, BAAQMD rules, plans and procedures, methods of analyzing GHG emissions, mitigation measures, and background information.

Local

City of San José Greenhouse Gas Reduction Strategy

The GHG Reduction Strategy is intended to meet the mandates outlined in the CEQA Air Quality Guidelines, as well as the BAAQMD requirements for Qualified GHG Reduction Strategies. The *Envision San José 2040 General Plan* includes strategies, policies, and action items that are incorporated in the City's GHGRS to help reduce GHG emissions. Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings.

In August 2020, the City of San José completed an addendum to the Environmental Impact Report to the *Envision San José 2040 Final Program Environmental Impact Report* and the City's GHGRS in the General Plan. The 2030 GHGRS presents the City's comprehensive path to reduce GHG emissions to achieve the 2030 reduction target, based on SB 32. Additionally, the 2030 GHGRS leverages other important City plans and policies; including the General Plan, Climate Smart San José, and the City Municipal Code in identifying reductions strategies that achieve the City's target. The 2030 GHGRS is intended to meet the mandates as outlined in the CEQA Guidelines and standards for "qualified plans" as set forth by BAAQMD. The City has prepared a Greenhouse Gas Reduction Strategy Compliance Checklist that, when completed, documents a project's consistency with the GHGRS. The purpose of the checklist is to:

- Implement GHG reduction strategies from the 2030 GHGRS to new development projects; and
- Provide a streamlined review process for proposed new development projects that are subject to discretionary review and trigger environmental review pursuant to the CEQA.

Compliance with the mandatory measures and voluntary measures within the Greenhouse Gas Reduction Strategy Compliance Checklist would ensure an individual project's consistency with the 2030 GHGRS.

The GHGRS 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 as mitigation measures for proposed projects, at the City's discretion. Below is a listing of the mandatory criteria utilized to evaluate project conformance with the GHGRS:

1) Consistency with the Land Use/Transportation Diagram (General Plan Goals/Policies: IP-1, LU-10)
2) Implementation of Green Building Measures (General Plan Goals: MS-1, MS-2, MS-14)
    a) Solar Site Orientation
    b) Site Design
    c) Architectural Design
    d) Construction Techniques
    e) Consistency with the City Green Building Ordinance and Policies
    f) Consistency with GHGRS Policies: MS-2.2, MS0-2.3, MC-2.7, MS-2.11, and MS-16.2.
3) Pedestrian/Bicycle Site Design Measures
    a) Consistency with Zoning Ordinance
    b) Consistency with GHG Reduction Strategy Policies: CD-2.1, CD-2.5, CD-2.11, CD-3.2, CD-3.4, CD-3.5, TR-2.8, TR-7.1, and TR-8.5.

4) Water Conservation and Urban Forestry Measures (General Plan Policy MS-3.1, MS-3.2, MS-19.4, MS-26.1, and ER-8.7).

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* includes strategies, policies, and action items that are incorporated in the City's GHG Reduction Strategy to help reduce GHG emissions (City of San José 2011b). Multiple policies and actions in the General Plan have GHG implications, including land use, housing, transportation, water usage, solid waste generation and recycling, and reuse of historic buildings. The following General Plan policies are related to GHG emissions and are applicable to the proposed project.

- 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-2.11: 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).
- Goal MS-10: Air Pollutant Emission Reduction. Minimize air pollutant emissions from new and existing development.
    - Policy MS-10.1: Assess projected air emissions from new development in conformance with the Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines and relative to state and federal standards. Identify and implement feasible air emission 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-10.10: Actively enforce the City's ozone-depleting compound ordinance and supporting policy to ban the use of chlorofluorocarbon compounds (CFCs) in packaging and in building construction and remodeling. The City may consider adopting other policies or ordinances to reinforce this effort to help reduce damage to the global atmospheric ozone layer.
- Goal MS-13: Construction Air Emissions. Minimize air pollutant emissions during demolition and construction activities.
    - 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-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.

City of San José Municipal Code

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

- Green Building Ordinance (Chapter 17.84)
- Water Efficient Landscape Standards for New and Rehabilitated Landscaping (Chapter 15.10)
- Construction and Demolition Diversion Deposit Program (Chapter 9.10)
- Wood Burning Ordinance (Chapter 9.10)

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

In October 2008, the City adopted the Private Sector Green Building Policy (6-32) that establishes baseline green building standards for private sector new construction and provides a framework for the implementation of these standards. This policy requires that applicable projects achieve minimum green building performance levels using the Council adopted standards. The green building standards required by this policy are intended to advance GHG reduction by reducing per capita energy use, providing energy from renewable sources, diverting waste from landfills, using less water, and encouraging the use of recycled wastewater.

Significance Thresholds

According to CEQA Guidelines, the significance of GHG emissions may be evaluated based on locally adopted quantitative thresholds or consistency with a regional GHG reduction plan (such as a Climate Action Plan). In 2017, the City of San José adopted a Climate Action Plan, *Climate Smart San José*, that serves to support the City's General Plan. *Climate Smart San José* was based on the City's 2014 GHG Inventory and Forecast and discusses strategies to reach AB 32 and SB 32 goals. However, *Climate Smart San José* only focuses on GHG emissions related to energy and mobility omitting emissions due to solid waste, wastewater treatments, and water. Therefore, *Climate Smart San José* is not in compliance with CEQA Guidelines 15183.5(b) and it does not serve as a qualified GHG reduction plan. Additionally, the City of San José's 2030 GHGRS presented in the *Envision San José 2040 General Plan* aligns with SB 32 (2030 emission target). As previously discussed, compliance with the mandatory measures and voluntary measures within the Greenhouse Gas Reduction Strategy Compliance Checklist would ensure an individual project's consistency with the 2030 GHGRS.

a) Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Less-than-significant impact)

Construction Emissions

The estimated total GHG emissions during construction would be approximately 357 MT CO_2e over the construction period. Estimated project-generated construction emissions amortized over 30 years would be approximately 12 MT CO_2e per year. As with project-generated construction criteria air pollutant emissions, GHG emissions generated during construction of the project would be short term in nature, lasting only for the duration of the construction period, and would not represent a long-term source of GHG emissions. Because project construction will be a temporary condition (a total of 10 months) and would not result in a permanent increase in emissions that would interfere with the implementation of SB 32 and the temporary increase in emissions would be less than significant.

Operational Emissions

Operation of the project would generate GHG emissions through motor vehicle trips to and from the project site; landscape maintenance equipment operation; energy use (natural gas and generation of electricity consumed by the proposed project); solid waste disposal; and generation of electricity associated with water supply, treatment, and distribution and wastewater treatment. The project would not use operational or emergency generators. CalEEMod was used to calculate the annual GHG emissions based on the operational assumptions used in *Section 3.3, Air Quality*.

As shown in **Appendix A** , the estimated annual project-generated GHG emissions would be approximately 317 MT CO_2e per year as a result of proposed project operations. The existing land uses are estimated to generate approximately 78 MT CO_2e per year; therefore, the project is estimated to result in a net increase in emissions of approximately 239 MT CO_2e per year which is included here for informational purposes. As stated above, significance of the proposed project in the category of GHG emissions is determined based on the project's consistency with the City's GHGRS.

Consistency with the 2030 Greenhouse Gas Reduction Strategy Compliance Checklist

This section evaluates the proposed project's impacts to GHGs in accordance with the City's Greenhouse Gas Reduction Strategy Compliance Checklist. The first step in this section evaluates the proposed project's consistency with the Envision San José 2040 General Plan's relevant policies for Land Use & Design, Transportation, Green Building, and Water Conservation (Table A). For projects that are subject to the GHGRS Consistency Checklist, the second step in determining consistency is to demonstrate consistency with the GHGRS reduction strategies listed in Table B or document why the strategies are not applicable or are infeasible. Non-residential projects, such as the proposed project, must complete Table B, Part 2. The proposed project's consistency with the GHGRS reduction strategies are summarized in detail in Table 3.8-1.

Table 3.8-1. Consistency with the City of San José Greenhouse Gas Reduction Strategy

GHGRS Strategy	General Plan Policies	Project Consistency
Table A: General Plan Consistency		
1) Consistency with the Land Use/Transportation Diagram (Land Use and Density)	Is the proposed Project consistent with the Land Use/Transportation Diagram?	**Consistent:** The project site's General Plan land use designation is Heavy Industrial with zoning designations of Heavy Industrial and Heavy Industrial (Planned Development). The project would involve redevelopment of the site with a new warehouse building and would retain the existing industrial use of the site. Office uses would be ancillary to the warehouse use and integrated within the building. As such, the project would be consistent with the stated intent for the Heavy Industrial land use designation in the General Plan and Zoning Ordinance.
2) Implementation of Green Building Measures	MS-2.2: Encourage maximized use of on-site generation of renewable energy for all new and existing buildings.	**Consistent:** The proposed project would comply with all requirements within the CALGreen Code (Title 24, Part 11) California Energy Code (Title 24, Part 6) and would be solar ready by including building roof

Table 3.8-1. Consistency with the City of San José Greenhouse Gas Reduction Strategy

GHGRS Strategy	General Plan Policies	Project Consistency
		space and conduit infrastructure for PV panels.
	MS-2.3: Encourage consideration of solar orientation, including building placement, landscaping, design and construction techniques for new construction to minimize energy consumption.	**Consistent:** The proposed project would be solar ready by including building roof space and conduit infrastructure for PV panels per CALGreen requirements.
	MS-2.7: Encourage the installation of solar panels or other clean energy power generation sources over parking areas.	**Consistent:** The proposed project would be solar ready by including building roof space and conduit infrastructure for PV panels per CALGreen requirements.
	MS-2.11: Require new development to incorporate green building practices, including those required by the Green Building Ordinance. Specifically, target reduced energy use through construction techniques (e.g., design of building envelopes and systems to maximize energy performance), through architectural design (e.g., design to maximize cross ventilation and interior daylight) and through site design techniques (e.g., orienting buildings on sites to maximize the effectiveness of passive solar design).	**Consistent:** The proposed project must comply with efficiency standards regarding roofing, ceilings, and insulation. For example: Roofs/Ceilings: New construction must reduce roof heat island effects per CALGreen Code Section 106.11.2, which requires use of roofing materials having a minimum aged solar reflectance, thermal emittance complying with Section A5.106.11.2.2 and A5.106.11.2.3 or a minimum aged Solar Reflectance Index as specified in Tables A5.106.11.2.2, or A5.106.11.2.3. Roofing materials must also meet solar reflectance and thermal emittance standards contained in Title 20 Standards. Roof/Ceiling Insulation: There are also requirements for the installation of roofing and ceiling insulation. (See Title 24, Part 6 Compliance Manual at Section 3.2.2.) The proposed project would also comply with fenestration efficiency requirements. For example, the choice of windows, glazed doors, and any skylights for the project must conform to energy consumption requirements affecting size, orientation, and types of fenestration products used. (See Title 24, Part 6 Compliance Manual, Section 3.3.)
	MS-16.2: Promote neighborhood-based distributed clean/renewable energy generation to improve local energy security and to reduce the amount of energy wasted in transmitting electricity over long distances.	**Consistent:** The proposed project would be solar ready by including building roof space and conduit infrastructure for PV panels per CALGreen requirements.
	CD-2.1: Promote the Circulation Goals and Policies in the Envision San José 2040 General Plan. Create streets	**Not Applicable.** The proposed project is in a heavy industrial area. Class II bikeways are located along several streets within the study

Table 3.8-1. Consistency with the City of San José Greenhouse Gas Reduction Strategy

GHGRS Strategy	General Plan Policies	Project Consistency
3) Pedestrian, Bicycle & Transit Site Design Measures	that promote pedestrian and bicycle transportation by following applicable goals and policies in the Circulation section of the Envision San José 2040 General Plan	area. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. The project would not alter existing street, pedestrian walkways or bike lanes. Additionally, the project would include TDM measures discussed in *Section 3.17, Transportation*.
	CD-2.5: Integrate Green Building Goals and Policies of the Envision San José 2040 General Plan into site design to create healthful environments. Consider factors such as shaded parking areas, pedestrian connections, minimization of impervious surfaces, incorporation of stormwater treatment measures, appropriate building orientations, etc.	**Consistent.** The proposed project would include landscaping and shading of the parking areas and walkways. The project also comply with all applicable stormwater regulations
	CD-2.11: Within the Downtown and Urban Village Overlay areas, consistent with the minimum density requirements of the pertaining Land Use/Transportation Diagram designation, avoid the construction of surface parking lots except as an interim use, so that long-term development of the site will result in a cohesive urban form. In these areas, whenever possible, use structured parking, rather than surface parking, to fulfill parking requirements. Encourage the incorporation of alternative uses, such as parks, above parking structures.	**Not Applicable.** The proposed project is not located within the Downtown or Urban Village Overlay areas.
	CD-3.2: Prioritize pedestrian and bicycle connections to transit, community facilities (including schools), commercial areas, and other areas serving daily needs. Ensure that the design of new facilities can accommodate significant anticipated future increases in bicycle and pedestrian activity.	**Consistent:** The proposed project will be required to provide compliant bicycle parking, fuel-efficient vehicle parking, and electric vehicle charging spaces (CALGreen Code Sections 5.106.4, 5.106.5.1, 5.106.5.3).
	CD-3.4: Encourage pedestrian cross-access connections between adjacent properties and require pedestrian and bicycle connections to streets and other public spaces, with particular attention and priority given to providing convenient access to transit facilities. Provide pedestrian and	**Consistent:** As discussed previously, the proposed project will be required to provide compliant bicycle parking, fuel-efficient vehicle parking, and electric vehicle charging spaces (CALGreen Code Sections 5.106.4, 5.106.5.1, 5.106.5.3).

Table 3.8-1. Consistency with the City of San José Greenhouse Gas Reduction Strategy

GHGRS Strategy	General Plan Policies	Project Consistency
	vehicular connections with cross-access easements within and between new and existing developments to encourage walking and minimize interruptions by parking areas and curb cuts.	
	LU-3.5: Balance the need for parking to support a thriving Downtown with the need to minimize the impacts of parking upon a vibrant pedestrian and transit oriented urban environment. Provide for the needs of bicyclists and pedestrians, including adequate bicycle parking areas and design measures to promote bicyclist and pedestrian safety.	**Not Applicable:** The proposed project is not located within Downtown.
	TR-2.8: Require new development to provide on-site facilities such as bicycle storage and showers, provide connections to existing and planned facilities, dedicate land to expand existing facilities or provide new facilities such as sidewalks and/or bicycle lanes/paths, or share in the cost of improvements.	**Consistent:** As discussed previously, the proposed project will be required to provide compliant bicycle parking, fuel-efficient vehicle parking, and electric vehicle charging spaces (CALGreen Code Sections 5.106.4, 5.106.5.1, 5.106.5.3).
	TR-7.1: Require large employers to develop TDM programs to reduce the vehicle trips and vehicle miles generated by their employees through the use of shuttles, provision for carsharing, bicycle sharing, carpool, parking strategies, transit incentives and other measures.	▪ **Consistent:** Implementation of Mitigation Measure TRA 1 would require the project to develop a TDM program to reduce the vehicle trips and vehicle miles generated by their employees. Two options are presented.
	TR-8.5: Promote participation in car share programs to minimize the need for parking spaces in new and existing development.	**Consistent:** Implementation of Mitigation Measure TRA 1 would require the project to implement marketing/educational campaigns that promote the use of transit, shared rides, and travel through active modes.
4) Water Conservation and Urban Forestry Measures	MS-3.1: Require water-efficient landscaping, which conforms to the State's Model Water Efficient Landscape Ordinance, for all new commercial, institutional, industrial and developer-installed residential development unless for recreation needs or other area functions.	**Consistent:** The proposed project would include drought-tolerant landscaping per City requirements.
	MS-3.2: Promote the use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as	**Consistent:** The proposed project includes low flow fixtures and appliances. These measures are required by City Code. The proposed project would also comply with measures to

Table 3.8-1. Consistency with the City of San José Greenhouse Gas Reduction Strategy

GHGRS Strategy	General Plan Policies	Project Consistency
	building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.	increase water efficiency and green building techniques per building codes.
	MS-19.4: Require the use of recycled water wherever feasible and cost-effective to serve existing and new development.	**Consistent:** The proposed project would increase the impervious surface area on the site by 21,812 square feet to a total of 140,751 square feet. New drainage infrastructure would be included in the project to accommodate stormwater flows and connect the project to existing storm drain infrastructure.
	MS-21.3: Ensure that San José's Community Forest is comprised of species that have low water requirements and are well adapted to its Mediterranean climate. Select and plant diverse species to prevent monocultures that are vulnerable to pest invasions. Furthermore, consider the appropriate placement of tree species and their lifespan to ensure the perpetuation of the Community Forest	**Consistent.** The proposed project would include drought-tolerant landscaping per City requirements.
	MS-26.1: As a condition of new development, require the planting and maintenance of both street trees and trees on private property to achieve a level of tree coverage in compliance with and that implements City laws, policies or guidelines	**Consistent:** The proposed project would comply with the City's Industrial Design Guidelines, in which California native species and drought tolerant species of plants, trees, and groundcover would be required.
	ER-8.7: Encourage stormwater reuse for beneficial uses in existing infrastructure and future development through the installation of rain barrels, cisterns, or other water storage and reuse facilities.	**Consistent:** The proposed project would include new drainage infrastructure to accommodate stormwater flows and connect the project to existing storm drain infrastructure.
Table B: 2030 GHGRS Compliance		
Renewable Energy Development 1. Install solar panels, solar hot water, or other clean energy power generation sources on development sites, or 2. Participate in community solar	NA	**Consistent:** The proposed project would comply clean energy power generation sources on site to the extent possible.

Table 3.8-1. Consistency with the City of San José Greenhouse Gas Reduction Strategy

GHGRS Strategy	General Plan Policies	Project Consistency
programs to support development of renewable energy in the community, or 3. Participate in San José Clean Energy at the Total Green level (i.e., 100% carbon-free electricity) for electricity accounts associated with the project. Supports Strategies: GHGRS #1, GHGRS #3		
Building Retrofits – Natural Gas This strategy only applies to projects that include a retrofit of an existing building. If the proposed project does not include a retrofit, select "Not Applicable" in the Project Conformance column. 1. Replace an existing natural gas appliance with an electric alternative (e.g., space heater, water heater, clothes dryer), or 2. Replace an existing natural gas appliance with a high-efficiency model Supports Strategies: GHGRS #4	NA	**Not Applicable:** The proposed project would not retrofit existing onsite buildings. Therefore, this strategy is not applicable to the proposed project.
Zero Waste Goal 1. Provide space for organic waste (e.g., food scraps, yard waste) collection containers, and/or 2. Exceed the City's construction & demolition waste diversion requirement.	NA	**Consistent:** The proposed project would included an exterior trash enclosure with space for recycling and refuse. Additionally, construction and demolition waste would be diverted to meet City requirements.

Table 3.8-1. Consistency with the City of San José Greenhouse Gas Reduction Strategy

GHGRS Strategy	General Plan Policies	Project Consistency
Supports Strategies: GHGRS #5		
Zero Waste Goal 1. Provide space for organic waste (e.g., food scraps, yard waste) collection containers, and/or 2. Exceed the City's construction & demolition waste diversion requirement. Supports Strategies: GHGRS #5	NA	**Consistent:** The proposed project would included an exterior trash enclosure with space for recycling and refuse. Additionally, construction and demolition waste would be diverted to meet City requirements.
Caltrain Modernization 1. For projects located within ½ mile of a Caltrain station, establish a program through which to provide project tenants and/or residents with free or reduced Caltrain passes or 2. Develop a program that provides project tenants and/or residents with options to reduce their vehicle miles traveled (e.g., a TDM program), which could include transit passes, bike lockers and showers, or other strategies to reduce project related VMT. Supports Strategies: GHGRS #6	NA	**Not Applicable:** The proposed project is not located within ½ mile of a Caltrain station. Therefore, this strategy is not applicable to the project.
Water Conservation 1. Install high-efficiency appliances/fixtures to reduce water use, and/or include water-sensitive landscape design, and/or 2. Provide access to reclaimed water for outdoor water use on the project site.	NA	**Consistent:** The proposed project is subject to CALGreen Code's water efficiency standards, including a required 20% mandatory reduction in indoor water use. (CALGreen Code, Division 4.3.) Furthermore, the proposed project would also comply with the City's Water-Efficient Landscape Ordinance (Chapter 15.11 of the San José Municipal Code).

Table 3.8-1. Consistency with the City of San José Greenhouse Gas Reduction Strategy

GHGRS Strategy	General Plan Policies	Project Consistency
Supports Strategies: GHGRS #7		

Notes: GHGRS = Greenhouse Gas Reduction Strategy; NA = not applicable; PV = photovoltaic; TDM = Transportation Demand Management; VMT = vehicle miles traveled.

As presented in Table 3.8-1, the proposed project would not conflict with the City's GHGRS. Therefore, the project's GHG contribution would be **less than significant** and would not be cumulatively considerable.

b) Would the project generate conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Less-than-significant impact)

Project Consistency with City of San José 2030 Greenhouse Gas Reduction Strategy

In August 2020, the San José City Council adopted an addendum to the Envision San José 2040 Program EIR and the General Plan Supplemental (GHGRS) EIR. The City of San José 2030 GHGRS outlines the actions the City will undertake to achieve its proportional share of State GHG emission reductions for the target year 2030. Compliance with the checklist is demonstrated by completing Section A (General Plan Policy Conformance) and Section B (Greenhouse Gas Reduction Strategies), as discussed above.

The project site's General Plan land use designation is Heavy Industrial with zoning designations of Heavy Industrial and Heavy Industrial (Planned Development). The proposed project would involve redevelopment of the site with a new warehouse building and would retain the existing industrial use of the site. Office uses would be ancillary to the warehouse use and integrated within the building. As such, the project would be consistent with the stated intent for the Heavy Industrial land use designation in the General Plan and Zoning Ordinance.

The proposed project would meet all applicable local and state regulatory measures including, the City's Reach Code, Title 24, and CALGreen standards to reduce energy demand and increase energy efficiency. The CEC adopted the 2022 Title 24 Energy Code in August 2021 and the California Building Standards Commission approved incorporating the updated code into the California Building Standards Code in December 2021. The 2022 Energy Code will go into effect on January 1, 2023. The 2022 standards focus on expanding solar photovoltaic system and battery storage standards in new construction. In addition, the proposed project would be required to comply with GHGRS implementation action which requires all private sector building projects with construction or additions of more than 10,000 square feet of occupied space at a minimum be designed and constructed to the LEED Silver Certification.

The proposed project would be consistent with all of the required strategies in the completed Greenhouse Gas Reduction Strategy Compliance Checklist. The proposed project would be solar ready, which would allow for the installation of PV panels on all buildings. In regards to indoor water use, the proposed project would install low-flow bathroom and kitchen faucets and low-flow toilets. Furthermore, the proposed project would install water-efficient landscaping in accordance the City's Water Efficient Landscape Ordinance. Therefore, the proposed project conforms with the GHGRS.

Regional Plan

The Plan Bay Area 2050 (MTC and ABAG 2021) is a regional growth management strategy that targets per capita GHG reduction from passenger vehicles and light-duty trucks for the San Francisco Bay Area pursuant to SB 375. The Plan Bay Area 2050 was adopted by MTC and ABAG October 2021, and represents a limited and focused update that builds on the growth pattern and strategies developed in the previous Plan Bay Area 2040 (MTC and ABAG 2021). The Plan Bay Area 2050 also expands in scope relative to prior plans by examining the themes of economic development and environmental resilience. As a result, the Plan Bay Area 2050 focuses on 4 interrelated elements—housing, the economy, transportation, and the environment. The Plan Bay Area 2050 is composed of 35 integrated strategies across the 4 elements that provide a blueprint for how the Bay Area can accommodate future growth and make the region more equitable and resilient in the face of unexpected challenges, while achieving regional GHG emissions reduction targets established by the CARB pursuant to SB 375 (MTC and ABAG 2021). The proposed project would be consistent with the overall goals of Plan Bay Area 2050 in concentrating new development in locations where there is existing infrastructure and transit within the project area. Specifically, the Santa Clara Valley Transportation Authority (VTA) serves the project area, closest of which is located at Oakland Road and Berger Drive, approximately 0.4 miles to the northeast of this project site. Therefore, passenger bus services would promote alternative transportation (i.e., not single-occupant vehicles) and reduce VMT.

Project Consistency with CARB's Scoping Plan

The Scoping Plan (approved by CARB in 2008 and updated in 2014 and 2017) provides a framework for actions to reduce California's GHG emissions and requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. The Scoping Plan is not directly applicable to specific projects, nor is it intended to be used for project-level evaluations.[3] Under the Scoping Plan, however, there are several state regulatory measures aimed at the identification and reduction of GHG emissions. CARB and other state agencies have adopted many of the measures identified in the Scoping Plan. Most of these measures focus on area source emissions (e.g., energy usage, high-GWP GHGs in consumer products) and changes to the vehicle fleet (i.e., hybrid, electric, and more fuel-efficient vehicles) and associated fuels (e.g., Low Carbon Fuel Standard), among others. To the extent that these regulations are applicable to the proposed project, the proposed project would comply will all regulations adopted in furtherance of the Scoping Plan to the extent required by law.

Project Consistency with Senate Bill 32 and Executive Order S-3-05

The project would not impede the attainment of the most recent state GHG reduction goals identified in SB 32 and EO S-3-05 and. SB 32 establishes a statewide goal of reducing GHG emissions to 40% below 1990 levels by 2030, while EO S-3-05 establishes a statewide goal of reducing GHG emissions to 80% below 1990 levels by 2050. While there are no established protocols or thresholds of significance for that future year analysis, CARB forecasts that compliance with the current Scoping Plan puts the state on a trajectory of meeting these long-term GHG goals, although the specific path to compliance is unknown (CARB 2014).

[3] The Final Statement of Reasons for the amendments to the CEQA Guidelines reiterates the statement in the Initial Statement of Reasons that "[t]he Scoping Plan may not be appropriate for use in determining the significance of individual projects because it is conceptual at this stage and relies on the future development of regulations to implement the strategies identified in the Scoping Plan" (CNRA 2009).

CARB has expressed optimism with regard to both the 2030 and 2050 goals. It states in the First Update to the Climate Change Scoping Plan that "California is on track to meet the near-term 2020 GHG emissions limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32" (CARB 2014, p. ES2). With regard to the 2050 target for reducing GHG emissions to 80% below 1990 levels, the First Update to the Climate Change Scoping Plan states the following (CARB 2014, p. 34):

> This level of reduction is achievable in California. In fact, if California realizes the expected benefits of existing policy goals (such as 12,000 megawatts of renewable distributed generation by 2020, net zero energy homes after 2020, existing building retrofits under AB 758, and others) it could reduce emissions by 2030 to levels squarely in line with those needed in the developed world and to stay on track to reduce emissions to 80% below 1990 levels by 2050. Additional measures, including locally driven measures and those necessary to meet federal air quality standards in 2032, could lead to even greater emission reductions.

In other words, CARB believes that the state is on a trajectory to meet the 2030 and 2050 GHG reduction targets set forth in AB 32, EO B-30-15, and EO S-3-05. This is confirmed in the 2017 Scoping Plan, which states the following (CARB 2017):

> The Scoping Plan builds upon the successful framework established by the Initial Scoping Plan and First Update, while also identifying new, technologically feasible, and cost-effective strategies to ensure that California meets its GHG reduction targets in a way that promotes and rewards innovation, continues to foster economic growth, and delivers improvements to the environment and public health, including in disadvantaged communities.

As discussed previously, the propose project is consistent with CARB's 2017 Scoping Plan and would not conflict with the state's trajectory toward future GHG reductions. In September 2018, EO B-55-18 was signed which commits the state to total carbon neutrality by 2045. However, since the specific path to compliance for the state in regards to the long-term goals will likely require development of technology or other changes that are not currently known or available, specific additional reduction measures for the proposed project would be speculative and cannot be identified at this time. The proposed project's consistency would assist in meeting the City's contribution to GHG emission reduction targets in California.

With respect to future GHG targets under SB 32 and EO S-3-05, CARB has also made clear its legal interpretation is that it has the requisite authority to adopt whatever regulations are necessary, beyond the AB 32 horizon year of 2020, to meet SB 32's 40% reduction target by 2030 and EO S-3-05's 80% reduction target by 2050; this legal interpretation by an expert agency provides evidence that future regulations will be adopted to continue the state on its trajectory toward meeting these future GHG targets.

Summary

As described above, the project would not exceed the significance threshold for GHG emissions; therefore, the project would not generate a substantial amount of GHGs. Moreover, the project would be consistent with the site's Heavy Industrial General Plan land use designation and would implement all applicable reduction strategies thus complies with the City's GHGRS. The project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs, as it would not

substantially increase GHG emissions and is consistent with the City's GHGRS, the *Climate Smart San José Plan* and General Plan land use designation. Therefore, the impact would be **less than significant**.

3.9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less Than Significant Impact 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 that 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?	☐	☐	☐	☒

Setting

The following discussion is based on a Phase I ESA (see **Appendix D**) prepared for the project site by Avocet to determine the potential for hazardous materials contamination on the property. The Phase I ESA included a site

reconnaissance as well as research and interviews with representatives of the public, property ownership, site manager, and regulatory agencies. The results of this study are described in the discussion below.

Past Site Use

According to review of available historical data, the project site was developed for agricultural use by 1939 and the land remained agricultural through at least 1950. The northernmost of the two (2) parcels that comprise the site, at 1575 Industrial Avenue, was developed first, in or before 1956, and the southern portion was first developed in or before 1963. The original buildings are still present at the site, although most have been significantly remodeled and an additional building was added as recently as 2010. There have been numerous tenants at the site in the past, often multiple tenants on the same parcel; however, the site has been used primarily for trucking and trucking-related purposes, notably including freight forwarding and truck repair.

Historic Environmental Activities

1535 Industrial Avenue

Two (2) underground storage tanks (USTs) and associated dispensers and product piping were removed from separate excavations at 1535 Industrial Avenue in June 1990. They were a 10,000-gallon UST for diesel fuel and a 1,000-gallon UST for gasoline. Confirmation soil samples from beneath the former USTs contained total petroleum hydrocarbons (TPH) and other fuel constituents at concentrations above then-current screening levels, prompting two cycles of over excavation and confirmation soil sampling in the diesel tank excavation and three cycles of over excavation and confirmation soil sampling in the gasoline tank excavation. On completion of these activities, Santa Clara Valley Water District (SCVWD) recommended case closure, and on April 11, 1991, the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) issued a “no further action” (NFA) letter for the two (2) former USTs at 1535 Industrial Avenue.

1575 Industrial Avenue

Four (4) USTs and the associated dispensers and product piping were removed from 1575 Industrial Avenue between June 1989 and February 1994. Three (3) of the USTs, a 10,000-gallon and two 2,000-gallon tanks, were used to store diesel fuel and the fourth, a 1,000-gallon UST, was used to store gasoline. Although all four (4) USTs appear to have been located alongside one another, they were removed in three separate phases. Confirmation soil samples from beneath the former USTs contained TPH and other fuel constituents at concentrations above then-current screening levels, pursuant to which a capillary zone soil sample and a groundwater grab sample were collected from a boring located hydraulically downgradient of the two (2) 2,000-gallon diesel USTs in 1995. Neither one of these samples contained detectable concentrations of TPH or any other fuel constituents, pursuant to which SCVWD issued an NFA letter for all of the former USTs at 1575 Industrial Avenue on December 27, 1995.

See **Appendix D** for details of the UST closures.

Current Site Conditions

As discussed in the Phase I ESA prepared for the project (**Appendix D**), potential environmental features observed onsite include: oil, hydraulic fluid, and other automotive fluids in various containers throughout the site; above-ground storage tanks (ASTs) for fresh and waste oil, hydraulic fluid, and other automotive fluids in the maintenance shops; 55-gallon drums (some not labeled) in several locations, notably around the steam clean area located behind the FJM rental center and maintenance shop; de minimis stain/corrosion on floor of maintenance shops; industrial wastewater from steam clean oil/water separator (OWS) and sanitary wastewater discharged to local sewer system; and two (2) monitoring wells related to hydraulically upgradient former Solvent Services facility located across the

street at 1470 Industrial Avenue. The monitoring wells, which are monitored on an annual basis, were installed on the project site as part of the investigation for the former Solvent Services facility.

Former solvent recycling operations at the1470 Industrial Avenue facility resulted in significant impacts to the vadose zone and groundwater involving tetrachloroethylene (PCE), degradation byproducts thereof, and 1,4-dioxane. Investigations related to the former Solvent Services facility have included the installation of four (4) downgradient monitoring wells in the Industrial Avenue right-of-way and as previously mentioned, the downgradient monitoring wells within the subject site boundary. Although a significant amount of remediation work has been conducted in the source area at the former Solvent Services facility and downgradient conditions are improving, volatile organic compounds (VOCs) attributable to Solvent Services are present beneath the subject site in groundwater, as evidenced by data from the onsite monitoring wells, and probably soil vapor. Recent groundwater samples from Well MW-7A, which is located at 1535 Industrial Avenue and screened in the uppermost water-bearing zone, have not contained detectable VOC concentrations, although 1,4-dioxane has been detected sporadically. Recent groundwater samples from the Well MW-9B, which is located at 1575 Industrial Avenue and screened in a deeper water-bearing zone, consistently contain trace concentrations of cis-1,2-dichloroethylene (cis-1,2-DCE) and other PCE degradation byproducts. In soil vapor, PCE and vinyl chloride concentrations in probes immediately outside the subject site boundary exceed SFBRWQCB's commercial/industrial screening levels PCE and vinyl chloride may be present in soil vapor beneath the subject site at comparable concentrations.

Regulatory Framework

Federal

The Federal Toxic Substances Control Act and the Resource Conservation Recovery Act

The Federal Toxic Substances Control Act and the Resource Conservation Recovery Act (RCRA) were administered by the United States Environmental Protection Agency (EPA) in 1976 to streamline regulations pertaining to the generation, transportation, treatment, storage and disposal of hazardous waste (EPA 2019b).

The Comprehensive Environmental Response, Compensation, and Liability Act

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country (EPA 2019a).

Hazardous Materials Transportation Act

Under the Hazardous Materials Act (HMTA), the transportation of hazardous materials is regulated by the Secretary of the Department of Transportation (DOT). In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property. The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the

issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials (OSHA 2019).

State

The Department of Toxic Substances Control

The Department of Toxic Substances Control (DTSC) is a department operating under the EPA that is responsible for regulating hazardous waste in California. Management and staff of the DTSC protect Californians and their environment from exposure to hazardous wastes by enforcing hazardous waste laws and regulations. The department takes enforcement action against violators; oversees cleanup of hazardous wastes on contaminated properties; makes decisions on permit applications from companies that want to store, treat or dispose of hazardous waste; and protects consumers against toxic ingredients in everyday products (DTSC 2010).

Regional Water Quality Control Board

The RWQCB oversees cases involving groundwater contamination within the San Francisco Bay Area from Spills, Leaks, Incidents and Clean-up (SLIC) cases while the County of Santa Clara's Department of Environmental Health would oversee most leaking underground storage tank (LUST) cases. In the incidence of a spill at a project site, the applicant would notify the County of Santa Clara and a lead regulator (County, RWQCB or DTSC) would be determined.

Government Code §65962.5 (Cortese List)

Section 65962.5 of the Government Code requires the California Environmental Protection Agency (CalEPA) to develop and annually update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by DTSC and the State Water Resources Control Board (SWRCB).

Local

City of San José Emergency Operations Plan

An Emergency Operations Plan (EOP) is required for each local government in California. The guidelines for the plan come from the Federal Emergency Management Agency (FEMA), and are modified by the State Office of Emergency Services (OES) for California needs and issues. The purpose of the plan is to provide a legal framework for the management of emergencies and guidance for the conduct of business in the Emergency Operations Center (EOC). The EOP provides guidance for City response to extraordinary emergency situations associated with natural disasters, technological incidents, and nuclear defense operations—both war and peacetime (City of San José 2004).

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* outlines goals and policies to guide planning and development practices within the City. The General Plan outlines the City's design goals and policies as they pertain to environmental hazards and considerations. Those included (below) are applicable to the project (City of San José 2011b).

- 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-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-7.1: Identify existing soil, soil vapor, groundwater and indoor air contamination and mitigation for identified human health and environmental hazards to future users and provide as part of the environmental review process for all development and redevelopment projects. Mitigation measures for soil, soil vapor and groundwater contamination shall be designed to avoid adverse human health or environmental risk, in conformance with regional, state and federal laws, regulations, guidelines and standards.
- Policy EC-7.4: On redevelopment sites, determine the presence of hazardous building materials during the environmental review process or prior to project approval. Mitigation and remediation of hazardous building materials, such as lead-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-7.9: 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.
- 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.

a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Less-than-significant impact)

The project would result in a slight increase in the routine use of hazardous materials. The project would include use of heavy equipment for demolition (demolition of onsite buildings occurred in August 2021, with City approval), grading, excavation, and construction. Fueling and maintenance of such equipment could result in incidental spills of petroleum products and hazardous materials in construction staging areas. However, such incidental spills would likely be minor and would be minimized through implementation of standard BMPs included in a NPDES-mandated SWPPP during construction. Relevant BMPs would typically include creation of designated fueling and maintenance areas located not in proximity to drainages and equipped with temporary spill containment booms, absorbent pads, and petroleum waste disposal containers. Some hazardous materials use would continue to occur in association with project operations, fertilizers, cleaning supplies, etc. Use of hazardous materials would be required to meet all applicable regulations related to the transport, use, and storage of such materials. Therefore, project impacts associated with routine transport, use, and disposal of hazardous materials would be **less than significant**.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Less-than-significant with mitigation incorporated)

As described above, the site was historically used for agriculture from circa 1939 to 1950. The project site was first developed with buildings around 1956. As noted in the Phase I ESA, the original buildings are all still present at the site (although they have since been demolished in August 2021), although most were significantly remodeled and augmented, as recently as 2010. There have been numerous tenants at the site in the past, often multiple tenants on the same parcel; however, the site has been used primarily for trucking and trucking-related purposes, notably including freight forwarding and truck repair.

The proposed project would construct a 71,550 square foot concrete tilt-up building with a loading dock and adjacent parking lot. Upon completion, it is anticipated that the proposed facility would be utilized for high cube storage and distribution with an ancillary office.

Based on the Phase I ESA, a Recognized Environmental Concern (REC) has been identified on the project site. As noted in the Phase I ESA, RECs are defined as, ". . . the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions."

The onsite REC is identified in the Phase I ESA as, "VOC Impacts Attributable to Former Solvent Services." As previously discussed, there was a former solvent recycling operation located across the street from the project site at 1470 Industrial Avenue. Operations associated with the facility resulted in significant impacts to the vadose zone and groundwater involving tetrachloroethylene (PCE), degradation byproducts thereof, and 1,4-dioxane. Investigations related to the former Solvent Services facility included the installation of four (4) downgradient monitoring wells in the Industrial Avenue right-of-way and as previously mentioned, the downgradient monitoring wells within the boundaries of the project site.

The Phase I ESA concluded that, although a significant amount of remediation work has been conducted at the source and downgradient conditions are improving, VOCs attributable to Solvent Services are present beneath the subject site in groundwater, as evidenced by data from onsite monitoring wells, and probably soil vapor. Recent groundwater samples from Well MW-7A, which is located at 1535 Industrial Avenue and screened in the uppermost water-bearing zone, have not contained detectable VOC concentrations, although 1,4-dioxane has been detected sporadically. Recent groundwater samples from the Well MW-9B, which is located at 1575 Industrial Avenue and screened in the deeper water-bearing zone, consistently contain trace concentrations of cis-1,2-DCE and other PCE degradation byproducts. In soil vapor, PCE and vinyl chloride concentrations in probes immediately outside the subject site boundary exceed SFBRWQCB's commercial/industrial ESLs. PCE and vinyl chloride may be present in soil vapor beneath the subject site at comparable concentrations.

The Phase I ESA also identified the following potential environmental features or "other environmental features" (OEFs) , which are features or conditions that do not meet the definition of a REC, Controlled REC (CREC), or Historic REC (HREC) but which may warrant mention in the context of acquiring, clearing, and paving the site for parking:

- **De Minimis Near-Surface Soil Impacts**. There are several references in the records related to past spills of diesel fuel, oil, and probably other automotive fluids at various locations throughout the site. Several of the aerial photographs reviewed for the Phase I ESA show darkened, possibly oil-impacted areas. As such, localized but de minimis near surface soil impacts involving fuel, oil, and/or other automotive fluids could be encountered during site clearance and redevelopment grading.

- **Steam Clean Area.** The steam clean area behind (west of) the FJM Trucking rental center and maintenance shop consists of a large concrete slab sloped toward a subsurface sump equipped with a float-activated sump pump. The sump pump discharges to a "sludge tank" in which solids settle out, and the clarified aqueous phase gravity flows to an aboveground OWS. The Phase I ESA recommends removal of all aboveground steam clean infrastructure and notes that de minimis soil impacts could be encountered beneath and around the steam clean slab, particularly around the blind sump.

- **Solvent Services Monitoring Wells.** As previously mentioned, the site features two (2) groundwater monitoring wells installed by the responsible party for the hydraulically upgradient former Solvent Services property at 1470 Industrial Avenue. These two (2) wells are currently required to be monitored on an annual basis, and unless they can be eliminated from the monitoring program, they would have to be protected in place during site redevelopment or else destroyed in accordance with California regulations and then reinstalled once redevelopment is complete.

- **Site-Wide Use of Petroleum, Oils, and Lubricants (POLs).** POLs have been used throughout the site in conjunction with vehicle and equipment maintenance and repair. Waste oil and other automotive fluids are currently being stored inside the maintenance and repair shops at both parcels, with and without secondary containment. Indications of generally de minimis surface spills of POLs were noted on both parcels that comprise the site.

To ensure the site redevelopment activities (demolition [note demolition of buildings occurred in August 2021 with City approval], grading, excavation, and construction) and associated activity does not result in contamination that could pose threat to human health, construction worker safety, and the environment, the project would be required to implement the Phase I ESA recommendations, as outlined in Mitigation Measure HAZ-1. Implementation of Mitigation Measure HAZ-1 would ensure that impacts related to project site's past uses would be **less than significant**.

Impact HAZ-1: Development of the proposed project could result in impact to construction workers, neighboring properties, future site occupants and the environment from exposure to potentially hazardous soil and soil gas due to contamination related to VOCs, tetrachloroethylene (PCE), degradation byproducts thereof, and 1,4-dioxane from former solvent recycling services, and waste oil or automotive fluids from onsite maintenance and repair shops.

> Mitigation Measure HAZ-1: Prior to the issuance of a site grading permit the applicant shall hire a qualified environmental professional to complete a Phase II Environmental Site Assessment to address the recognized environmental conditions and recommendations for risk mitigation posed in the Phase I Environmental Site Assessment completed by AVOCET Environmental, Inc. from August 3. 2020. The Phase II ESA shall also include the collection of shallow soil samples in the proposed project area for analysis of organochlorine pesticides and pesticide-based metals arsenic and lead to determine if contaminants from previous agricultural operations occur at concentrations above established construction worker safety and commercial/industrial standard

environmental screening levels. Results of the Phase II shall be provided to the City of San Jose Planning, Building, and Code Enforcement Supervising Planner, and the Environmental Services Department Municipal Compliance Officer.

If the Phase II results indicate soil, soil gas and/or groundwater contamination above regulatory environmental screening levels, the applicant must obtain regulatory oversight from the San Francisco Regional Water Quality Control Board (RWQCB), California Department of Toxic Substances Control (DTSC) or Santa Clara County Department of Environment Health (SCCDEH) under their Site Cleanup Program. A Site Management Plan (SMP), Removal Action Plan (RAP), or equivalent document must be prepared by a qualified hazardous materials consultant. The plan must establish remedial measures and/or soil management practices to ensure construction worker safety and the health of future workers and visitors. The Plan and evidence of regulatory oversight shall be provided to the Supervising Environmental Planner of the City of San José Planning, Building, and Code Enforcement, and the Environmental Compliance Officer in the City of San José's Environmental Services Department.

Asbestos-Containing Materials and Lead-Based Paint Impacts from Current On-Site Structures

The project would require demolition of the existing buildings on the site prior to new construction. This demolition occurred in August 2021, with City approval. Demolition of the buildings were conducted in conformance with federal, state, and local regulations that would avoid significant exposure of construction workers and/or the public to ACMs and LBP, as set forth in the standard permit conditions. Any further demolition and/or related construction activities would also be subject to the conditions described as follows.

Standard Permit Conditions

- In conformance with State and local laws, a visual inspection/pre-demolition survey, and possible sampling, shall be conducted prior to the demolition of on-site building(s) to determine the presence of asbestos-containing materials (ACMs) and/or lead-based paint (LBP).
- During any demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Title 8, California Code of Regulations (CCR), Section 1532.1, including employee training, employee air monitoring, and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of lead being disposed.
- All potentially friable asbestos containing materials (ACMs) shall be removed in accordance with National Emission Standards for Air Pollution (NESHAP) guidelines prior to demolition or renovation activities that may disturb ACMs. All demolition activities shall be undertaken in accordance with Cal/OSHA standards contained in Title 8, CCR, Section 1529, to protect workers from asbestos exposure.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site in accordance with the standards stated above.
- Materials containing more than one-percent (1%) asbestos are also subject to Bay Area Air Quality Management District (BAAQMD) regulations. Removal of materials containing more than one-percent (1%) asbestos shall be completed in accordance with BAAQMD requirements and notifications.
- Based on Cal/OSHA rules and regulations, the following conditions are required to limit impacts to construction workers.
    - Prior to commencement of demolition activities, a building survey, including sampling and testing, shall be completed to identify and quantify building materials containing lead-based paint.

- During demolition activities, all building materials containing lead-based paint shall be removed in accordance with Cal/OSHA Lead in Construction Standard, Title 8, CCR, Section 1532.1, including employee training, employee air monitoring and dust control.
- Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the type of waste being disposed.

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Less-than-significant impact)

Challenger School and the San José Conservation Corps and Charter School are located approximately 1,196 feet (0.23 miles) east and northeast of the project site. Demolition of the existing buildings occurred in August 2021, with City approval. Any further demolition and/or related activities at the site would similarly be regulated by federal and state hazardous materials laws that would minimize the risk of exposure to nearby land uses, including schools. Further, as previously discussed, operation of the project would result in only a slight increase in the routine use of hazardous materials such as petroleum products; however, any incidental spills would be minimized through implementation of standard BMPs and would occur at a distance from the nearest schools where potential impacts would be greatly minimized. Therefore, impacts associated with handling hazardous materials within 0.25 miles of a school would be **less than significant**.

d) Would the project be located on a site that 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 incorporated)

Pursuant to Government Code Section 65962.5, the State of California Hazardous Waste and Substances Site List (also known as the "Cortese List") is a planning document used by state and local agencies and developers to comply with CEQA requirements in providing information about the location of hazardous materials sites. As described above, the project site is included on the Cortese List as a case-closed UST site.

Two (2) USTs and associated dispensers and product piping were removed from separate excavations at 1535 Industrial Avenue in June 1990. The SCVWD recommended case closure, and on April 11, 1991, the San SFBRWQCB issued a "no further action" (NFA) letter for the former USTs.

Four USTs and the associated dispensers and product piping were removed from 1575 Industrial Avenue between June 1989 and February 1994. SCVWD issued an NFA letter for all four (4) of the former USTs at 1575 Industrial Avenue on December 27, 1995.

As a result of the UST cases, there are Historical RECs (HRECs) located on the project site. A HREC refers to a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).

As discussed in impact (b) above, the project would be required to implement the recommendations of the Phase I ESA prior to construction of the proposed project, as stipulated in Mitigation Measure HAZ-1. Implementation of Mitigation Measure HAZ-1 would reduce impacts related to hazards and hazardous materials sites to a **less than significant** level.

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 Norman Y. Mineta San José International Airport is located approximately 1.5 miles west of the project site. The project site is not located within any designated airport safety zones or airport noise contours (Santa Clara County Airport Land Use Commission 2016). No private airstrips are located near the project site. The project would consist of a single-story building and any overhead air traffic would occur at a height that would not interfere with any on-site structure or improvement. Therefore, **no aircraft-related safety or excessive noise impacts** would occur in association with construction and operation of the project.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (No impact)

The project would entail construction of a new building on a previously developed industrial site. Access points to the project site would be constructed to ensure proper access for emergency vehicles and a fire lane would encircle the new warehouse building, and the project would not take direct access onto a regional thoroughfare that would be used for emergency response in the unlikely event of a large, region-wide emergency. Furthermore, the project plans would be subject to review and approval by the City and the Fire Department prior to issuance of a building permit. Therefore, **no impacts** related to interference with emergency response or evacuation plans would occur.

g) Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? (No impact)

The project site and surrounding vicinity are entirely developed. The area does not contain, nor is it adjacent to, wildlands. Therefore, the project would have **no impact** related to exposure to wildland fire hazards.

3.10 Hydrology and Water Quality

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
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 release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Setting

The site is located in a developed urban area. There are no waterways present on the project site or immediate vicinity. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), the project site is not located within the 100-year floodplain. The site is located in Flood Zone D, which is defined as an area with possible but undetermined flood hazards. The City does not have any floodplain restrictions for development in Zone D. The project site is generally flat (sloping slightly to the west) with an elevation of approximately 50 feet above mean sea level.

The nearest surface water in the vicinity of the project site is Coyote Creek, located approximately 2,900 feet to the northeast. The groundwater is expected at depths less than 10 feet below ground.

Stormwater is removed from the site primarily by sheet flow action across the paved surfaces towards storm drains located throughout the paved surfaces on the site, or by percolation into the ground. Stormwater from the existing buildings' roofs is collected in gutters and directed toward storm drains.

Regulatory Framework

Federal

Clean Water Act

The EPA implements pollution control programs through the Clean Water Act (CWA). The CWA was officially recognized by congress in 1972 and made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's NPDES permit program controls discharges with the main goal of restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters (EPA 2002).

State

State Water Resources Control Board Construction General Permit

Any construction or demolition activity that results in land disturbance equal to or greater than 1 acre must comply with the Construction General Permit (CGP), administered by the State Water Resources Control Board (SWRCB). The CGP requires the installation and maintenance of BMPs to protect water quality until the site is stabilized. The project would require CGP coverage since it would disturb more than 1 acre of land.

Local and Regional

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* contains goals, policies and actions pertaining to stormwater discharge into the City's storm drain system. The following policies are applicable to the project:

- Policy IN-3.7: Design new projects to minimize potential damage due to storm waters 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.

- Goal ER-8: Stormwater. Minimize the adverse effects on ground and surface water quality and protect property and natural resources from stormwater runoff generated in the City of San José.

- 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-8.2: Coordinate with regional and local agencies and private landowners to plan, finance, construct, and maintain regional stormwater management facilities.
- Policy ER-8.3: Ensure that private development in San José includes adequate measure treat stormwater runoff.
- Policy ER-8.4: Assess the potential for surface water and groundwater contamination and require appropriate preventative measures when new development is proposed in areas where storm runoff will be directed into creeks upstream from groundwater recharge facilities.
- Policy ER-8.5: Ensure that all development projects in San José maximize opportunities to filter, infiltrate, store and reuse or evaporate stormwater runoff onsite.

- Policy EC-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.

- Goal EC-5: Flooding Hazards. Protect the community from flooding and inundation and preserve the natural attributes of local floodplains and floodways.

- Policy EC-5.1: The City shall require evaluation of flood hazards prior to approval of development projects within a Federal Emergency Management Agency (FEMA) designated floodplain. Review new development and substantial improvements to existing structures to ensure it is designed to provide protection from flooding with a one percent (1%) annual chance of occurrence, commonly referred to as the "100-year" flood or whatever designated benchmark FEMA may adopt in the future. New development should also provide protection for less frequent flood events when required by the State.
- 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.
- 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.
- Action EC-5.17: Implement the Hydromodification Management requirements of the City's Municipal NPDES Permit to manage runoff flow and volume from project sites.

Grading Ordinance

All development projects, regardless of whether they are subject to the CGP, must comply with the City of San José's Grading Ordinance per Section 17.04.310 of the City's Municipal Code, 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, the project would submit an Erosion Control Plan detailing BMPs that will prevent the discharge of stormwater pollutants to the City Director of Public Works.

Municipal Stormwater National Pollution Discharge Elimination System Permit

The City of San José is required to operate under a NPDES Permit to discharge stormwater from the City's storm drain system to surface waters. The San Francisco Bay RWQCB has adopted the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) for 76 Bay Area municipalities, including the City of San José. The MRP (NPDES Permit No. CAS612008) 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, such as pollutant source control measures and stormwater treatment features aimed to maintain or restore the site's natural hydrologic functions. The MRP requires that stormwater treatment measures are properly installed, operated, and maintained. The project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP.

Post Construction Urban Runoff Management Policy and Hydromodification Management Policy

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

The MRP also requires regulated projects to include measures to control hydromodification impacts where the project would otherwise cause increased erosion, silt pollutant generation, or other adverse impacts to local rivers and creeks. Development projects that create and/or replace 1 acre or more of impervious surface and are located in a subwatershed or catchment that is less than 65 percent impervious must manage increases in runoff flow and volume so that post-project runoff does not exceed estimated pre-project rates and durations. Based on the project site's location in a subwatershed or catchment with greater than or equal to 65 percent impervious area (SCVURPPP 2009), the project would not be required to comply with the hydromodification requirements of Provision C.3.

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? (Less-than-significant impact)

The project would replace the existing impervious surfaces on the site and add 21,812 square feet of new impervious surface area, for a total impervious surface area on the site of 140,751 square feet (90 percent of the site). As described above, the project would be required to comply with the LID stormwater management requirements of Provision C.3 of the MRP. The project proposes to implement a stormwater quality control plan to control runoff. The stormwater plan includes LID measures including bioretention areas. Details of specific measures demonstrating compliance with Provision C.3 of the MRP would be included in the project design to the satisfaction of the Director of Planning, Building and Code Enforcement.

Construction of the project would result in short-term soil-disturbing activities that could lead to increased erosion and sedimentation. However, the project would disturb more than one (1) acre of land and therefore would have to comply with the NPDES Construction General Permit. Therefore, a SWPPP would be required to be prepared and implemented under these requirements, which includes appropriate erosion-control and water-quality-control measures during site preparation, grading, construction, and post-construction. Furthermore, the project would also be subject to 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.

Standard Permit Conditions

The following project-specific measures, based on RWQCB BMPs, have been included in the project to reduce construction and development-related water quality impacts. BMPs would be implemented prior to and during earthmoving activities on site and would continue until the construction is complete and during the post-construction period as appropriate.

- 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 (2) 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 truck tires prior to entering City streets. A tire wash system shall be employed if requested by the City.
- The project applicant shall comply with the City of San José Grading Ordinance, including implementing erosion and dust control during site preparation and with the City of San José Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction.

Compliance with the CGP, City Grading Ordinance, MRP, standard permit conditions, and applicable City Council Policies 6-29 and 8-14 would minimize water quality impacts during project construction and operation, such that impacts would be **less than significant**.

b) Would the project 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 impact)

The project site is underlain by the Santa Clara Valley Groundwater Basin, Santa Clara Subbasin. The project site is not located in a groundwater recharge area (SCVWD 2016). The project site is within the water service area of the San José Water Company (SJWC). Groundwater comprises approximately 40 percent of SJWC's water supply. Approximately 110 wells pump water from the major water-bearing aquifers of the Santa Clara Subbasin. These aquifers are recharged naturally by rainfall and artificially by a system of local reservoirs, percolation ponds, and injection wells operated by the Santa Clara Valley Water District (DWR 2004). Groundwater levels have been steadily on the rise since the mid-1960s and overdraft of the

groundwater basin is not projected. The project's incremental increase in water use would not result in substantial depletion of the aquifer. Therefore, the project's impacts on groundwater supplies would be **less than significant**.

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

i) Result in substantial erosion or siltation on- or off-site? (Less-than-significant impact)

and

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite? (Less-than-significant impact)

There are no natural drainage features on or near the project site. Construction activities would entail grading, excavation, and other ground-disturbing activities which could temporarily alter surface drainage patterns and increase the potential for flooding, erosion, or siltation. However, the project would be required to comply with the CGP and City Grading Ordinance, which would require implementation of BMPs and erosion control measures, thereby reducing the effects of construction activities on erosion and drainage patterns. As previously discussed, once operational, the project would increase the impervious surface area on the site by 21,812 square feet to a total of 140,751 square feet (90 percent of the site). New drainage infrastructure would be included in the project to accommodate stormwater flows and connect the project to existing storm drain infrastructure. The project would be subject to the MRP and City Council Policies 6-29 and 8-14, requiring measures to minimize and treat post-construction runoff. Given the above, the project would not contribute substantial amounts of sediment to storm drain systems or substantially alter existing drainage patterns resulting in erosion or siltation. Therefore, the project's impacts on drainage patterns would be **less than significant**.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Less-than-significant impact)

While the project would result in an increase in impervious surface area on the project would be required to implement LID treatment controls on site to capture and treat runoff, in accordance with Provision C.3 of the MRP, as well as City Council Policies 6 29 and 8 14. For this reason, the project would not create a significant new source of stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system or contribute substantial amounts of polluted runoff. Therefore, the project's impact on stormwater drainage systems would be **less than significant**.

iv) Impede or redirect flood flows? (No impact)

The project site is located within Zone D of the Special Flood Hazard Areas (SFHA) map and is not located within a 100-year floodplain as mapped by FEMA. Therefore, no housing or structures would be placed within a 100-year flood hazard area. The project site is within the inundation area of the Anderson Dam (City of San José 2011a). The nearest levee is the Coyote Creek levee, within 0.5 miles from the site. The California Division of Safety of Dams (DSOD) is responsible for inspecting dams on an annual basis to ensure the dams are safe, performing as intended, and not developing problems. The General Plan EIR

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. Consequently, impacts related to flooding at the site as a result of failure of a levee or dam would be **less than significant**.

d) In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation? (No impact)

Tsunamis are sea waves that are generated in response to large-magnitude earthquakes. When these waves reach shorelines, they sometimes produce coastal flooding. Seiches are the oscillation of large bodies of standing water, such as lakes, that can occur in response to ground shaking. Tsunamis and seiches do not pose hazards due to the inland location of the project site and lack of nearby bodies of standing water. In addition, mudflows are large, rapid masses of mud formed by loose earth and water, primarily affecting hillsides and slopes of unconsolidated material. No steep slopes that would be subject to mudflows are located on or near the project site. Therefore, **no impact** related to tsunamis, seiches, or mudflows would occur.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? (Less-than-significant impact)

The Sustainable Groundwater Management Act (SGMA) of 2014 is intended to provide for sustainable management of groundwater basins and to locally manage groundwater basins while minimizing state intervention to only when necessary. The SGMA requires the creation of Groundwater Sustainability Agencies (GSAs) to implement the SGMA. The Santa Clara Valley Water District is the GSA for the Santa Clara Subbasin. The 2016 Groundwater Management Plan for the Santa Clara and Llagas Subbasins (GWMP) describes the district's groundwater sustainability goals, and the strategies, programs, and activities that support those goals. The 2016 GWMP identifies the following sustainability goals:

- Groundwater supplies are managed to optimize water supply reliability and minimize land subsidence; and
- Groundwater is protected from contamination, including salt water intrusion.

To achieve these goals, the 2016 GWMP includes four strategies:

1) Manage groundwater in conjunction with surface water.
2) Implement programs to protect and promote groundwater quality.
3) Maintain and develop adequate groundwater models and monitoring networks.
4) Work with regulatory and land use agencies to protect recharge areas, promote natural recharge, and prevent groundwater contamination.

As described above in subsection (b), the project site is not located in a groundwater recharge area and project water demand would not substantially deplete groundwater supplies such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Furthermore, the project would be required to comply with the LID stormwater management requirements of Provision C.3, the CGP, and applicable City ordinances and policies, including implementation of a SWPPP with BMPs, to control erosion and protect water quality. Therefore, the project would have a **less-than-significant** impact related to water quality control plans or sustainable groundwater management plans.

3.11 Land Use and Planning

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☒	☐

Setting

The project site is comprised of two (2) parcels located within a developed commercial and industrial area of the City of San José. The project site is designated Heavy Industrial in the City's General Plan. The parcels are zoned Heavy Industry. The project site is bounded by heavy industrial uses to the north, east and south, I-880 to the west.

Regulatory Framework

Local

Envision San José 2040 General Plan

The project site is designated Heavy Industrial and zoned HI and HI(PD) in the Envision San José 2040 General Plan. The following is a summary of the HI and PD land use designations:

Heavy Industrial Land Use Designation

- Density: FAR up to 1.5 (one to three [1-3] stories)
- Intended for industrial users with nuisance or hazardous characteristics which for reasons of health, safety, environmental effects, or welfare are best segregated from other uses. Extractive and primary processing industries are typical of this category.
- The Heavy Industrial designation is also the appropriate category for solid waste transfer and processing stations, if those sites meet other Envision General Plan policies.
- Limited scale retail sales and service establishments serving nearby businesses and their employees may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy Industrial land from being used to its fullest extent and are not of a scale or design that depend on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial users on the property and integrated within an industrial building.

Goals and policies pertaining to HI land use and development have been incorporated by the City and are outlined below where they pertain to the project.

- Goal LU-6: Industrial Preservation. Preserve and protect industrial uses to sustain and develop the city's economy and fiscal sustainability.
    - Policy LU-6.1: Prohibit conversion of lands designated for light and heavy industrial uses to non-industrial uses. Prohibit lands designated for industrial uses and mixed industrial-commercial uses to be converted to non-employment uses. Lands that have been acquired by the City for public parks, public trails, or public open space may be re-designated from industrial or mixed-industrial lands to non-employment uses. Within the Five Wounds BART Station and 24th Street Neighborhood Urban Village areas, phased land use changes, tied to the completion of the planned BART station, may include the conversion of lands designated for Light Industrial, Heavy Industrial or other employment uses to non-employment use provided that the Urban Village areas maintain capacity for the overall total number of existing and planned jobs.
    - Policy LU-6.4: Encourage the development of new industrial areas and the redevelopment of existing older or marginal industrial areas with new industrial uses, particularly in locations which facilitate efficient commute patterns. Use available public financing to provide necessary infrastructure improvements as one means of encouraging this economic development and revitalization.
    - Policy LU-6.5: Maintain and create Light Industrial and Heavy Industrial designated sites that are at least one (1) acre in size in order to facilitate viable industrial uses.
    - Policy LU-6.6: Monitor the absorption and availability of industrial land, particularly land identified for light and heavy industrial uses, to ensure a balanced supply of available land for all sectors, including industrial suppliers and services.

a) Would the project physically divide an established community? (No impact)

The project site is an existing industrial site that is currently developed and surrounded primarily by other industrial uses. The project would involve reuse of the existing industrial site. The project would not include the construction of barriers such as roadways or other dividing features that would physically divide an established community. Therefore, **no impact** would occur.

b) Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? (Less-than-significant impact)

The project site's General Plan land use designation is Heavy Industrial with zoning designations of Heavy Industrial and Heavy Industrial (Planned Development). These designations are intended for industrial users with nuisance or hazardous characteristics which, for reasons of health, safety, environmental effects, or welfare, are best segregated from other uses. Extractive and primary processing industries are typical of this category. Office and research and development uses are discouraged under this designation in order to reserve development sites for traditional industrial activities, such as heavy and light manufacturing and warehousing. The Heavy Industrial designation is applied only to areas where heavy industrial uses presently predominate. The allowed density for this designation is a floor area ratio (FAR) of up to 1.5, with a height limit of 50 feet (1 to 3 stories). Limited-scale retail sales and service establishments may be considered appropriate where such establishments do not restrict or preclude the ability of surrounding Heavy Industrial land from being used to its fullest extent and are not of a scale or design that depend on customers from beyond normal walking distances. Any such uses should be clearly incidental to the industrial users on the property and integrated within an industrial building.

The project would involve redevelopment of the site with a new warehouse building and would retain the existing industrial use of the site. Office uses would be ancillary to the warehouse use and integrated within the building. As such, the project would be consistent with the stated intent for the Heavy Industrial land

use designation in the General Plan and Zoning Ordinance. Therefore, the proposed project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and impacts would be **less than significant**.

3.12 Mineral Resources

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☐	☒

Setting

The California Geological Survey is responsible for classifying land into Mineral Resource Zones under the Surface Mining Control and Reclamation Act (SMARA) based on the known or inferred mineral resource potential of that land. As described in the General Plan EIR, under the 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 construction aggregate materials (City of San José 2011a). The project site is not located within the Communications Hill area. Neither the State Geologist nor the State Mining and Geology Board has classified any other areas in San José as containing mineral deposits which are either of statewide significance or the significance of which requires further evaluation.

Regulatory Framework

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* establishes sustainability goals for the City through 2040. The Environmental Resources subsection discusses the goals, policies, and actions related to mineral resources. Those included below are applicable to the project.

- Goal ER-11: Extractive Resources. Conserve and make prudent use of commercially usable extractive resources.
    - Policy ER-11.1: When urban development is proposed on lands which have been identified as containing commercially usable extractive resources, consider the value of those resources.
    - Policy ER-11.2: Encourage the conservation and development of SMARA-designated mineral deposits wherever economically feasible.

- Policy ER-11.3: When making land use decisions involving areas which have a SMARA designation of regional significance, balance mineral values against alternative land uses and consider the importance of these minerals to their market region as a whole and not just their importance to San José.
- Policy ER-11.4: Carefully regulate the quarrying of commercially usable resources, including sand and gravel, to mitigate potential environmental effects such as dust, noise and erosion.
- Policy ER-11.5: When approving quarrying operations, require the preparation and implementation of reclamation plans for the contouring and revegetation of sites after quarrying activities cease.

a and b) Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? And would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (No impact)

The project site is developed with industrial land uses and is surrounded by existing industrial development in San José. The project site is located outside the Communications Hill area—the only area in San José containing mineral deposits subject to SMARA; therefore, the project would have **no impact** on the loss of availability of a known mineral resource.

3.13 Noise

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☒	☐

Fundamentals of Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its *pitch* or its *loudness*. *Pitch* is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the

reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. A *decibel (dB)* is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10-decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities.

There are several methods of characterizing sound. The most common in California is the *A-weighted sound level (dBA).* This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This *energy-equivalent sound/noise descriptor* is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration. L_{max} is the highest root mean squared (RMS) sound pressure level within the measurement period; L_{min} is the lowest RMS sound pressure level within the measurement period.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about ±1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about ±1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night—because excessive noise interferes with the ability to sleep—24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level* (*CNEL*) is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm to 10:00 pm) and a 10 dB addition to nocturnal (10:00 pm to 7:00 am) noise levels. The *Day/Night Average Sound Level* (L_{dn} or *DNL*) is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three (3) hour period are grouped into the daytime period. Noise levels described by DNL and CNEL usually do not differ by more than 1 dB and are used interchangeably in practice.

Fundamentals of Groundborne Vibration

Vibration is a unique form of noise because its energy is carried through buildings, structures, and the ground, whereas sound is simply carried through the air. Thus, vibration is generally felt rather than heard. Some vibration effects can be caused by noise (e.g., the rattling of windows from passing trucks). This phenomenon is caused by the coupling of the acoustic energy at frequencies that are close to the resonant frequency of the material being vibrated. Groundborne vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One method is the Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave.

In this report, a PPV descriptor with units of millimeters per second (mm/sec) or inches per second (in/sec) is used to evaluate construction-generated vibration for building damage and human complaints.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction-related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to cause damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Structural damage can be classified as cosmetic only, such as paint flaking or minimal extension of cracks in building surfaces; minor, including limited surface cracking; or major, that may threaten the structural integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher. Construction-induced vibration that can be detrimental to buildings is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

Sensitive Receptors

Noise- and vibration-sensitive land uses are locations where people reside or where the presence of unwanted sound could adversely affect the use of the land. Residences, schools, hospitals, guest lodging, libraries, and some passive recreation areas would be considered noise and vibration sensitive and may warrant unique measures for protection from intruding noise. The nearest noise-sensitive receptor in the vicinity of the project site is the Challenger School – Berryessa located approximately 1,196 feet east of the project site, along East Gish Road. Other noise-sensitive land uses near the project site are primarily residential and are located further east of the project site, across Oakland Road.

Existing Noise Environment

Noise measurements were conducted in the vicinity of the project site on August 25, 2021 to characterize the existing noise levels. Table 3.13-1 provides the locations, dates, and times the noise measurements were taken. The noise measurements were taken using a Soft dB Piccolo sound level meter equipped with a 0.5-inch, pre-polarized condenser microphone with pre-amplifier. The sound level meter meets the current American National Standards Institute standard for a Type 2 (General Use) sound level meter. The accuracy of the sound level meter was verified using a field calibrator before and after the measurements, and the measurements were conducted with the microphone positioned approximately 5 feet above the ground.

Table 3.13-1. Measured Baseline Outdoor Ambient Noise Levels

Site	Location/Address	Date (yyyy-mm-dd), Time	L_{eq} (dBA)	L_{max} (dBA)
ST1	East project site boundary along Industrial Avenue; near 1535 Industrial Avenue	2021-08-25, 02:59 PM to 03:19 PM	66.2	80.4

Table 3.13-1. Measured Baseline Outdoor Ambient Noise Levels

Site	Location/Address	Date (yyyy-mm-dd), Time	L_{eq} (dBA)	L_{max} (dBA)
ST2	East of project site; south of Challenger School – Berryessa, along E Gish Road	2021-08-25, 03:42 PM to 03:57 PM	65.6	78.6
ST3	East of project site; west side of Challenger School – Berryessa, along school's private drive	2021-08-25, 04:07 PM to 04:17 PM	61.5	66.7

Source: **Appendix E**
Notes: L_{eq} = equivalent continuous sound level (time-averaged sound level); L_{max} = maximum sound level during the measurement interval; dBA = A-weighted decibels; ST = short-term noise measurement locations.

Three short-term noise measurement locations (ST) were conducted in the vicinity of the project site, as shown in Figure 7, Noise Measurement Locations. The measured L_{eq} and maximum noise levels are provided in Table 3.13-1. The field noise measurement data sheets are provided in **Appendix E**. As shown in Table 3.13-2, the measured sound levels ranged from approximately 53 dBA L_{eq} at ST4 to approximately 68 dBA L_{eq} at ST1. The primary noise sources at the sites identified in Table 3.13-2 consisted of traffic on local roadways; other, secondary noise sources included distant barking dogs, distant conversations, and distant landscaping activities.

Regulatory Framework

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* establishes interior and exterior noise standards and thresholds under CEQA for different land uses within the City as well as vibration thresholds during demolition and construction activities. The following goals and policies are applicable to the project:

- Goal EC-1: Community Noise Levels and Land Use Compatibility. Minimize the impact of noise on people through noise reduction and suppression techniques, and through appropriate land use policies.
    - 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 (Table EC-1). The acceptable exterior noise level objective is established for the City, except in the environs of the San José International Airport and the Downtown, as described below:
            - ✓ For new multi-family residential projects and for the residential component of mixed-use development, use a standard of 60 dBA DNL in usable outdoor activity

areas, excluding balconies and residential stoops and porches facing existing roadways. Some common use areas that meet the 60 dBA DNL exterior standard will be available to all residents. Use noise attenuation techniques such as shielding by buildings and structures for outdoor common use areas. On sites subject to aircraft overflights or adjacent to elevated roadways, use noise attenuation techniques to achieve the 60 dBA DNL standard for noise from sources other than aircraft and elevated roadway segments.

- ✓ For single family residential uses, use a standard of 60 dBA DNL for exterior noise in private usable outdoor activity areas, such as backyards.

- Policy EC-1.2: Minimize the noise impacts of new development on land uses sensitive to increased noise levels (Categories 1, 2, 3 and 6) by limiting noise generation and by requiring use of noise attenuation measures such as acoustical enclosures and sound barriers, where feasible. The City considers significant noise impacts to occur if a project would:
  - Cause the DNL at noise sensitive receptors to increase by five dBA DNL or more where the noise levels would remain "Normally Acceptable"; or
  - Cause the DNL at noise sensitive receptors to increase by three dBA DNL or more where noise levels would equal or exceed the "Normally Acceptable" level.
- Policy EC-1.3: Mitigate noise generation of new nonresidential land uses to 55 dBA DNL at the property line when located adjacent to existing or planned noise sensitive residential and public/quasi-public land uses.
- Policy EC-1.6: Regulate the effects of operational noise from existing and new industrial and commercial development on adjacent uses through noise standards in the City's Municipal Code.
- Policy EC-1.7: Require construction operations within San José to use best available noise suppression devices and techniques and limit construction hours near residential uses per the City's Municipal Code. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:
  - Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

    For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.
- Policy EC-1.9: Require noise studies for land use proposals where known or suspected loud intermittent noise sources occur which may impact adjacent existing or planned land uses. For new residential development affected by noise from heavy rail, light rail, BART or other single-event noise sources, implement mitigation so that recurring maximum instantaneous noise levels do not exceed 50 dBA Lmax in bedrooms and 55 dBA Lmax in other rooms.
- Policy EC-2.3: Require new development to minimize continuous vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, including ruins and ancient monuments or building that are documented to be structurally weakened, a continuous vibration limit of 0.08 in/sec PPV (peak particle velocity) will be used to minimize the potential for cosmetic damage to a building. A continuous vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. Equipment or activities typical of generating continuous vibration include but are not limited to: excavation

equipment; static compaction equipment; vibratory pile drivers; pile-extraction equipment; and vibratory compaction equipment. Avoid use of impact pile drivers within 125 feet of any buildings, and within 300 feet of historical buildings, or buildings in poor condition. On a project-specific basis, this distance of 300 feet may be reduced where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction. Transient vibration impacts may exceed a vibration limit of 0.08 in/sec PPV only when and where warranted by a technical study by a qualified professional that verifies that there will be virtually no risk of cosmetic damage to sensitive buildings from the new development during demolition and construction.

City of San José Municipal Code

The City's noise environment for development review is regulated by the Zoning Ordinance (Title 20 of the Municipal Code). Table 20-135 of the Zoning Ordinance outlines the maximum sound pressure level thresholds as measured at the receiving property lines. For all adjacent properties used or zoned for industrial purposes, noise levels generated at the project site shall not exceed 70 dBA DNL at the shared property lines. For adjacent properties used or zoned for commercial purposes, noise levels generated at the project site shall not exceed 60 dBA DNL at the shared property line. For all residential land uses, noise levels generated at the project site shall not exceed 55 dBA DNL at the shared property lines. The Municipal Code does not establish quantitative noise limits for demolition or construction activities occurring in the City.

a) Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Less-than-significant impact)

Short-Term Construction Noise

Construction noise is considered a short-term impact and would be considered significant if construction activities exceed the allowable hours of operation, as permitted by the City. Noise-sensitive land uses in the vicinity of the project include Challenger School – Berryessa to the east of the project site (approximately 1.196 feet [0.23 miles] from construction boundary), as well as residences further east from the school, located across Oakland Road. The construction noise assessment focused on noise levels that would occur at the school. Construction noise levels at the more distant receivers (i.e., residences across Oakland Road) would be substantially lower. Modeling assumptions and output calculations are provided in **Appendix E**.

Project-generated construction noise will vary depending on the construction process, the type of equipment involved, the location of the construction site with respect to sensitive receptors, the schedule proposed to carry out each task (e.g., hours and days of the week), and the duration of the construction work. A likely worst-case construction noise scenario using information provided by the project applicant as well as equipment identified by CalEEMod (see *Section 3.3 Air Quality*) for this type and size of development was calculated using the Federal Highway Administration's Roadway Construction Noise Model (FHWA 2008).

Using the provided construction information, the Roadway Construction Noise Model construction noise model was used to predict noise from on-site construction activities. The results are summarized in Table 3.13-2 (see **Appendix E** for model results). As shown, the average construction noise levels (for construction taking place at a range of locations on site and modeled at the acoustical center for analysis purposes) range from approximately 48 dBA L_{eq} (during architectural coating) to approximately 61 dBA L_{eq} (during paving) at the closest sensitive receptor (i.e., Challenger School – Berryessa) and are also shown in Table 3.13-2. The average noise levels (based upon the acoustic center) are considered a better representation of the overall noise exposure experience for adjacent receivers over the duration of each construction phase.

SOURCE: Bing Maps 2021, Santa Clara County 2019

DUDEK

0 150 300 Feet

FIGURE 7

Noise Measurement Locations

1535-1575 Industrial Avenue Project

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Table 3.13-2. Predicted Construction Noise Levels

Construction Phase (and Equipment Types Involved)	Distance from Acoustic Center of Site to NSR (Feet)	L_{eq} at Nearest Noise-Sensitive Receptor (dBA)
Site Preparation (Dozer, Loader)	1,196	59.7
Grading (Excavator, Grader, Dozer, Backhoe)	1,196	59.4
Building Construction (Crane, Forklift, Backhoe, Welder, Generator)	1,196	60.4
Paving (Roller, Loader, Dump Truck, Paver, Concrete Mixer Truck)	1,196	61.3
Architectural Finishes (Air Compressor)	1,196	48.4

Notes: NSR = Nearest sensitive receptor; dBA = A-weighted decibels

As discussed, the City's Noise Ordinance does not establish quantitative construction noise standards. Instead, the Noise Ordinance has established allowable hours of construction. The City's Zoning Ordinance (Title 20 of the Municipal Code) restricts noise-generating construction activities to the hours from 7:00 a.m. to 7:00 p.m. The construction contractor would be required to comply with noise regulations prescribing the hours allowed for construction activity identified in Title 20 of the Municipal Code. Additionally, implementation of the City's Standard Permit Conditions would further minimize impacts from construction noise as it requires construction equipment to be equipped with properly operating and maintained mufflers and other state-required noise attenuation devices as well as requiring staging areas to be located away from sensitive receptors.

Standard Permit Conditions

Construction-Related Noise. The project applicant shall implement noise minimization measures that include, but are not limited to, the following:

- Limit construction hours to between 7 a.m. and 7 p.m., Monday through Friday, unless permission is granted with a development permit or other planning approval. No construction activities are permitted on the weekends at sites within 500 feet of a residence.
- Construct solid plywood fences around ground level construction sites adjacent to operational businesses, residences, or other noise-sensitive land uses.
- Equip all internal combustion-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 reduces 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.

  Based on the analysis, noise generated by the project's construction-related activities are anticipated to comply with the 60 dBA and 70 dBA noise level thresholds for school and office uses, respectively. It is anticipated that construction activities associated with the proposed project would last approximately ten (10) months and take place within the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. Therefore, construction noise impacts would be considered **less than significant**.

Long-Term Operational

Roadway Traffic Noise

The project's traffic analysis was conducted by Hexagon Transportation Consultants, Inc. on July 22, 2021, and updated in September 2022. According to the study, the project is anticipated to generate and distribute a net total of 91 trips to the local and regional roadways surrounding the project site (i.e., East Gish Road, Industrial Avenue, Interstate 880). When comparing existing and existing plus project peak hour traffic volumes, traffic volumes along East Gish Road and Interstate 880 northbound ramps would increase by no more than three (3) percent; traffic volumes along Industrial Avenue would increase by approximately ten (10) percent.

Based upon the fundamentals of acoustics, a doubling (i.e., a 100 percent increase) in traffic volumes would be needed to result in a 3 decibel increase in noise levels, which is the level corresponding to an audible change to the typical human listener. An incremental increase of three to 10 percent (3-10%) would not correspond to an audible or a measurable increase in traffic noise exposure. As such, noise levels are anticipated to increase by less than one (1) dB along local and regional roadways in the vicinity of the project site. Therefore, traffic volume increases associated with the proposed project would not result in 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. Impacts from project-related traffic noise would be **less than significant**.

Stationary Operations Noise

The proposed project would consist of the following stationary operational noise sources within the project site: a 44-stall parking lot on the north side of the site, a 9-dock truck loading/unloading area on the south side of the site, and rooftop mechanical equipment (e.g., HVAC) for the office use. Operational activities (i.e., loading and unloading trucks, truck circulation around the site, etc., other activities at the discretion of the tenant but not anticipated to include substantive noise levels outdoors) from the proposed project would be similar to other existing industrial activities in the vicinity of the proposed project. The project site is currently exposed to traffic noise levels of approximately 75 dBA or greater from Interstate 880, located directly west of the proposed project site (City of San José 2010). Project operations are not anticipated to generate noise levels above the City's 70 dBA threshold at adjacent industrial properties, or greater than the existing 75 dBA noise level from Interstate 880 traffic. Additionally, the NSR (i.e., Challenger School – Berryessa) is located further away from the project site than the adjacent and nearby industrial uses. As such, due to distance between the project site and the NSR, stationary operational noise associated with the project would be reduced to levels below ambient at the NSR and impacts would be **less than significant**.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels? (Less-than-significant impact)

Construction activities may expose persons to excessive groundborne vibration or groundborne noise, causing a potentially significant impact. For context, heavier pieces of construction equipment, such as a bulldozer that may be expected on the project site, have peak particle velocities of approximately 0.089 in/sec PPV or less at a reference distance of 25 feet (FTA 2018).

Policy EC-2.3 of the City of San José General Plan limits vibration levels during demolition and construction to 0.08 in/sec PPV for sensitive historic structures to minimize the potential for cosmetic damage to buildings on adjacent sites. A vibration limit of 0.20 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction. With no known historical buildings in the vicinity of the project site, a significant impact would occur if nearby buildings were exposed to vibration levels in excess of 0.20 in/sec PPV.

Groundborne vibration attenuates rapidly, even over short distances. The attenuation of groundborne vibration as it propagates from source to receptor through intervening soils and rock strata can be estimated with expressions found in FTA and Caltrans guidance. By way of example, for a bulldozer operating on site and as close as the southern project boundary (i.e., approximately 15 feet from the nearest receiving occupied structure) the estimated vibration velocity level would be 0.19 in/sec.

The predicted 0.19 in/sec PPV at the nearest receiver approximately 15 feet away from on-site operation of the bulldozer during construction would not surpass the guidance limit of 0.20 in/sec PPV for preventing damage to structures of normal conventional construction. Other sensitive receptors, such as the Challenger School – Berryessa, are located further away from the project site and would not experience significant vibration levels generated by construction activity. Because the predicted vibration level at 15 feet is less than the building damage risk threshold of 0.20 in/sec PPV, vibration from project conventional construction activities is considered **less than significant**.

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

The Norman Y. Mineta San José International Airport is a public-use airport located approximately 1.5 miles west of the project site. The Santa Clara County Airport Land Use Commission considers industrial land uses generally acceptable in noise environments of 70 dBA CNEL or less. As indicated in the Norman Y. Mineta San José International Airport Master Plan (City of San José 2020), the project site lies outside the existing (i.e., 2018) and future (i.e., 2037) 60 dBA CNEL noise contours. Therefore, aircraft noise would be compatible with the proposed project and impacts from aviation overflight noise exposure would be considered **less than significant**.

3.14 Population and Housing

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☐	☒

Setting

According to the California Department of Finance (DOF) population and housing estimates, the population of San José was 1,051,316 as of January 1, 2018, with 335,164 housing units. The City's population is projected to reach 1,216,000 with 401,000 housing units by the year 2025 (CCSCE 2008). Based on the City's General Plan and ABAG projections, the projected population in 2040 would be 1.3 million persons occupying 430,000 households (City of San José 2011b).

Regulatory Framework

Local

Envision San José 2040 General Plan

Chapter 4, Quality of Life, in the City's General Plan addresses how quality of life will be advanced as the City promotes economic development and continues to grow a safe, diverse, and thriving community with employment opportunities, well maintained infrastructure, urban services, and cultural and entertainment options (City of San

José 2011b). The project site is not within the immediate vicinity of any residential land uses and does not entail a residential component.

a) ***Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Less-than-significant impact)***

The proposed project does not include any residential land uses or extension of roads or other infrastructure. The project would not construct any permanent residences. All new employment positions would be anticipated to be filled by the local labor force, and a substantial number of people would not be expected to have to relocate into the project area. This use would not result in substantial population growth. Therefore, the project would have a **less-than-significant** impact on population growth.

b) ***Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? (No impact)***

No residential land uses are located on the project site. The project proposes to replace an existing industrial facility with a new industrial facility and would not displace existing housing or people, necessitating the construction of replacement housing. Therefore, the project would not displace housing or people, and **no impact** would occur.

3.15 Public Services

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

Setting

Fire protection services are provided to the project site by the San José Fire Department (SJFD), which serves a total area of 203 square miles. The SJFD responds to all fires, hazardous materials spills, and medical emergencies (including injury accidents) in the project area. The SJFD currently has 35 fire stations through the City. The closest fire station to the project site is Station 5, located at 1380 North 10th Street, approximately 0.4 miles south of the project site.

Police protection services are provided to the project site by the San José Police Department (SJPD). Officers are dispatched from police headquarters, located at 201 West Mission Street, approximately 1.5 miles southwest of the project site.

The project site is located within the Orchard Elementary School District, which has one (1) elementary school, and the East Side Union High School District, which has 13 high schools. The closest schools to the project site are the San José Conservation Corps daycare and the Challenger School and Preschool approximately 1,196 feet (0.23 miles) east of the project site.

The City manages over 3,400 acres of parkland to serve its residents. The nearest parks to the project site are Townsend Park, at Townsend Avenue and Townsend Circle, to the northeast and Luna Park, at 702 Berryessa Road, to the southeast; both are about 0.9 miles from the project site.

Regulatory Framework

Local

Envision San José 2040 General Plan

The Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes Goals, Policies and Implementation Actions for various public services, including Education, Libraries, Health Care, Public Safety (Police and Fire), and Code Enforcement. In addition, the Parks, Open Space, and Recreation Subsection, within the same chapter, provides the Goals, Policies, and Actions related to parks, open space, and recreational facilities. The following is a summary of the applicable Goals and Policies related to education, libraries, police and fire protection, and parks.

Education

- Goal ES-1: Education. Promote the operation of high-quality educational facilities throughout San José as a vital element to advance the City's Vision and goals for community building, economic development, social equity, and environmental leadership.
    - Policy ES-1.1: Facilitate open communication between the City, public school districts and the development community in order to coordinate the activities of each to achieve the highest quality of education for all public school students.
    - Policy ES-1.2: Encourage school districts, the City, and developers to engage in early discussions regarding the nature and scope of proposed projects and possible fiscal impacts and mitigation measures. These discussions should occur as early as possible in the project planning stage, preferably preceding land acquisition.
    - Policy ES-1.5: Cooperate with school districts in identifying and evaluating the impacts of population and demographic changes that may lead to the need for new schools, school closures, re-opening of closed schools, or the decision that existing school sites should be preserved for meeting future needs.
    - Policy ES-1.9: Provide all pertinent information on General Plan amendments, re-zonings and other development proposals to all affected school districts in a timely manner.

Libraries

- Goal ES-2: Libraries. Maintain and expand Library Information Services within the City to:

- Enrich lives by fostering lifelong learning and providing every member of the San José community access to a vast array of ideas and information
- Give all members of the community opportunities for educational and personal growth throughout their lives
- Develop partnerships to further the educational, cultural and community missions of organizations in San José
- Support San José State University Library's educational mission in expanding the base of knowledge through research and scholarship
- Locate branch libraries in central commercial areas of neighborhoods for essential public access to library resources, events, and community meeting spaces, and to stimulate economic development
- Maximize branch library hours of operation to facilitate daily patronage

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

Law Enforcement and Fire Protection

- Goal ES-3: Law Enforcement and Fire Protection. Provide high-quality law enforcement and fire protection services to the San José community to protect life, property and the environment through fire and crime prevention and response. Utilize land use planning, urban design and site development measures and partnerships with the community and other public agencies to support long-term community health, safety and well-being.
  - Policy ES-3.1: Provide rapid and timely Level of Service (LOS) response time to all emergencies:
    - 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.
    - 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.
    - Enhance service delivery through the adoption and effective use of innovative, emerging techniques, technologies and operating models.
    - Measure service delivery to identify the degree to which services are meeting the needs of San José's community.
    - Ensure that development of police and fire service facilities and delivery of services keeps pace with development and growth in the city.
  - Policy ES-3.2: Strive to ensure that equipment and facilities are provided and maintained to meet reasonable standards of safety, dependability, and compatibility with law enforcement and fire service operations.
  - Policy ES-3.3: Locate police and fire service facilities so that essential services can most efficiently be provided and level of service goals met. Ensure that the development of police and fire facilities and delivery of services keeps pace with development and growth of the city.
  - Policy ES-3.8: Use the Land Use / Transportation Diagram to promote a mix of land uses that increase visibility, activity and access throughout the day and to separate land uses that foster unsafe conditions.

- 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-3.10: Incorporate universal design measures in new construction, and retrofit existing development to include design measures and equipment that support public safety for people with diverse abilities and needs. Work in partnership with appropriate agencies to incorporate technology in public and private development to increase public and personal safety.
- Policy ES-3.15: Apply demand management principles to control hazards through enforcement of fire and life safety codes, ordinances, permits and field inspections.
- Policy ES-3.17: Promote installation of fire sprinkler systems for both commercial and residential use and in structures where sprinkler systems are not currently required by the City Municipal Code or Uniform Fire Code.
- Policy ES-3.20: Require private property owners to remove excessive/overgrown vegetation (e.g., trees, shrubs, weeds) and rubbish to the satisfaction of the Fire Chief to prevent and minimize fire risks to surrounding properties.
    - Action ES-3.22: Maintain the City's Fire Department Strategic Plan as a tool to achieve Envision General Plan Level of Service and other related goals and policies. Base fire station location planning on a four-minute travel radius.
    - Action ES-3.23: Engage public safety personnel in the land use entitlement process for new development projects.

Parks

- Goal PR-1: High Quality Facilities and Programs. Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.
    - Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
    - Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
    - Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.
    - Policy PR-1.9: As Urban Village areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately or, in limited instances, publicly owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

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

Fire and police protection? (No Impact)

The SJFD and SJPD currently support the project site and would continue to provide fire and police protection services to the project site. As the project would not introduce a new use or activity onto the

project site associated with increased calls for services (e.g., nursing home, rehabilitation facility), and because the project would not result in substantial population or employment growth within the area. As such, it would not result in increased demand for fire or police protection services on the site. Therefore, the project would not result in the need for new or physically altered fire or police protection facilities and **no impact** would occur.

Schools? (No Impact)

The project proposes to construct an industrial building and would not include residential development. The project would not result in substantial population or employment growth within the area, and all new employment positions would be anticipated to be filled by the local labor force, and substantial number of people would not be expected to have to relocate into the project area. Thus, a substantial increase in the number of school-aged children as a result of the project would not occur. Therefore, the project would not generate new students and **no impact** on school facilities would occur.

Parks? (No Impact)

The proposed project does not include residential development which would generate an increased demand for parks. The project would not be subject to the City's Parkland Dedication Ordinance and Park Impact Ordinance, which is not applicable to commercial and industrial land uses. Therefore, **no impact** on parks would occur.

Other public facilities? (No Impact)

The project would not include residential development which would generate demand for other public facilities, including libraries or community centers, and **no impact** would occur.

3.16 Recreation

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☐	☒

Setting

Parklands in the city are managed by the U.S. Department of Fish and Wildlife, Santa Clara County Parks and Recreation, City of San José Department of Parks, Recreation, and Neighborhood Services, and the Santa Clara Valley Open Space Authority. The nearest parks to the project site are Townsend Park, at Townsend Avenue and Townsend Circle, to the northeast and Luna Park, at 702 Berryessa Road, to the southeast; both are about 0.9 miles from the project site. Because the project proposes an industrial use, it is not subject to the City of San José's adopted Parkland Dedication Ordinance and Park Impact Ordinance.

Regulatory Framework

Local

Envision San José 2040 General Plan

The Envision San José General Plan Quality of Life chapter (chapter four in the General Plan) includes Goals, Policies and Implementation Actions for various public services, including Education, Libraries, Health Care, Public Safety (Police and Fire), and Code Enforcement. In addition, the Parks, Open Space, and Recreation Subsection, within the same chapter, provides the Goals, Policies, and Actions related to parks, open space, and recreational facilities. The following is a summary of the applicable Goals and Policies related to parks.

- Goal PR-1: High Quality Facilities and Programs. Provide park lands, trails, open space, recreation amenities, and programs, nationally recognized for their excellence, which enhance the livability of the urban and suburban environments; preserve significant natural, historic, scenic and other open space resources; and meet the parks and recreation services needs of San José's residents, workers, and visitors.
    - Policy PR-1.1: Provide 3.5 acres per 1,000 population of neighborhood/community serving parkland through a combination of 1.5 acres of public park and 2.0 acres of recreational school grounds open to the public per 1,000 San José residents.
    - Policy PR-1.2: Provide 7.5 acres per 1,000 population of citywide/regional park and open space lands through a combination of facilities provided by the City of San José and other public land agencies.
    - Policy PR-1.3: Provide 500 square feet per 1,000 population of community center space.
    - Policy PR-1.9: As Urban Village areas redevelop, incorporate urban open space and parkland recreation areas through a combination of high-quality, publicly accessible outdoor spaces provided as part of new development projects; privately or, in limited instances, publicly owned and maintained pocket parks; neighborhood parks where possible; as well as through access to trails and other park and recreation amenities.

a and 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? And 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 project would not include recreational facilities. As the project would replace an existing industrial use with a new industrial use, the project would not generate increased demand for parks or other recreational facilities. **No impacts** to parks and recreational facilities would result with construction and operation of the project.

3.17 Transportation

	Potentially Significant Impact	Less Than Significant Impact 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) 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?	☐	☐	☒	☐

Setting

This section is based on a Transportation Analysis (TA) prepared for the project by Hexagon Transportation Consultants, Inc., which is provided in **Appendix F**. The TA includes a CEQA transportation analysis, using vehicle miles traveled (VMT), as well as a local transportation analysis (LTA) which examined project effects on intersection operations; vehicle queuing; freeway ramps; site access and on-site circulation; bicycle, pedestrian, and transit facilities; and parking. The queuing analysis is provided in **Appendix F** for informational purposes and is not discussed in this section, as the City of San José has not defined a policy related to queuing. The TA methodology is summarized below; see **Appendix F** for detailed methodology.

Vehicle Miles Traveled of Existing Land Uses

The existing VMT for employment uses in the project vicinity is 14.69 per employee, which is 2.2 percent higher than the current regional average of 14.37 per employee.

Existing Roadway Network

Regional access to the project site is provided by I-880 and US 101. Local access to the project site is provided via Oakland Road, Old Bayshore Highway, Gish Road, and Industrial Avenue. These facilities are described below.

- **I-880** is a north-south freeway that extends through the Bay Area, connecting Oakland to San José. Near the vicinity of the project site, I-880 is eight (8) lanes wide with three (3) mixed-flow lanes and one (1) high-occupancy vehicle (HOV) lane in each direction. I-880 provides site access via a full interchange at Old Bayshore Highway.
- **US 101** is a 10-lane freeway (four [4] mixed-flow lanes and one [1] HOV lane in each direction) in the vicinity of the site. US 101 extends northward through San Francisco and southward through Gilroy. Access to and from the site is provided via full interchanges at Oakland Road and I-880.

- **Oakland Road** is a six-lane (6), north-south arterial street that services the surrounding commercial and residential uses. In the immediate vicinity of the proposed project, Oakland Road contains three (3) mixed-flow lanes in each direction with a center turn lane. Oakland Road transitions from 13th Street at Hedding Street, and extends north to Montague Expressway, where it transitions into Main Street. Oakland Road provides access to the project site via its connection to Gish Road.
- **Old Bayshore Highway** is an east-west arterial street extending from 13th Street and Commercial Street to Zanker Road. East of 13th Street, Old Bayshore Highway transitions to Commercial Street. Old Bayshore Highway is a four-lane (4) roadway. It provides access to the proposed project via Gish Road.
- **Gish Road** is a two-lane (2) roadway that extends westward from Oakland Road and then turns southward to intersect Old Bayshore Highway near I-880. Access to the project site from Gish Road is via Industrial Avenue.
- **Industrial Avenue** is a two-lane (2) roadway that extends northward from Gish Road to a dead-end near the project site. On street parking is permitted along both sides of Industrial Avenue and the posted speed limit is 25 mph. The project proposes two (2) driveways located along Industrial Avenue.

Existing Pedestrian and Bicycle Facilities

Pedestrian facilities consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, sidewalks exist only on the west (southbound) side of Industrial Avenue from Gish Road to Kings Row, while sidewalks exist along both sides of Industrial Avenue between Kings Row and the project site. Sidewalks are also present along both sides of Gish Road for a distance of about 700 feet west of Oakland Road. Beyond that point, sidewalks continue along the north (westbound) side of Gish to I-880 with a short gap in the sidewalk between Industrial Avenue and the railroad tracks. There are no sidewalks along the segment of Gish Road between I-880 and Old Bayshore Highway or along Old Bayshore Highway in the vicinity of Gish Road.

The overall network of sidewalks and crosswalks in the study area provides limited connectivity. There are gaps in the pedestrian routes between the project site and the nearest bus route on Oakland Road. Furthermore, there are few commercial services (restaurants, banks, shops, etc.), parks or trails within walking distance of the project site.

Class II bikeways are located along several streets within the study area. Class II bikeways are striped bike lanes on roadways that are marked by signage and pavement markings. Within the vicinity of the project site, striped bike lanes are present on the following roadway segments:

- Oakland Avenue, between Gish Road and Commercial Street
- Old Bayshore Highway, between 10th Street and Zanker Road
- Berger Drive, between Oakland Road and Gish Road

In addition, buffered bike lanes with a designated buffer space separating the bicycle lane from the adjacent motor vehicle travel lane are present on the following roadway segment:

- Oakland Avenue, between Gish Road and Montague Expressway

Although Industrial Avenue and Gish Road do not provide bike lanes and are not designated as a bike routes, due to their low traffic volumes and low speed, they are conducive to bicycle usage.

Existing Transit Service

Existing transit services near the project site are provided by the Santa Clara Valley Transportation Authority (VTA). The project site is not accessible by transit since there are no transit routes within normal walking distance (0.25

miles). The study area has one local bus route, Route 66. The nearest bus stop is located approximately 0.6 miles from the project site at the intersection of Gish Road and Oakland Road. Route 66 runs from Kaiser Permanente Medical Center in South San José to Milpitas from 5:14 a.m. to 12:08 a.m. with a headway of 15 to 20 minutes during peak commute hours.

Analysis Methodology and Regulatory Framework

Regional

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted *Plan Bay Area 2040* in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Santa Clara Congestion Management Program (CMP). The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of the increased gasoline tax revenues. The legislation requires that each CMP contain the following five mandatory elements: 1) a system definition and traffic level of service standard element, 2) a transit service and standards element, 3) a trip reduction and transportation demand management element, 4) a land use impact analysis program element, and 5) a capital improvement element. The Santa Clara County CMP includes the five mandated elements and three additional elements, including a county-wide transportation model and database element, an annual monitoring and conformance element, and a deficiency plan element.

In accordance with California Statute, Government Code Section 65088, Santa Clara County has established a Congestion Management Program (CMP). The intent of the CMP legislation is to develop a comprehensive transportation improvement program among local jurisdictions that will reduce traffic congestion and improve land use decision-making and air quality. Santa Clara Valley Transportation Authority (SCVTA) serves as the Congestion Management Agency for Santa Clara County and maintains the county's CMP.

Congestion Management Agencies are required by California State statute to monitor roadway traffic congestion and the impact of land use and transportation decisions on a countywide level, at least every two (2) years. SCVTA conducts CMP monitoring and produces the CMP Monitoring and Conformance Report on an annual basis for freeways, rural highways and CMP-designated intersections. SCVTA also prepares and adopts guidelines for preparing transportation impact analyses (TIA) and traffic level of service (LOS) Analysis Guidelines, and Local Model Consistency Guidelines.

The Santa Clara County CMP also includes Deficiency Plan Requirements. Deficiency plans, as they relate to traffic congestion management, are plans that identify offsetting measures to improve transportation conditions on the CMP facility in lieu of making physical traffic capacity improvements such as widening an intersection or roadway.

Local

City of San José Council Policy 5-1 Vehicle Miles Traveled

In adherence to State of California SB 743 and the City's goals as set forth in the Envision San José 2040 General Plan, the City of San José has adopted a new Transportation Analysis Policy, Council Policy 5-1. The policy replaces its predecessor (Policy 5-3) and establishes the thresholds for transportation impacts under the CEQA based on VMT instead of levels of service (LOS). The intent of this change is to shift the focus of transportation analysis under CEQA from vehicle delay and roadway auto capacity to a reduction in vehicle emissions.

The City of San José defines VMT as the total miles of travel by personal motorized vehicles a project is expected to generate in a day. As established in the City's Transportation Analysis Policy, projects that include industrial employment uses would create a significant adverse impact when the estimated project-generated VMT exceeds the existing regional average VMT per employee.

In addition to a VMT analysis, Policy 5-1 also requires the preparation and analysis of a Local Transportation Analysis (LTA) to address the effects of a project on transportation, access, circulation, and related safety elements as it relates to the operation of the project. LTAs provide additional information to evaluate transportation conditions proximate to a Project and supplements the VMT analysis. LTAs implement the multimodal vision of the City's General Plan.

Envision San José 2040 General Plan

The Envision San José 2040 General Plan outlines goals and policies intended to ensure that the transportation network with the city is safe, efficient and sustainable.

San José's circulation element aims to:

- Establish circulation policies that increase bicycle, pedestrian, and transit travel, while reducing motor vehicle trips, to increase the City's share of travel by alternative transportation modes.
- Promote San José as a walking- and bicycling-first city by providing and prioritizing funding for projects that enhance and improve bicycle and pedestrian facilities.

The goals and policies applicable to the project are included below:

- Goal TR-1: Balanced Transportation System: Complete and maintain a multimodal transportation system that gives priority to the mobility needs of bicyclists, pedestrians, and public transit users while also providing for the safe and efficient movement of automobiles, buses, and trucks.
    - Policy TR-1.2: Consider impacts on overall mobility and all travel modes when evaluating transportation impacts of new developments or infrastructure projects.
    - Policy TR-1.4: Through the entitlement process for new development, projects shall be required to fund or construct needed transportation improvements for all transportation modes giving first consideration to improvement of bicycling, walking and transit facilities and services that encourage reduced vehicle travel demand.
        - Development proposals shall be reviewed for their impacts on all transportation modes through the study of Vehicle Miles Traveled (VMT), Envision San José 2040 General Plan policies, and other measures enumerated in the City Council Transportation Analysis Policy

and its Local Transportation Analysis. Projects shall fund or construct proportional fair share mitigations and improvements to address their impacts on the transportation systems.

- The City Council may consider adoption of a statement of overriding considerations, as part of an EIR, for projects unable to mitigate their VMT impacts to a less than significant level. At the discretion of the City Council, based on CEQA Guidelines Section 15021, projects that include overriding benefits, in accordance with Public Resources Code Section 21081 and are consistent with the General Plan and the Transportation Analysis Policy 5-1 may be considered for approval. The City Council will only consider a statement of overriding considerations for (i) market-rate housing located within General Plan Urban Villages; (ii) commercial or industrial projects; and (iii) 100% deed-restricted affordable housing as defined in General Plan Policy IP-5.12. Such projects shall fund or construct multimodal improvements, which may include improvements to transit, bicycle, or pedestrian facilities, consistent with the City Council Transportation Analysis Policy 5-1.
- Area Development Policy. An "area development policy" may be adopted by the City Council to establish special transportation standards that identifies development impacts and mitigation measures for a specific geographic area. These policies may take other names or forms to accomplish the same purpose.

  - 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-1.8: Actively coordinate with regional transportation, land use planning, and transit agencies to develop a transportation network with complementary land uses that encourage travel by bicycling, walking and transit, and ensure that regional greenhouse gas emission standards are met.
  - Policy TR-1.10: Require needed public street right-of-way dedication and improvements as development occurs. The ultimate right-of-way shall be no less than the dimensions as shown on the Functional Classification Diagram except when a lesser right-of-way will avoid significant social, neighborhood or environmental impacts and perform the same traffic movement function. Additional public street right-of-way, beyond that designated on the Functional Classification Diagram, may be required in specific locations to facilitate left-turn lanes, bus pullouts, and right-turn lanes in order to provide additional capacity at some intersections.

- Goal TR-3: Maximize Use of Public Transit. Maximize use of existing and future public transportation services to increase ridership and decrease the use of private automobiles.
  - 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 toward transit ridership. In addition, require that new development is designed to accommodate and to provide direct access to transit facilities.
- Goal TR-5: Vehicular Circulation. Maintain the City's street network to promote the safe and efficient movement of automobile and truck traffic while also providing for the safe and efficient movement of bicyclists, pedestrian, and transit vehicles.
- Goal TR-8: Parking Strategies. Develop and implement parking strategies that reduce automobile travel through parking supply and pricing management.

US 101/Oakland/Mabury Transportation Development Policy

The City adopted the US-101/Oakland/Mabury Transportation Development Policy (TDP) in 2007 which "is intended to achieve all of the following: (1) management of traffic congestion generated by near-term new development in the vicinity of the US-101/Oakland interchange; (2) promotion of General Plan goals for economic development and housing; and (3) improvement of the US-101/Oakland Road interchange and construction of the new US-101/Mabury Road interchange to accommodate new development." The TDP defines the interchange capacity available, identifies the required improvements for future development in the area, explains the funding to complete

the required improvements, establishes a traffic fee program for new development in the area to fund the improvements, promotes industrial land use in the area, and allows the LOS of signalized intersections covered by the TDP to temporarily exceed the City's LOS standards until the required improvements are constructed. The project is subject to the City's US-101/Oakland/Mabury Transportation Development Policy.

a) Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? (Less-than-significant impact)

Transit, Bicycle, and Pedestrian Facilities

All new development projects in San José should encourage multi-modal travel, consistent with Goal TR-1; TR-3; and TR-5 of the City's General Plan. It is the goal of the General Plan that all development projects accommodate and encourage the use of non-automobile transportation modes to achieve San José's mobility goals and reduce vehicle trip generation and vehicle miles traveled. In addition, the adopted City Bike Master Plan establishes goals, policies and actions to make bicycling a daily part of life in San José. The Master Plan includes designated bike lanes along all City streets, as well as on designated bike corridors. In order to further the goals of the City, pedestrian and bicycle facilities should be encouraged with new development projects.

The City's General Plan identifies both walk and bicycle commute mode split targets as 15 percent or more for the year 2040. This level of pedestrian and bicycle mode share may not be achievable by this project given the industrial nature of the project, the limited pedestrian, bicycle, and transit facilities in the project vicinity, and the lack of complementary land uses within a reasonable walking or biking distance. Nevertheless, the project should seek to encourage employees to use active modes of transportation to the extent possible.

Transit Facilities

The project site is not accessible by transit since there are no transit routes within normal walking distance (0.25 miles) and would not conflict with policies addressing transit facilities.

Bicycle Facilities

There are several bike facilities proposed in the immediate vicinity of the project site. The City of San José Better Bike Plan 2025 has identified objectives for the expansion of bicycle facilities in the vicinity of the project site including the planned addition of Class II bike lanes along Gish Road between Old Bayshore Highway and Oakland Road. The planned bike lanes on Gish Road would connect to existing bikeways on Oakland Road, Old Bayshore Highway, and 10th Street enhancing the bicycle network and encouraging employees of the proposed project to bike to and from work. The project would not conflict with the bike plan.

Pedestrian Facilities

The overall network of sidewalks and crosswalks in the study area provides limited connectivity. There are gaps in the pedestrian routes between the project site and the nearest bus route on Oakland Road. The project would not affect pedestrian facilities in the vicinity of the project site and no conflicts would occur.

US 101/Oakland/Mabury Transportation Development Policy

The City of San José has identified operational problems along the Oakland Road corridor at the US 101 interchange, which are due primarily to the capacity constraints of the interchange. As a result, the City has identified two key capital improvement projects: 1) modification of the US 101/Oakland Road interchange, including improvements to the Oakland Road/Commercial Street intersection, and 2) construction of a new US 101/Mabury Road interchange. To fund these interchange improvements, the City has developed the US 101/Oakland/Mabury Transportation Development Policy (TDP).

As part of the Policy, a fee to fund the planned interchange improvements has been adopted. Any project that would add traffic to the US 101/Oakland Road interchange is required to participate in the TDP program. The fee for the US 101/Oakland/Mabury TDP is based on the number of PM peak hour vehicular trips that a project would add to the US 101/Oakland Road interchange. The signalized intersections of Oakland Road/US 101 (South), Oakland Road/US 101 (North), and Oakland Road/Commercial Street make up the US 101/Oakland Road interchange.

Based on the net project trip assignment, it is estimated that the proposed project would add four (4) vehicle trips to the US 101/Oakland Road interchange during the PM peak hour. Therefore, the project would be required to pay the US 101/Oakland/Mabury TDP traffic impact fee.

Conclusion

As detailed in the above discussions, the project would have a **less-than-significant** impact with regard to conflicts with programs, plans, ordinances, or policies addressing the circulation system.

b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)? (Less-than-significant impact with mitigation incorporated)

The project-level impact analysis under CEQA uses the VMT metric to evaluate a project's transportation impacts by comparing against the VMT thresholds of significance as established in the Transportation Analysis Policy. The thresholds of significance for development projects, as established in the Transportation Analysis Policy, are based on the existing regional average VMT level for employment uses.

The threshold of significance for industrial employment uses is the existing regional average VMT level of 14.37 per employee. Based on the City of San José's VMT Evaluation Tool, the project as currently proposed is estimated to generate a total of 14.69 VMT per employee. The project-generated VMT per employee (14.69) is greater than the City's threshold of 14.37 VMT per employee for industrial uses.

The VMT generated by the project (14.69 VMT per employee) would exceed the threshold of 14.37 VMT per employee for industrial uses; therefore, the project may result in a significant transportation impact on VMT, and mitigation measures are required to reduce the VMT impact. According to the Transportation Analysis Handbook, projects located in areas where the existing VMT is above the established threshold (such as the project study area) are referred to as being in "high-VMT areas", and projects in high-VMT areas are required to include a set of VMT reduction measures that would reduce the project VMT to the extent possible. Implementation of Mitigation Measure TRA-1 would reduce the project VMT to 14.11 per employee, which would be below the City's threshold of 14.37 per employee and reduce the project impact to a **less-than-significant** level. Refer to Appendix A of **Appendix F** for the VMT Evaluation Tool Summary report.

Impact TRA-1: Development of the project would potentially conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Mitigation Measure TRA-1: Prior to the issuance of any Public Works clearances, a qualified traffic engineer shall prepare a Transportation Demand Management (TDM) Plan and includes the following Transportation Demand Management (TDM) measures:

- Traffic Calming Measures (Roadway Narrowing). City staff have indicated that the project could mitigate its VMT impact by reducing the roadway width along Industrial Avenue from 44 feet to 40 feet.

  and

- Commute Trip Reduction Marketing/Education. Alternative commute information should be provided to future employees. Alternative commute education can include, but is not limited to bike maps, carpooling options, transit maps, etc. Providing information for alternate commute methods can encourage employees to commute to work by walking, bicycling, or transit.

Prior to issuance of Public Works clearance, the project applicant shall submit the TDM plan to the City of San José Director of Planning, Building Code Enforcement or Director's designee and the Director of Public Works or Director's designee for review and approval.

In addition to the mitigation measures proposed above, the following project features are included in the project design to help reduce the project VMT to 14.11 per employee.

The project shall also implement the following:

- Bike Parking. The project shall implement long-term bike parking (1 space per 10 full-time employees per San José's Zoning Code Section 20.90.060B).

- Showers and Changing Room. The project shall implement one shower and changing room per San José Zoning Code Section 20.90.066A.

With incorporation of Mitigation Measure TRA-1, the project would have a **less-than-significant impact** on VMT.

See *Section 3.21 Mandatory Findings of Significance*, for a discussion of the project's incremental contribution to cumulative VMT.

c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Less-than-significant impact)

and

d) Would the project result in inadequate emergency access? (Less-than-significant impact)

The design of the project is required to comply with the City's standards for emergency vehicle access (including providing adequate points of access, vertical clearance, and turning radius [refer to Appendix E of **Appendix F** for truck turning templates for trailer truck ingress and egress]). Emergency vehicles access

would be provided via the project driveways on Industrial Avenue. Emergency access would be maintained on all public roads at all times during project construction and operation. As discussed in *Section 3.15 Public Services*, during operation, the project site would be served adequately by both the San José police department and fire department during an emergency. The project would not result in an impediment to existing emergency access in the area. The City of San José Fire Code requires driveways to provide at least 20 feet for fire access. The project would provide 25 feet of red curb on both sides of each driveway along Industrial Avenue to provide adequate sight distance. The project driveway would measure approximately 26 feet wide, and therefore would comply with the City's fire code. Therefore, the project would not result in inadequate emergency access.

Based on the above conditions and discussion, the project would not substantially increase hazards due to a design feature (e.g., sharp curves or inadequate site distance) or result in inadequate emergency access and the impact would be **less than significant**.

3.18 Tribal Cultural Resources

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. TRIBAL CULTURAL RESOURCES				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	☐	☒
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☐	☐	☒

Setting

The information in this section is based on a Cultural Resources Technical Report prepared for the project, and provided in **Appendix B**. The report included a records search of the California Historical Resources Information System (CHRIS) from the Northwest Information Center (NWIC) conducted for the project site and a 0.5 mile radius, a search of the Native American Heritage Commission (NAHC) Sacred Lands File, Native American group coordination, and a

pedestrian survey of the project site for archaeological and built environment resources. The project site is located within a developed urban area surrounded primarily by industrial and industrial/commercial uses.

Regulatory Setting

Federal

National Register of Historic Places

The National Historic Preservation Act of 1966 (54 USC 300202 et seq.) enabled the U.S. Department of the Interior's NPS to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological places (NPS 2019). The NPS is responsible for the designation, documentation, and physical preservation of historic sites.

State

California Register of Historic Places

The California Register of Historic Places, under the OHP, is the State's authoritative guide to significant historical and archeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archaeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act (OHP 2019).

Assembly Bill 52

AB 52 requires that California lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. Tamien Nation, a tribe that is traditionally and culturally affiliated with the geographic area, contacted the City on July 14, 2021, and Chairperson Quirina Luna Geary requested consultation related to the project area specifically pursuant to AB 52. During this consultation, Chairperson Geary requested cultural sensitivity training and monitoring. These measures are included as standard permit conditions (below). **Appendix B** provides details on consultation with tribal contacts recommended by the NAHC, including the Tamien Nation, that was conducted during the preparation of the Cultural Resources Technical Report.

AB 52 also specifies that a project with an effect that may cause a substantial adverse change in the significant of a tribal cultural resource (TCR) is a project that may have a significant effect on the environment. Defined in Section 21074(a) of the Public Resources Code, a TCR is a site feature, place, cultural landscape, sacred place, or object, which is of cultural value to a California Native American tribe and is either listed in or eligible for listing in the California Register of Historical Resources or a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a TCR.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan's* Environmental Resources subsection discusses the City's goals and policies pertaining to tribal cultural resources. Those applicable to the project are included below:

- Goal ER-10: Archaeology and Paleontology. Preserve and conserve archaeologically significant structures, sites, districts and artifacts in order to promote a greater sense of historic awareness and community identity.
    - Policy ER-10.2: Recognizing that Native American human remains may be encountered at unexpected locations, impose a requirement on all development permits and tentative subdivision maps that upon discovery during construction, development activity will cease until professional archaeological examination confirms whether the burial is human. If the remains are determined to be Native American, applicable state laws shall be enforced.
    - Policy ER-10.3: Ensure that City, State, and Federal historic preservation laws, regulations, and codes are enforced, including laws related to archaeological and paleontological resources, to ensure the adequate protection of historic and pre-historic resources.
    - Policy IP-12.3: Use the Environmental Clearance process to identify potential impacts and to develop and incorporate environmentally beneficial actions, particularly those dealing with the avoidance of natural and human-made hazards and the preservation of natural, historical, archaeological and cultural resources.

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) ***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)? (No impact)***

As described in *Section 3.5 Cultural Resources*, the existing structures on the project site are neither listed in nor eligible for the NRHP, CRHR, or local register of historic resources (see Appendix B). Furthermore, the site is within a developed urban area. Therefore, the project would not cause a substantial adverse change in the significance of a TCR listed in or eligible for listing in the NRHP, CRHR, or a local register and **no impact** would occur.

b) ***A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. (No impact)***

As described above in *Section 3.5 Cultural Resources*, a CHRIS records search and NAHC Sacred Lands File search were conducted for the project site (see **Appendix B**). There are no known Native American resources within or adjacent to the proposed project site. Consultation with tribes culturally affiliated to the project area, are detailed in **Appendix B.** The City sent an AB 52 notification letter to the Tamien Nation, a tribe that is traditionally and culturally affiliated with the geographic area, on July 14, 2021. Chairwoman Quirina Luna Geary, the representative for the Tamien Nation, made a request for consultation on August 16, 2021. The City met with the Chairwoman on March 10, 2022. During the consultation meeting, Chairwoman requested cultural sensitivity training and monitoring. The Cultural Sensitivity Training has been included as a condition of approval (below). Monitoring is included as a standard permit condition in *Section 3.5 Cultural Resources*. A complete record of the Native American outreach effort is included in **Appendix B**.

The project site has previously been disturbed. Given the context of the proposed project area within a developed urban area of San José, there is a low potential for encountering unrecorded TCRs. Additionally,

the implementation of the standard permit conditions described in *Section 3.5* and below would ensure that, in the unlikely event of Native American artifacts or remains being unearthed during construction of the project, all construction work occurring within 100 feet of the find shall immediately stop and the Director of Planning, Building, and Code Enforcement or Director's designee and Historic Preservation Officer will be notified. Furthermore, Cultural Awareness Training will be provided to construction personnel prior to ground disturbance and a qualified Native American monitor shall be offered the opportunity to be present during applicable earthmoving activities. Therefore, the project would have **no impact** on TCRs.

Condition of Approval

- Prior to issuance of the Grading Permit, the project applicant shall be required to submit evidence that a Cultural Awareness Training will be provided to construction personnel prior to ground disturbances. The training shall be facilitated by the project archaeologist in coordination with a Native American representative registered with the Native American Heritage Commissions for the City of San José and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

3.19 Utilities and Service Systems

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☒	☐

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

Setting

The SJWC provides water service to the project site. SJWC relies on groundwater, imported treated water, and local surface water for its potable water supply. On average, SJWC purchases approximately 50 percent of its water supply from the Santa Clara Valley Water District, pumps approximately 40 percent of its supply from the groundwater aquifer and draws the remaining approximately 10 percent from local surface water sources (SJWC 2018).

Wastewater treatment and disposal is provided by the San José-Santa Clara Regional Wastewater Facility (RWF). The RWF treats an average of 110 million gallons per day (mgd) of wastewater, with a capacity of up to 167 mgd. The resulting fresh water from the RWF is discharged to the South San Francisco Bay or delivered to the South Bay Water Recycling Project for distribution. The RWF is jointly owned by the cities of San José and Santa Clara and is managed and operated by the City of San José's Environmental Services Department. The City is currently implementing a $1.4 billion, 10-year Capital Improvement Program, which comprises a portion of the $2 billion in facility investments envisioned over the next 30 years in the *Plant Master Plan*, adopted in 2013 (City of San José 2018b).

The City owns and maintains the municipal stormwater drainage system which serves the project site. Stormwater is removed from the site primarily by sheet flow action across the paved surfaces towards storm drains located throughout the paved surfaces on the site, or by percolation into the ground. Stormwater from the existing buildings' roofs is collected in gutters and directed toward storm drains.

Republic Services, an independent solid waste disposal contractor, provides solid waste collection services to the project site. Non-residential solid waste may be disposed at any of the privately owned landfills in San José, or at other landfills outside the County.

Regulatory Framework

State

California Green Building Standards Code

The CALGreen establishes mandatory green building requirements and provides guidelines for all buildings in California. The code includes specific regulations pertaining to:

- Planning and design
- Energy efficiency
- Water efficiency and conservation
- Material conservation and resource efficiency
- Indoor environmental quality

The guidelines provide measures for new construction projects to achieve green building performance levels, including: reducing indoor water use by 20 percent, reducing wastewater by 20 percent, recycling and salvaging 50 percent of non-hazardous construction debris and providing readily accessible areas for recycle.

Local

Envision San José 2040 General Plan

The *Envision San José 2040 General Plan* establishes goals and policies that relate to green building design, construction and operation. The following are applicable to the project:

- 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-3.2: Promote use of green building technology or techniques that can help reduce the depletion of the City's potable water supply, as building codes permit. For example, promote the use of captured rainwater, graywater, or recycled water as the preferred source for non-potable water needs such as irrigation and building cooling, consistent with Building Codes or other regulations.
- Policy MS-3.3: Promote the use of drought tolerant plants and landscaping materials for nonresidential and residential uses.

a) Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? (Less-than-significant impact)

The project would be served by the existing water, wastewater treatment, stormwater drainage, electric power, natural gas, and telecommunications infrastructure near the project site, with new service connections provided for the new building. The project could result in an incremental increase in water use and wastewater generation. Water use of industrial/commercial land uses varies widely depending on the type of industrial and commercial uses. The City estimated industrial and commercial water use based on actual water use data as part of its General Plan update in 2010 and determined that, in the North San José area, industrial and commercial water use was approximately 29 gallons per day (gpd) per employee (City of San José 2010). It is anticipated that based on the limited water demand by industrial users, the net water demand will be similar to prior uses at the site. SJWC's projected total water supply for 2020 is 48,794 million gallons (149,744 acre-feet) per year (SJWC 2011), and thus, the project's incremental increase in water demand would represent only a nominal percentage of SJWC's supplies.

The General Plan EIR concluded that implementation of General Plan policies and existing regulations would ensure full buildout under the General Plan would not exceed available water supply (City of San José 2011a). The proposed project is consistent with development assumptions in the General Plan and, therefore, the project would not exceed the City's available water supply and is assumed to be

served by existing water infrastructure without the need for the construction of new or expansion of existing water facilities.

The expected wastewater generation and net new wastewater generation from the project would constitute a negligible portion of the RWF's remaining capacity. Therefore, the existing RWF would be able to accommodate increased wastewater flows associated with the project and the project would not require the construction of new or expansion of existing wastewater treatment facilities. Given the foregoing, the project's impacts on water and wastewater treatment facilities would be less than significant.

While the project would result in an increase in impervious surface area on the project site, the project would include new stormwater treatment and drainage features in accordance with the LID stormwater management requirements of Provision C.3 of the MRP and City Council Policies 6-29 and 8-14 to minimize and control post-construction stormwater runoff. Given this, the project would not contribute stormwater runoff which would exceed the capacity of existing or planned stormwater drainage system. Therefore, the project's impact on the capacity of stormwater drainage systems would be **less than significant**.

b) Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? (Less-than-significant impact)

As described above in subsection (a), the City estimated industrial and commercial water use based on actual water use data as part of its General Plan update in 2010 and determined that, in the North San José area, industrial and commercial water use was approximately 29 gallons per day (gpd) per employee (City of San José 2010). The ultimate number of employees at the site will depend on the user (but is conservatively estimated to be 30- to 50-employees). Based on these data, the project would generate an estimated 1,450 gpd of water demand. SJWC's projected total water supply for 2020 was 48,794 million gallons (149,744 acre-feet) per year (SJWC 2011), and thus, the project's incremental increase in water demand would represent only a nominal percentage of SJWC's supplies.

The General Plan EIR concluded that implementation of General Plan policies and existing regulations would ensure full buildout under the General Plan would not exceed available water supply (City of San José 2011a). The proposed project is consistent with development assumptions in the General Plan and, therefore, the project would not exceed the City's available water supply. Therefore, sufficient water supplies are available to serve the project from existing entitlements and resources and the impact would be **less than significant**.

c) Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Less-than-significant impact)

As stated above, although the project would generate more wastewater than under prior conditions, the project's wastewater generation would comprise a negligible portion of the RWF's remaining capacity. Therefore, the project would have a **less-than-significant impact** related to wastewater treatment capacity.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? (Less-than-significant impact)

Assembly Bill (AB) 939 requires the City to develop and implement a solid waste management program. PRC Section 41780(a)(2) also requires cities and counties to divert 50% of the solid waste produced within their respective jurisdictions through source reduction, recycling, and/or composting activities. Since 2007, Senate Bill 1016 has required cities to report to the California Integrated Waste Management Board (now known as CalRecycle) the amount of garbage disposed in the landfill per person per day. According to CalRecycle's jurisdiction/disposal rate for the 2020 reporting year (CalRecycle 2020), the residential disposal target is 5.2 pounds per person per day. San José's annual residential disposal rate of 4.4 pounds per person per day met this target in 2020. The employee disposal target (14.5 pounds per employee per day) was also met, with an actual employee disposal rate of 11 pounds per employee per day. The project would not contain features that would generate waste flows at rates that would exceed typical disposal rates for the City.

As described above, solid waste from the project may be disposed at any of four (4) privately owned landfills in San José, or at other landfills outside the County. The privately owned landfills have a combined remaining capacity of approximately 48.5 million cubic yards, with estimated closure dates ranging from 2022 to 2048 (CalRecycle 2018a, 2018b, 2018c, 2018d). The amount of solid waste generated by the project would constitute a negligible portion of the remaining available landfill capacity. Therefore, the project would have a **less-than-significant impact** on landfill capacity.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste? (No impact)

The project would comply with all applicable regulations related to solid waste and **no impact** would occur.

3.20 Wildfire

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☐	☐	☒

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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?	☐	☐	☐	☒

Setting

The California Department of Forestry and Fire Protection (CAL FIRE) maps areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors, pursuant to Public Resources Code 4201-4204 and Government Code 51175-51189. These areas are referred to as Fire Hazard Severity Zones (FHSZs) and are identified for areas where the state has financial responsibility for wildland fire protection (i.e., state responsibility areas, or SRAs), and areas where local governments have financial responsibility for wildland fire protection (i.e., local responsibility areas, or LRAs). The project site is located within an urbanized area of the City of San José and is surrounded by other heavy industrial land uses to the west, east, and south and by industrial/commercial land uses to the north.

Regulatory Framework

Local

Envision San José 2040 General Plan

- Goal EC-8: Wildland and Urban Fire Hazards. Protect lives and property from risks associated with fire-related emergencies at the urban/wildland interface.
    - Policy EC-8.1: Minimize development in very high fire hazard zone areas. Plan and construct permitted development so as to reduce exposure to fire hazards and to facilitate fire suppression efforts in the event of a wildfire.
    - Policy EC-8.2: Avoid actions which increase fire risk, such as increasing public access roads in very high fire hazard areas, because of the great environmental damage and economic loss associated with a large wildfire.
    - Policy EC-8.3: For development proposed on parcels located within a very high fire hazard severity zone or wildland-urban interface area, implement requirements for building materials and assemblies to provide a reasonable level of exterior wildfire exposure protection in accordance with City-adopted requirements in the California Building Code.

a) Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? (Less-than-significant impact)

The proposed project would construct a new industrial building on a site planned for industrial land uses. The proposed project would not increase traffic in the project area in a way that could impede emergency response and does not include any structures or features that would physically interfere with implementation of emergency response or evacuation plans. The project would rely on access via existing roadways and would not alter any public streets in such a way that would impair emergency response. The project would not increase population that could result in indirect effects associated with impairing implementation of emergency response or evacuation plans. Therefore, the project's potential to substantially impair an adopted emergency response or evacuation plan would be **less than significant.**

b) Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? (No impact)

The project site is not located within a High or Very High Fire Hazard Severity Zone, as mapped by CAL FIRE. The site relatively flat and is surrounded by existing urbanized land uses. Therefore, **no impact** would result from increased fire hazard or pollution generated from wildfire.

c) Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? (Less-than-significant impact)

The proposed project would rely on an existing driveway for access to the proposed parking lot and would not require the installation or maintenance of a new road, fuel break, or emergency water source. Utilities would connect to existing utility lines along Industrial Avenue. Impacts associated with elevated risk of fire as a result of onsite operations would be **less than significant**.

d) Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? (No impact)

The proposed project site is not located within a High or Very High Fire Hazard Severity Area Zone, as mapped by CAL FIRE, and topography onsite is flat and would not be subject to post-fire slope instability or landslides, rapid runoff, or drainage changes resulting in flooding if a fire were to occur. Therefore, **no impact** is expected to occur associated with from changes resulting from the project.

3.21 Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant Impact 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?	☐	☒	☐	☐

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 impact with mitigation incorporated)***

The project would not degrade the quality of the environment or substantially reduce habitat of fish or wildlife species or other special-status species, as the project is located within a heavily developed industrial/commercial area of the City. There are no sensitive habitats or wetlands located on or near the project site, and no special-status species are known to occupy the site. Prior to any tree removal, or any grading or demolition permits (whichever occurs first), the project applicant shall schedule all construction activities to avoid the nesting season. If construction activities cannot be scheduled between September 1st and January 31st (inclusive), pre-construction surveys as described in Mitigation Measure BIO-1 described in *Section 3.4 Biological Resources* would be required, and would reduce potential impacts. With implementation of Mitigation Measure BIO-1, potential impacts would be **less than significant with mitigation incorporated** on any species identified as a candidate, sensitive, or special species.

Furthermore, the project would not eliminate important examples of the major periods of California prehistory or history. The project would not result in impacts to built historic resources, as none are located on or near the project site. Although it is not anticipated that new archaeological resources would be encountered, the standard permit conditions described in *Section 3.5, Cultural Resources*, and Section *3.18, Tribal Cultural Resources*, would be implemented with the project to ensure that impacts related to inadvertent discovery of cultural resources, including tribal cultural resources, would be **less-than-significant with mitigation incorporated**.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Less-than-significant impact with mitigation incorporated)

The General Plan EIR identified the following cumulative impacts: loss of agricultural land in southern Santa Clara County/north Coyote Valley, traffic congestion, traffic-related noise, increase in VMT per capita and emissions of criteria air pollutants, nitrogen deposition, a regional jobs-housing imbalance, and GHG emissions. The project would neither contribute to cumulative impacts on agricultural land as none is located on or near the project site, nor would nitrogen deposition impacts on species composition of serpentine ecosystems occur with payment of the nitrogen deposition fee required by the SCVHP (implemented after the adoption of the General Plan. In addition, the project would not result in a substantial increase in employment and, thus, would not contribute to a regional jobs-housing imbalance. Furthermore, cumulative criteria pollutant emissions and health risk impacts would not be considerable. Finally, the project would have a less-than-significant impact with regard to GHG emissions, which are cumulative in nature.

Cumulative Noise Analysis

A significant impact would occur if the cumulative traffic noise level increase was 3 dBA DNL or greater for future levels exceeding 60 dBA DNL or was 5 dBA DNL or greater for future levels at or below 60 dBA DNL and if the project would make a "cumulatively considerable" contribution to the overall traffic noise increase. A "cumulatively considerable" contribution would be defined as an increase of 1 dBA DNL or more attributable solely to the proposed project.

Cumulative traffic noise level increases were calculated by comparing the Cumulative (No Project) traffic volumes and the Cumulative Plus Project volumes to existing traffic volumes. Up to a 1 dBA DNL increase was calculated along Gish Road, east and west of I-880 and east and west of Oakland Road, under both cumulative (no project) and cumulative plus project scenarios, while all other roadway segments resulted in a less than 1 dBA DNL increase. The estimated cumulative noise increase would be less than 3 dBA DNL along each roadway segment included in the traffic study. Additionally, the proposed project would not result in a cumulatively considerable contribution to the future noise levels since both cumulative scenarios would increase the noise environment by 1 dBA DNL or less. This would be a **less-than-significant impact**.

Cumulative Vehicle Miles Traveled Analysis

Projects must demonstrate consistency with the Envision San José 2040 General Plan to address cumulative impacts. Consistency with the City's General Plan is based on the project's density, design, and conformance to

the General Plan goals and policies. If a project is determined to be inconsistent with the General Plan, a cumulative impact analysis is required as part of the City's Transportation Analysis Handbook.

The project site is located within the Heavy Industrial zone. Heavy Industrial developments can develop at a FAR of up to 1.5. Based on the existing lot area of approximately 156,950 square feet, the project is allowed to develop up to 235,425 square feet (156,950 square feet x 1.5 FAR = 235,425 square feet).

The project as proposed would construct a light industrial, one-story (1) building comprised of 71,550 gross square feet of warehouse space. This equates to a FAR of 0.46 (71,550 square feet ÷ 156,950 square feet = 0.46).

The project is consistent with the General Plan goals and policies for the following reasons:

- The project site is near bicycle lanes on Oakland Road.
- The project would provide bicycle parking on the ground level near the project entrance to encourage employee use of alternative transportation modes.
- With incorporation of Mitigation Measure TRA-1 described above in *Section 3.17 Transportation*, the project would implement a TDM plan that includes commute trip reduction marketing and education aimed at reducing VMT.
- The project promotes economic development and completion of the General Plan transportation network through the US 101/Mabury TDP.
- The project maintains, enhances, and develops the employment lands within an identified key employment area (the East Gish and Mabury industrial area; FS-4.2).
- The proposed project site would increase the intensity of employment

Therefore, based on the project description, the proposed project would be consistent with the Envision San José 2040 General Plan. The project would be considered part of the cumulative solution to meet the General Plan's long-range transportation goals and would result in a **less-than-significant with mitigation incorporated** cumulative VMT impact with the incorporation of Mitigation Measure TRA-1 described in *Section 3.17 Transportation*.

Given all of the foregoing, the project's impacts would be less than cumulatively considerable.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Less-than-significant impact with mitigation incorporated)

Implementation of the project would not result in any impacts that are significant and unavoidable or cumulatively considerable, including those related to hazardous materials, emergency response, proximity to airport activities, or transportation hazards. The implementation of the standard permit conditions and Mitigation Measure HAZ-1 described in *Section 3.9, Hazards and Hazardous Materials*, would reduce all potentially significant impacts related to hazardous materials on the project site to a **less-than-significant with mitigation incorporated** level. Therefore, the project would not result in impacts that would cause substantial adverse effects on human beings, either directly or indirectly.

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